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# **“We Have No Orders To Save You”**

## **State Participation and Complicity in Communal Violence in Gujarat**

### **I. SUMMARY**

Indian government officials have acknowledged that since February 27, 2002, more than 850 people have been killed in communal violence in the state of Gujarat, most of them Muslims. Unofficial estimates put the death toll as high as 2,000. At this writing, murders are continuing, with violence spreading to rural areas fanned by ongoing hate campaigns and economic boycotts against Muslims. The attacks against Muslims in Gujarat have been actively supported by state government officials and by the police.

The violence in Gujarat began after a Muslim mob in the town of Godhra attacked and set fire to two carriages of a train carrying Hindu activists. Fifty-eight people were killed, many of them women and children. The activists were returning from Ayodhya, Uttar Pradesh, where they supported a campaign led by the Vishwa Hindu Parishad (World Hindu Council, VHP) to construct a temple to the Hindu god Ram on the site of a sixteenth century mosque destroyed by Hindu militants in 1992. The Ayodhya campaign continues to raise the spectre of further violence in the country-Hindu-Muslim violence following the destruction of the mosque claimed thousands of lives in the city of Bombay and elsewhere in 1992 and 1993. The VHP claims that the mosque was built on a site that was the birthplace of Ram.

Between February 28 and March 2, 2002, a three-day retaliatory killing spree by Hindus left hundreds dead and tens of thousands homeless and dispossessed, marking the country's worst religious bloodletting in a decade. The looting and burning of Muslim homes, shops, restaurants, and places of worship was also widespread. Tragically consistent with the longstanding pattern of attacks on minorities and Dalits (or so-called untouchables) in India, and with previous episodes of large-scale

communal violence in India, scores of Muslim girls and women were brutally raped in Gujarat before being mutilated and burnt to death. Attacks on women and girls, including sexual violence, are detailed throughout this report.

The Gujarat government chose to characterize the violence as a "spontaneous reaction" to the incidents in Godhra. Human Rights Watch's findings, and those of numerous Indian human rights and civil liberties organizations, and most of the Indian press indicate that the attacks on Muslims throughout the state were planned, well in advance of the Godhra incident, and organized with extensive police participation and in close cooperation with officials of the Bharatiya Janata Party (Indian People's Party, BJP) state government.

The attacks on Muslims are part of a concerted campaign of Hindu nationalist organizations to promote and exploit communal tensions to further the BJP's political rule—a movement that is supported at the local level by militant groups that operate with impunity and under the patronage of the state. The groups most directly responsible for violence against Muslims in Gujarat include the Vishwa Hindu Parishad, the Bajrang Dal, the ruling BJP, and the umbrella organization Rashtriya Swayamsevak Sangh (National Volunteer Corps, RSS), all of whom collectively form the *sangh parivar* (or "family" of Hindu nationalist groups). These organizations, although different in many respects, have all promoted the argument that because Hindus constitute the majority of Indians, India should be a Hindu state.

Nationwide violence against India's Muslim community in 1992 and 1993 and against India's Christian community since 1998, including in the state of Gujarat, have also stemmed from the violent activities and hate propaganda of these groups. Human Rights Watch and Indian human rights groups have long warned of the potential scale of death and destruction resulting from the *sangh parivar*'s Hindu nationalist agenda.<sup>1</sup> If the activities of these groups remain unchecked, violence may continue to engulf the state, and may spread to other parts of the country.

The state of Gujarat and the central government of India initially blamed Pakistan for the train massacre, which it called a "pre-meditated" "terrorist" attack against Hindus in Godhra. The recent revival of the Ram temple campaign, and heightened fears of terrorism since September 11 were exploited by local Hindu nationalist groups and the local press which printed reports of a "deadly conspiracy" against Hindus by Muslims in the state. On February 28, one local language paper headline read: "Avenge blood for blood." Muslim survivors of the attacks repeatedly told Human Rights Watch that they were told to "go back to Pakistan." Anti-Pakistan and anti-Muslim sentiments had been building up in Gujarat long before the revival of the Ayodha Ram temple campaign. Human Rights Watch was unable to verify conflicting accounts of what led to the mob attack on the Sabarmati Express in Godhra though local police investigations have ruled out the notion that it was either organized or planned.

The state government initially charged those arrested in relation to the attack on the Godhra train under the controversial and draconian Prevention of Terrorism Ordinance (POTO, now the Prevention of Terrorism Act), but filed ordinary criminal charges against those accused of attacks on Muslims. Bowing to criticism from political leaders and civil society across the country, the chief minister dropped the POTO charges but stated that the terms of POTO may be applied at a later date.

Three weeks after the attacks began, Human Rights Watch visited the city of Ahmedabad, a site of large-scale destruction, murder, and several massacres, and spoke to both Hindu and Muslim survivors of the attacks. The details of the massacres of Muslims in the neighborhoods of Naroda Patia and Gulmarg Society and of retaliatory attacks against Hindus in Jamalpur are included in this report. Human Rights Watch was able to document patterns in Ahmedabad that echo those of previous episodes of anti-Muslim violence throughout the state and of anti-minority violence over the years in many parts of the country—most notably the Bombay riots in 1992 and 1993, and the anti-Sikh riots in Delhi in 1984.<sup>2</sup> These include the role of sangh parivar organizations, political parties, and the local media in promoting anti-minority propaganda, the exploitation of communal differences to mask political and economic motives underlying the attacks, local and state government complicity in the attacks, and the failure of the government to meet its constitutional and international obligations to protect minorities.

Between February 28 and March 2 the attackers descended with militia-like precision on Ahmedabad by the thousands, arriving in trucks and clad in saffron scarves and khaki shorts, the signature uniform of Hindu nationalist-Hindutva-groups.<sup>3</sup> Chanting slogans of incitement to kill, they came armed with swords, *trishuls* (three-pronged spears associated with Hindu mythology), sophisticated explosives, and gas cylinders. They were guided by computer printouts listing the addresses of Muslim families and their properties, information obtained from the Ahmedabad municipal corporation among other sources, and embarked on a murderous rampage confident that the police was with them. In many cases, the police led the charge, using gunfire to kill Muslims who got in the mobs' way. A key BJP state minister is reported to have taken over police control rooms in Ahmedabad on the first day of the carnage, issuing orders to disregard pleas for assistance from Muslims. Portions of the Gujarati language press meanwhile printed fabricated stories and statements openly calling on Hindus to avenge the Godhra attacks.

In almost all of the incidents documented by Human Rights Watch the police were directly implicated in the attacks. At best they were passive observers, and at worse they acted in concert with murderous mobs and participated directly in the burning and looting of Muslim shops and homes and the killing and mutilation of Muslims. In many cases, under the guise of offering assistance, the police led the victims directly into the hands of their killers. Many of the attacks on Muslim homes and places of business also took place in close proximity to police posts.

Panicked phone calls made to the police, fire brigades, and even ambulance services generally proved futile. Many witnesses testified that their calls either went unanswered or that they were met with responses such as: "We don't have any orders to save you"; "We cannot help you, we have orders from above"; "If you wish to live in Hindustan, learn to protect yourself"; "How come you are alive? You should have died too"; "Whose house is on fire? Hindus' or Muslims'?" In some cases phone lines were eventually cut to make it impossible to call for help.

Surviving family members have faced the added trauma of having to fend for themselves in recovering and identifying the bodies of their loved ones. The bodies have been buried in mass gravesites throughout Ahmedabad. Gravediggers testified that most bodies that had arrived-many were still missing-were burned and butchered beyond recognition. Many were missing body parts-arms, legs, and even heads. The elderly and the handicapped were not spared. In some cases, pregnant women had their bellies cut open and their fetuses pulled out and hacked or burned before the women were killed.

Muslims in Gujarat have been denied equal protection under the law. Even as attacks continue, the Gujarat state administration has been engaged in a massive cover-up of the state's role in the massacres and that of the sangh parivar. Eyewitnesses filed numerous police First Information Reports (FIRs), the initial reports of a crime recorded by the police, that named local VHP, BJP, and Bajrang Dal leaders as instigators or participants in the attacks. Few if any of these leaders have been arrested as the police, reportedly under instructions from the state, face continuous pressure not to arrest them or to reduce the severity of the charges filed. In many instances, the police have also refused to include in FIRs the names of perpetrators identified by the victims. Police have, however, filed false charges against Muslim youth arbitrarily detained during combing operations in Muslim neighborhoods that have been largely destroyed. The state government has entrusted a criminal probe into the deadliest of attacks in Ahmedabad, in the Naroda Patia and Gulmarg Society neighborhoods, to an officer handpicked by the VHP, the organization implicated in organizing and perpetrating these massacres.

On April 3, India's National Human Rights Commission (NHRC) released the preliminary findings of its report on the violence, a strong indictment of the failure of the Gujarat government to contain the violence. As the commission awaited a response from the state government before releasing a comprehensive report, its very authority to intervene in the matter was being challenged in the state's High Court based on the fact that a state-appointed judicial commission of inquiry was already in place. Following the trail of other commissions of inquiry appointed by the state in the wake of communal riots in 1969 and 1985-whose recommendations have yet to be implemented-the current state commission inspires little hope of justice. One lawyer noted, "The state government is involved and is a party to what happened. How can a party appoint a judge? We

cannot expect him to give justice." India's National Commission for Minorities (NCM) and National Commission for Women (NCW) have also been severely critical of the Gujarat government's response to the violence and its aftermath.

Government figures indicate that more than 98,000 people are residing in over one hundred newly created relief camps throughout the state, an overwhelming majority of them Muslim. They hold little hope for justice and remain largely unprotected by the police and local authorities. One relief camp resident asked: "The same people who shot at us are now supposed to protect us? There is no faith in the police." A lack of faith has also kept many camp residents from approaching the police to file complaints. Fearing for their lives, or fearing arrest, many have also been unable to leave the camps to return to what is left of their homes.

The state government has failed to provide adequate and timely humanitarian assistance to internally displaced persons in Gujarat. Problems documented in this report include serious delays in government assistance reaching relief camps, inadequate state provision of medical and food supplies and sanitation facilities, and lack of access and protection for nongovernmental (NGO) relief workers seeking to assist victims of violence. Muslims have also been denied equal access to relief assistance. Government authorities are also reported to be absent from many Muslim camps. In sharp contrast to the international and Indian community's response following a massive earthquake in the state in January 2001-when millions of dollars in aid from the international community and civil society poured into the state-the onus for providing food, medical support, and other supplies for victims of violence rests largely on local NGO and Muslim voluntary groups.

The relief camps visited by Human Rights Watch were desperately lacking in government and international assistance. One camp with 6,000 residents was located on the site of a Muslim graveyard. Residents were literally sleeping in the open, between the graves. One resident remarked: "Usually the dead sleep here, now the living are sleeping here."

The disbursement of financial compensation and the process of rehabilitation for victims of the violence has been painstakingly slow and has failed to include all of those affected. Initially compensation was disbursed on a communal basis: the state government announced that the families of Hindus killed in Godhra would receive Rs. 200,000 (U.S.\$4,094)<sup>4</sup> while the families of Muslims killed in retaliatory attacks would receive Rs. 100,000-a statement that was later retracted, in part due to widespread criticism from nongovernmental organizations and Indian officials outside the state of Gujarat.

In the wake of the massive earthquake in January 2001 that, according to government reports, claimed close to 14,000 lives and left over one million homeless, the state of Gujarat also faces economic devastation. The economic

impact is felt acutely by both Hindu and Muslim survivors of the attacks whose homes and personal belongings have been destroyed, and whose businesses have been burnt to the ground. Others reside in neighborhoods where curfews have yet to be lifted, limiting their mobility. Thousands are also unable to leave the relief camps to go to work for fear of further attacks. Many Muslims do not have jobs to which to return-their employers have hired Hindus in their place. An economic boycott against Muslims in certain parts of the state has helped to ensure their continued and long-term impoverishment. Acute food shortages resulting in starvation have been reported in areas of Ahmedabad where Muslim communities are forced into isolation, afraid to leave their enclaves to get more supplies. Children's education has also been severely disrupted while the threat of measles and other outbreaks looms large in Ahmedabad camps.

On April 4, Indian Prime Minister Atal Behari Vajpayee visited Gujarat and announced a federal relief package for riot victims. Vajpayee, who earlier described the burning alive of men, women, and children, as a "blot on the country's face," stated that the Godhra attack was "condemnable" but what followed was "madness." His comments stood in deep contrast to those of the state's chief minister, Narendra Modi, formerly a Rashtriya Swayamsevak Sangh volunteer and propagandist, who at the height of the carnage declared that, "The five crore [fifty million] people of Gujarat have shown remarkable restraint under grave provocation," referring to the Godhra attacks.

On April 12, the BJP proposed early elections in Gujarat soon after rejecting Chief Minister Narendra Modi's offer to resign. Early elections in the aftermath of the attacks may favor the Hindu nationalist vote in the state-a primary objective of the sangh parivar nationwide-and Narendra Modi's continued tenure as chief minister. As this report was going to press, national political parties were pressing to remove Modi, leading the BJP to set aside the early election option. The upper and lower houses of the Indian parliament were preparing for parliamentary debates on the violence in Gujarat while opposition parties were pushing for a vote to censure the national government.

This report is by no means a comprehensive account of the violence that began on February 27. Ahmedabad was only one of many cities affected. Reports from other areas indicate that the violence was statewide, affecting at least twenty-one cities and sixty-eight provinces. Information from these areas also suggest a consistent pattern in the methods used, undermining government assertions that these were "spontaneous" "communal riots." As one activist noted, "no riot lasts for three days without the active connivance of the state."

Gujarat is only one of several Indian states to have experienced post-Godhra violence, though elsewhere incidents have been sporadic and were often immediately contained. Events were unfolding every day as this report went to press including developments related to the political future of the Gujarat government.

Both the Godhra incident and the attacks that ensued throughout Gujarat have been documented in meticulous detail by Indian human rights and civil liberties groups and by the Indian press. Their painstaking documentation of the attacks, often under grave security conditions, has been cited throughout this report. In some cases, the names of victims have been changed or withheld for their protection. Names of human rights activists have also been withheld to ensure their ability to continue their important work, an unfortunate indicator of the volatility surrounding the issue of communal violence in Gujarat and beyond.

All of the communities affected continue to live with a deep sense of insecurity, fearing further attacks and a cycle of retaliation. Not included in this report are many heroic accounts of individual police and of Hindu and Muslim civilians who risked their lives and livelihoods to rescue and shelter one another, and the many peace activities that have been organized by citizens amidst the ruins of the state.

The violence in Gujarat has triggered widespread outrage in India. Civil society groups from across the world have also mobilized to condemn the attacks and appeal for justice and intervention. Responding to growing international scrutiny into the violence, however, the Indian government has stated that it "does not appreciate interference in [its] internal affairs."<sup>5</sup> Human Rights Watch calls on the Indian government to prevent further attacks and prosecute those found responsible for the violence in Gujarat, including state government and police officials complicit in the attacks. We call on the international community to put pressure on the Indian government to comply with international human rights and Indian constitutional law and end impunity for current and past campaigns to generate communal violence against Indian minorities.

Assistance from international humanitarian and United Nations agencies is sorely needed for Hindus and Muslims in relief camps. Human Rights Watch urges the Indian government to actively seek the assistance of these groups and to invite United Nations human rights experts to investigate state participation and complicity in the violence in Gujarat.

<sup>1</sup> See for example, Human Rights Watch, "Politics By Other Means: Attacks Against Christians in India," *A Human Rights Watch Report*, vol. 11, no. 6, September 1999; and Smita Narula, "India's Minorities Are Targets of Government-Abetted Violence," *International Herald Tribune*, March 20, 2000.

<sup>2</sup> The then-ruling Congress (I) party was charged with complicity in the killing of over 2,000 Sikhs in Delhi in 1984 following the assassination of Congress party president Indira Gandhi by her Sikh bodyguard.

<sup>3</sup> Hindutwa, Hindutva, or Hinduvata refers to a movement for Hindu awakening.

<sup>4</sup> At this writing, one U.S. dollar was equivalent to 48.85 Indian rupees.

<sup>5</sup>"India warns against criticism over Gujarat," Agence France-Presse, April 22, 2002.

## II. RECOMMENDATIONS

To bring itself into compliance with domestic and international law, the government of India must act immediately to restore security, prevent further attacks, and end the environment of impunity in Gujarat. Those responsible for the attacks in Godhra and its violent aftermath must be prosecuted, including police and state officials complicit in the attacks. Specifically, Human Rights Watch makes the following recommendations:

### **To the State Government of Gujarat:**

Improve security in violence-affected areas and relief camps by increasing the number of police officers-including officers from minority communities-and the number of outposts where needed. Where necessary, army units should continue to be deployed to keep the peace.

- Suspend all police officers implicated in the attacks, pending investigation.
- The government should act without delay to implement the recommendations of the NHRC on the violence in Gujarat (see appendix), including that:
  - The Central Bureau of Investigation (CBI) take over investigations of certain critical incidents in Gujarat, including the attacks in Godhra, Naroda Patia, and Gulmarg Society.<sup>6</sup>
  - The chief justice of the High Court of Gujarat establish courts expressly to try the cases investigated by the CBI.
  - The government set up police desks in temporary camps, to receive and record complaints, and forward them to police stations having jurisdiction.
- Turn over investigations implicating state and police officials to external agencies such as the CBI. Ensure that these investigations address the conduct of state officials, including police and Bharatiya Janata Party leaders, who incited, took part in, or were complicit in the attacks. The investigations should also focus on:
  - Instances in which government documents noting the religious affiliation of persons were given to groups responsible for inciting violence or conducting abuses.
  - Malfeasance in investigating and arresting leaders involved in attacks.
  - Excessive use of police force, including executions of Muslims.
  - The arbitrary detention and filing of false charges against Muslims.



- Ensure that state police register and investigate all cases of communal violence regardless of the religious background of the victim. Police posts should be set up in relief camps expressly for this purpose. The national government and government of Gujarat should establish civilian review boards or civilian ombudsman committees composed of judges and lawyers to examine whether cases are being adequately investigated. Police found to have violated their duties should be dismissed and prosecuted where appropriate.
- Collect and preserve forensic evidence for use in the identification of the dead and to support criminal prosecutions.
- Members of the media and media organizations responsible for the incitement of specific acts of violence should be prosecuted to the full extent of the law.
- Take decisive steps to ensure that police use deadly force only as a last resort to protect life. Police agents should act in accordance with international standards on use of force. The U.N. Basic Principles on the Use of Force or Firearms by Law Enforcement Officials emphasize that the use of force and firearms should be in consonance with respect for human rights and that deadly force should not be used against persons unless "strictly unavoidable in order to protect life."
- Launch public awareness campaigns in Gujarat and other states aimed at preventing future communal violence. This campaign should reaffirm legal provisions, explain what recourses are available to minorities, and publicize the procedures for filing a First Information Report (FIR). This campaign should also include public service announcements aimed at educating the population through efforts to raise awareness of minority rights and condemnation of religious violence and extremism.
- Implement state and federal relief packages for victims of communal violence-including disbursement of compensation for family members of victims killed in the violence, the reconstruction of homes and places of business, and the provision of food rations and other relief supplies for all persons displaced or dispossessed by the communal violence in a nondiscriminatory manner and in accordance with international human rights law and the U.N. Guiding Principles on Internal Displacement.
- Restore without delay all documents necessary for the enjoyment and exercise of legal rights that were lost or destroyed in the course of the communal violence. These include passports, personal identification documents, and birth, marriage, and education certificates.

### **To the Government of India:**

The government of India should ensure that the government of Gujarat investigates and prosecutes perpetrators of violence and where necessary, cooperates with external agencies such as the CBI in doing so. The government should also take appropriate measures to ensure the security and safety of all citizens of Gujarat, including assistance to those who have been displaced or dispossessed by the violence. In addition, Human Rights Watch recommends that:

- Repeal the Prevention of Terrorism Act (POTA), which stands in violation of international due process norms. The Prevention of Terrorism Ordinance (POTO), that preceded POTA, has been discriminatorily applied against Muslims in the state of Gujarat and elsewhere.
- Establish state branches of the National Human Rights Commission (NHRC), the

National Commission for Minorities (NCM), and the National Commission for Women (NCW) in Gujarat, with adequate financial resources and powers to initiate prosecution where appropriate. The 1993 Protection of Human Rights Act should also be amended so that the NHRC is not excluded from inquiring into matters already pending before state commissions.

- Implement recommendations on police reform made by the National Police Commission in 1980.
- End impunity for past campaigns of violence against minorities. That is, prosecute and punish those found responsible for serious offenses during the anti-Sikh violence in Delhi in 1984 and the post-Ayodhya violence of December 1992 and January 1993. The recommendations of the Srikrishna Commission on the post-Ayodhya violence in Bombay should be implemented without delay. Police responsible for excessive use of force should be prosecuted; those who having the power and duty to stop the violence but did not intervene should be punished accordingly.
- Request and encourage United Nations relief agencies, including the United Nations Development Programme (UNDP), the United Nations Children Fund (UNICEF), the World Food Programme (WFP), the World Health Organization (WHO), and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), as well as international humanitarian organizations to provide relief and rehabilitation assistance to all those displaced and dispossessed by the communal violence, without discrimination.
- Provide U.N., international humanitarian organizations, and local nongovernmental relief agencies full, free, and unimpeded access to all those displaced and dispossessed by the communal violence.
- United Nations human rights bodies and experts should be invited and encouraged to visit India:

- The Working Group on Arbitrary Detention.
- The special rapporteur on torture and cruel, inhuman and degrading treatment.
- The special rapporteur on extrajudicial, summary and arbitrary executions.
- The special rapporteur on violence against women.
- The special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.
- The Special Representative of the United Nations secretary-general on internally displaced persons.
- Include information on the recent communal violence in India's future periodic reports to human rights treaty bodies established for the:

- International Convention on the Elimination of All Forms of Discrimination Against Women (submission due August 8, 2002)
- International Covenant on Civil and Political Rights (overdue as of December 31, 2001).

**To India's Donors and Trading Partners:**

- Urge the Indian government to make an official request to U.N. relief agencies and international humanitarian organizations to provide relief and rehabilitation assistance to those displaced and dispossessed by the communal violence, and ensure that the U.N. and international relief agencies are allowed full, free and unimpeded access to all those displaced and dispossessed by the communal violence.
- Provide funding to the government of India to deliver relief and rehabilitation assistance to those displaced and dispossessed by the communal violence and take steps to ensure that such assistance is delivered in a nondiscriminatory manner and in accordance with international human rights law and the U.N. Guiding Principles on Internal Displacement.
- Provide funding for preventative measures to ensure that communal outbreaks are prevented in the future. Such measures can include community education programs on communal issues and the establishment of independent review boards to act as checks on the functioning of the police and other state and local governmental institutions during communal outbreaks.
- Urge the Indian government to prosecute those responsible for the violence in Gujarat, including state government and police officials, and demand that the government invite relevant U.N. human rights experts and commissions to monitor the ongoing situation.
- Urge the Indian government to implement the recommendations of the NHRC concerning the violence in Gujarat; the Srikrishna Commission on the 1992-1993 Bombay riots; and the 1980 recommendations of the National Police Commission on national police reform.

#### **To International Lending Institutions:**

- Ensure that anti-discrimination measures built into World Bank and Asian Development Bank-funded projects are thoroughly implemented in areas where the problems of communal violence and religious discrimination are severe. As part of its commitment to good governance, the World Bank, as well as other international lending institutions, should establish ongoing dialogue with NGOs at all stages of the decision-making process-before a loan is released, while the project is being implemented, and in the course of any post-project evaluation.
- Prior to approval of projects, and in consultation with NGOs, investigate the effect of proposed policies and programs on religious violence and discrimination, and explore ways in which programs could help alleviate these ills.
- Assistance to state authorities should be conditioned on concrete actions to assist internally displaced persons who seek to return to their homes and ongoing provisions for monitoring programs to this end.

#### **To International Humanitarian Organizations:**

- Explore with the Indian government ways to expand existing relief programs to address the humanitarian needs of those displaced and dispossessed by the communal violence in Gujarat, without discrimination and in accordance with international human rights law and the U.N. Guiding Principles on Internal Displacement. Assistance should focus on health and sanitation, food and nutrition, social and psychological support, shelter, and educational needs of the internally displaced, as well as rehabilitation and reconstruction

assistance to facilitate the safe return of internally displaced persons to their own homes and communities.

- Maintain close contact with local and international human rights organizations and develop procedures for regular consultation and information sharing.

### **To United Nations Agencies:**

- The UNDP should immediately deploy a U.N. inter-agency assessment mission to Gujarat state to determine the assistance and protection needs of those displaced and dispossessed by the communal violence. Such a mission should include experts on health and sanitation, food and nutrition, shelter, social and psychological support, education, and protection drawn from U.N. agencies that have programs in India, such as UNDP, WFP, WHO, UNICEF, and the United Nations Development Fund for Women (UNIFEM). Particular attention should be paid to the protection and assistance needs of women, children, the elderly, and the disabled.

- Based on the findings of the inter-agency assessment mission, U.N. agencies should seek to provide emergency relief to those displaced and dispossessed by the communal violence in Gujarat on a nondiscriminatory basis and in full accordance with international human rights law and the U.N. Guiding Principles on Internal Displacement. Special attention should be paid to the health, nutritional, medical, educational, and psychosocial needs of those affected by the violence.

<sup>6</sup> CBI is a federal investigative agency that handles cases of corruption and cases of interstate and other crimes of national importance. CBI inquiries are often demanded in cases where local or state investigations are perceived to be biased.

## **III. MASSACRES IN GODHRA AND AHMEDABAD**

### **Godhra**

The ongoing violence in Gujarat was triggered by a Muslim mobs' torching of two train cars carrying Hindu activists on February 27, 2002. The attack followed an altercation between Hindu activists and Muslim vendors at the train station in Godhra that morning, around 8:00 a.m., but the sequence of events is still disputed.<sup>7</sup> Fifty-eight passengers were killed, including fifteen children and twenty-five women, according to Gujarat state officials.<sup>8</sup>

Among the victims of the Godhra massacre was Gayatri Panchal, a sixteen-year-old girl who saw her father and sisters burnt alive. She told the press, "After pelting stones, they poured kerosene on our compartment and set it afire. I was pulled out of the broken window. I saw my father and sister inside. I saw them burning."<sup>9</sup> After a visit to the massacre scene, the chairman of the National Human Rights Commission, Justice J.S. Verma stated, "I saw the burnt coach and saw *chappals* [sandals] still strewn. There were *chappals* of children too."<sup>10</sup>

Godhra, a city of 150,000, is evenly split between Hindus and Muslims, most of whom live in separate neighborhoods.<sup>11</sup> Godhra was placed under curfew for a year after communal clashes in

1980. Serious clashes occurred again in 1992 after the destruction of the Babri mosque in Ayodhya, Uttar Pradesh.

The Godhra railway station is situated in an overwhelmingly Muslim section of the city. For three weeks preceding the killings, trains carrying Vishwa Hindu Parishad activists had been stopping daily in Godhra.<sup>12</sup> The activists were coming to and from Ayodhya, where the VHP sought to begin construction of a Hindu temple on the disputed site of the mosque destroyed by Hindu activists there. VHP leaders had set March 15, 2002 as a deadline to bring thousands of stone pillars to the site in order to begin construction of the temple.

There are significantly divergent accounts about the events leading to the dispute that resulted in the Godhra killings. Human Rights Watch was not able to independently verify the accuracy of these varying accounts, but it was widely reported that a scuffle began between Muslim vendors and Hindu activists shortly after the train arrived at the station. The activists, who had been chanting Hindu nationalist slogans, were said to have refused to pay a vendor until he said "Jai Shri Ram" or "Praise Lord Ram."<sup>13</sup> As the train then tried to pull out of the station, the emergency brake was pulled and a Muslim mob attacked the train and set it on fire.<sup>14</sup>

Initially Gujarat Chief Minister Narendra Modi claimed that the killings were an "organized terrorist attack."<sup>15</sup> Federal government sources speculated that they were "pre-meditated," or the work of Pakistan's Inter-Services Intelligence (ISI).<sup>16</sup> However, senior police officials in Gujarat have now concluded that the killings were "not preplanned" but rather the result of "a sudden, provocative incident."<sup>17</sup> In addition, a report from the Railway Protection Force (RPF) has concluded that the killings resulted from a spontaneous altercation between VHP activists and merchants on the railway that escalated out of control, rather than a planned conspiracy.<sup>18</sup>

There was some forewarning of violence from within the police itself. Additional director general of police G. C. Raigar, had provided intelligence ahead of the Godhra incident that VHP volunteers were moving in and out of Gujarat and could instigate communal violence. He was removed from his post after presenting evidence to news media that law and order in the state could be compromised by VHP volunteers coming to and from Ayodha. He had also questioned the government's ability to provide security to the Hindu activists or take other measures, despite repeated warnings.<sup>19</sup>

Over sixty persons have been arrested for the Godhra train attack.<sup>20</sup> Unlike the persons who have been arrested for revenge attacks on Muslim communities in Gujarat, the Godhra arrestees were initially charged with crimes under the Prevention of Terrorism Ordinance, now the Prevention of Terrorism Act.<sup>21</sup> The charges under POTO were eventually dropped after considerable pressure, but Chief Minister Modi reserved the state government's right to pursue charges against the Godhra arrestees under POTO at a later time "if thought fit."<sup>22</sup>

In response to heightened national security concerns, and as relations with Pakistan deteriorated and violence in Kashmir and elsewhere escalated, the Indian government introduced POTO, a modified version of the now-lapsed Terrorist and Disruptive Activities (Prevention) Act (TADA) of 1985, which facilitated the torture and arbitrary detention of members of minority groups and political opponents. POTO was introduced as a bill during India's winter session of parliament in

2001 and signed into law by the president pending parliamentary proceedings on the ordinance. POTA was passed on March 27, 2001. Under TADA, tens of thousands of politically motivated detentions, systematic torture, extrajudicial executions, and other human rights violations were committed against Muslims, Sikhs, Dalits, trade union activists, and political opponents in the late 1980s and early 1990s.<sup>23</sup> In the face of mounting opposition to the act, India's government acknowledged these abuses and consequently let TADA lapse in 1995. Civil rights groups, journalists, opposition parties, minority rights groups, and India's National Human Rights Commission unequivocally condemned POTO. POTA sets out a broad definition of terrorism that includes acts of violence or disruption of essential services carried out with the "intent to threaten the unity and integrity of India or to strike terror in any part of the people." Since it was first introduced the government has added some additional safeguards to protect due process rights but POTA's critics stress that the safeguards don't go far enough and that existing laws are sufficient to deal with the threat of terrorism.

### **The Ahmedabad Massacres: Naroda Patia and Gulmarg Society**

Naroda Patia and Gulmarg Society were the site of two of the deadliest massacres in Ahmedabad. Human Rights Watch visited both sites and interviewed numerous eyewitnesses to the attacks who have since been residing in relief camps. Some of their testimony is included below.

#### ***Naroda Patia***

Located just across the road from the State Reserve Police (SRP) quarters, Naroda Patia was the site of some of the most brutal attacks in Ahmedabad. On February 28 at least sixty-five people were killed by a 5,000-strong mob that torched the entire locality within minutes. Countless others sustained severe burns and other injuries. Women and girls were gang-raped in public view before being hacked and burned to death. Homes were looted and burned while the community mosque, the Noorani Masjid, was destroyed using exploding gas cylinders. Extensive use and access to Liquefied Petroleum Gas (LPG) cylinders has also been cited as evidence of official collusion.<sup>24</sup>

Naroda Patia used to be a mixed community of Hindus and Muslims. The nearly one thousand Muslims were in a minority and lived in a slum facing the state transport workshop.<sup>25</sup> Most surviving Muslim residents are now scattered in relief camps.

In the days that followed February 28, hundreds of youths brandishing swords, daggers, axes, and iron rods were seen shouting "Jai Shri Ram" and roaming roads lined with gutted shops and littered with burned trucks, rickshaws, and other vehicles.<sup>26</sup>

Human Rights Watch visited Naroda Patia three weeks after the attacks. The Muslim homes were completely burned while the Hindu homes stood unscathed. The area's mosque, the Noorani Masjid, just across the road from the SRP post, had also been destroyed. According to one human rights activist who visited the site of the burned mosque soon after the attacks, at least sixteen gas cylinders, used as explosive devices, remained inside the mosque.<sup>27</sup>

A thirteen-year-old boy described the role of the police during the attack:

The police was with them. The police killed seventeen- and eighteen-year-olds. The mob also burned down our home. At 10 a.m. they went after our mosque. Thirty to forty tear gas shells were released by the police as we, about fifty boys, were trying to save the mosque.... They killed one seventeen-year-old and eight to ten other boys were injured.... We kept calling the police but no one came.... The police would pick up the phone and hang up when they heard it was from Naroda Patia.<sup>28</sup>

Another eyewitness interviewed by Human Rights Watch added: "When we tried to run, the police started firing. It was morning time. Many were hiding in Masjid Chali [lane]. We came here [to the camp] early on the morning of March 2."<sup>29</sup>

Fifty-five-year-old Salima Banu, a resident of Naroda Patia was a witness as her son was shot and killed by the police:

My son was running to save his life and the police shot him. Our home was behind Noorani Masjid. They were coming to set the mosque on fire. Then we started running. A bullet hit my son's arm and then his stomach. No one was answering the police phone. The police took their side and not ours. My son's name was Shafiq. He was eighteen years old... No one came to help. He was suffering so much. His arm fell off. I have received nothing from the government.... So many people are also missing. Some have lost their mother, their son, their father.<sup>30</sup>

Samuda Bhen, a mother of two, lost all her valuables in the looting and burning on February 28 and the days that followed and identified members of the Bajrang Dal, Shiv Sena, and the police as the main culprits:

They took my daughter's dowry. This is my daughter [she pointed to her]. She is seventeen. Her name is Mumtaz. She was supposed to get married. Now the groom won't come. They also burned my son's rickshaw. They burned everything after we left. During the attack they were screaming "Kill them. Cut them." We left on March 1. We stayed at home until then. The police sided with them. They were Bajrang Dal people. They were wearing saffron bandannas. There were also Shiv Sena people. First the police came, they searched the mosque, they were checking for weapons to see if it was safe for the others to come. Then the others came. The police station is right near us. The police was with them for three full days. We kept telling them to help us.<sup>31</sup>

Forty-year-old Naseem Banu told us: "Wherever we hid, the police showed them where we were. The police remained standing when our homes were burned down."<sup>32</sup>

### *Attacks on Women*

Naroda Patia residents interviewed by Human Rights Watch also witnessed rapes and other forms of sexual violence against Muslim women and girls during the attacks.

A female eyewitness told Human Rights Watch, "they raped them, cut them and then threw them in a well. They cut them with swords. Everything is gone, you won't even find dogs there."<sup>33</sup> Samuda also witnessed the raping and killing of young girls: "They took young girls, raped them, cut them and then they burned them."<sup>34</sup> Others simply did not have the words to describe the

attack: "You won't be able to bear it if we tell you. They are scared, they won't speak, people have been asking for days what happened. What difference has it made? We don't want to go back there. Our lives are in danger there [Naroda Patia].... We won't go back to Patia; we will go anywhere else. We even left without our shoes, all our hard-earned saving are gone."<sup>35</sup> One female resident said, "Some girls even threw themselves into the fire, so as not to get raped."<sup>36</sup> A ten-year-old girl added, "I saw it also, they cut them down the middle."<sup>37</sup>

Testimonies collected by the Citizens' Initiative, a coalition of over twenty-five NGOs, and submitted to the National Human Rights Commission are replete with incidents of gang rapes of Muslim girls and women and the role of the police during the attacks, particularly in Naroda Patia. These testimonies are cited as transcribed by the Citizens' Initiative. A resident of Naroda Patia, Ahmedabad testified that eight out of eleven family members were killed on February 28, two after being raped. The surviving three members sustained serious injuries:

It was morning and I was cooking. My husband, my three children and I were in my house while my mother-in-law, my brother-in-law and his wife along with their three children was in the adjoining house. A mob of 5,000 came and we started running. We were cornered from all the sides. SRP (State Reserve Police) personnel were also chasing us. It was 6:30 by now in the evening. The mob caught hold of my husband and hit him on his head twice with the sword. They threw petrol in his eyes and then burned him. My sister-in-law was stripped and raped. She had a three-month baby in her lap. They threw petrol on her and the child from her lap was thrown in the fire. My brother-in-law was hit in the head with the sword and he died on the spot. His six-year-old daughter was also hit with the sword and thrown in the fire. My mother-in-law had with her the grandson who was four years of age and he was burnt too. We were that time hiding on the terrace of a building. My mother-in-law with her heavy body was unable to climb the stairs so she was on the ground. My mother-in-law told them to take away whatever money she had but to spare the children. They took away all the money and jewelry and burnt the children with petrol. ([My] mother-in-law was raped too). I witnessed all this. Unmarried girls from my street were stripped, raped and burnt. A 14-year-old such girl was killed by piercing an iron rod in her stomach. All this ended at 2:30 A.M. The ambulance came on the scene and I sat in it along with the bodies of my husband and children. I have injury marks on both my thighs and left hand that was caused by the police beating. My husband, my daughter and son had 48%, 95% and 15% burns respectively. Both my husband and daughter died in the hospital after three days.... The police was on the spot but helping the mob. We fell in their feet but they said they were ordered from above (not to help). Since the telephone wires were snapped we could not inform the fire brigade.<sup>38</sup>

Like hundreds of others, a resident of Naroda Patia witnessed the gang rape of girls and women. The names of the victims have been omitted to protect their privacy:

We were cooking and were informed to be in the house only as there was tension in the area. We went to the nearby society [neighborhood] and took shelter on the terrace. People from the Hindu society told us to take shelter in their houses. There were only men in there and none of the women and children. Then they told us to escape towards Naroda (an area). We requested them to allow us escape towards the SRP (colony). SRP



said, "24 hours have been given to beat you up." Society (place of refuge) brought us out on the road and told us to go to Naroda. We disagreed knowing that it is a far place. So they started beating us with sticks, hockey sticks and pipes. They accused us that we had come there to riot and asked us to get out. We came out to face a big mob armed with sharp weapons, kerosene and petrol cans.... All adult males were then beaten, fallen on the ground and burnt. The residents of the gopinath society [neighborhood] segregated young girls (Muslims) and made them stand on one side. They were raped and we watched this as some of us were on the terrace.

We were 400-500 people on the terrace.... The girls were stripped and then two men held them down by legs and arms. Those who raped were 20-25 in number. The girls screamed so loud that even now when I remember my blood boils.

They [the attackers] were given twenty-four-hours time (to beat us). If we were given even two hours time we would have shown them (dealt with them). I know the face of the persons who raped. The rape started at 6:00 in the evening until 9:00 at night. The girls were then burnt. I still remember their loud screams. When Asif Khan, a 25-year-old youth pleaded SRP to let us go he was beaten up badly and he managed with difficulty to get out of their hold. We can identify the SRP men. We can also identify the residents of gopinath society.... 11 of our youth died in private gun firing.<sup>39</sup>

### ***Gulmarg Society***

In the neighborhood of Gulmarg Society, Chamanpura, Ahmedabad, over 250 people took refuge on the morning of February 28 in the home of Muslim Ehsan Jaffrey, a former member of parliament. An ordeal that began at 10:30 a.m. ended seven hours later and left at least sixty-five dead, including Jaffrey himself, who was hacked and burned to death. The closest police station was less than a kilometer away. The two Ahmedabad Home Guards already stationed at Jaffrey's home only had sticks as weapons and according to eyewitnesses interviewed by Human Rights Watch provided no protection; one said the guards "were watching and laughing as the attacks took place."<sup>40</sup>

In a petition submitted to the NHRC, the Citizens' Initiative stated that the mob, estimated at 5,000, had grown since morning in Gulmarg Society. Jaffrey made countless phone calls to the police, the chief minister, and the central home minister among others asking for protection but to no avail. The telephone lines were cut after the neighborhood's homes were set on fire. Armed with swords, pipes, acid bottles, kerosene, petrol, hockey sticks, stones, and trishuls, the mob was unrestrained for six hours. Among the perpetrators identified were workers and local officials of the VHP and Bajrang Dal.<sup>41</sup>

Thirty-eight-year-old Mehboob Mansoori lost eighteen family members in the attack at Gulmarg Society. He described the day's sequence of events to Human Rights Watch (full testimony in introduction):

They burnt my whole family.

At 10:30 a.m. the stone throwing started. First there were 200 people then 500 from all over, then more. We were 200-250 people. We threw stones in self-defense. They had swords, pipes, soda-lemon bottles, sharp weapons, petrol, kerosene, and gas cylinders. They began shouting, '*Maro, kato*,' [Kill them, cut them] and "*Mian ko maro*." (Kill the Muslims). I hid on the third floor.

Early in the day at 10:30 the police commissioner came over and said don't worry. He spoke to Jaffrey and said something would work out then left. The name of the commissioner of police that visited in the morning is P.C. Pandey, commissioner of police Ahmedabad....

At 3:30 p.m. they started cutting people up, and by 4:30 p.m. it was game over. Ehsan Jaffrey was also killed. He was holding the door closed. Then the door broke down. They pulled him out and hit him with a sword across the forehead, then across the stomach, then on his legs.... They then took him on the road, poured kerosene on him and burned him. There was no police at all. If they were there then this wouldn't have happened.

Eighteen people from my family died. All the women died. My brother, my three sons, one girl, my wife's mother, they all died. My boys were aged ten, eight, and six. My girl was twelve years old. The bodies were piled up. I recognized them from parts of their clothes used for identification. They first cut them and then burned them. Other girls were raped, cut, and burned. First they took their jewelry, I was watching from upstairs. I saw it with my own eyes. If I had come outside, I would also have been killed. Four or five girls were treated this way. Two married women also were raped and cut. Some on the hand, some on the neck.<sup>42</sup>

Fifty-three-year-old Mansoori Abdulbhai, also a resident of Gulmarg Society, Chamanpura lost nineteen family members in the attack. He told Human Rights Watch:

Nineteen members of my family were killed. My wife, my mother, my son, my daughters-in-law, my brother's daughter-in-law, and others. We found fourteen of the bodies, five are still missing. Those fourteen are buried here [at a mass grave site next to the Dariyakhan Ghummat camp in Shahibaug]. Sixty-two people were killed there, twenty-nine bodies have not been found. First they cut people so they couldn't run and then they set them on fire. One or two women were taken aside and gang-raped. After five hours the police came and brought us here. It was so well planned. We buried fourteen members of my family here on March 7.<sup>43</sup>

As with Naroda Patia, even pregnant women were not spared. The husband of an eighteen-year-old woman and resident of Gulmarg Society, Chamanpura told the Citizens' Initiative: "She was pregnant and it was the 9<sup>th</sup> month of the pregnancy. Her house was attacked by a large mob. Her womb was cut open with a sharp weapon and the unborn baby was taken out and both mother and the child were burnt dead."<sup>44</sup>

Sixty-year-old Rosam Bibi, who used to live in Vijay Mill, Naroda side, also fled to Ehsan Jaffrey's home for refuge: "We went to Ehsan Jaffrey's home on the 28<sup>th</sup>. I was on the ground floor. The mob came in and threw petrol and started a fire. There was heavy smoke. They told us to give them our jewelry. They took everything. Then they hit everyone and I got burned. Then they pulled people outside and cut them and burned them."<sup>45</sup>

Bibi's eighteen-year-old son, Ilias Bhai, added: "At 10:30 a.m. the stone throwing began, we got surrounded. They were shouting `Ram, Ram, Jai Ram' [Ram, Ram, Praise Ram].... My brother and sister-in-law were both killed."<sup>46</sup>

Twenty-three-year-old Rasida Bhen, Ilias's wife, still bore visible head injuries at the time of the interview with Human Rights Watch. She spoke to Human Rights Watch about the murder of her husband's brother and his wife, twenty-three-year-old Aslam Usman Bhai, and twenty-one-year-old Naseem Bano:

They pulled them out and cut them up. When we came out then we saw that he was cut in the stomach, the chest and the head. They came with trishuls. My sister-in-law was burnt. First they took her jewelry. Then took her into the kitchen and exploded the gas cylinder. They wanted to get rid of all the evidence. They had been married for fifteen months and she was five months pregnant.<sup>47</sup>

Referring to attacks on other women, Rasida added:

First they took everyone's jewelry. Then they raped the women, then they cut them up, and then they burned them. They should get as strict a punishment as possible.... I was hit with a pipe. We ran outside when the gas cylinder exploded and then later the police came and we left.<sup>48</sup>

A forty-five-year-old man named Yousuf Bhai told Human Rights Watch that the police commissioner "betrayed" the victims:

They wanted to leave by the railroad behind Jaffrey's house, but the police commissioner said, "No, don't you trust me? You must stay here." Jaffrey even said, "Kill me and leave them alone." After the police brought people here [the camp] then all night they set bodies on fire, so there could be no cases against them, so there could be no evidence. Without police support, none of this could have happened.<sup>49</sup>

<sup>7</sup> Celia Dugger, "After Deadly Firestorm, India Officials Ask Why," *New York Times*, March 6, 2002.

<sup>8</sup> "Death toll in Indian train inferno rises to 58," Reuters, February 28, 2002.

<sup>9</sup> Praveena Sharma, "Survivors of Indian Train Attack Tell of Fire Horror," Agence France-Presse, February 28, 2002.

<sup>10</sup> "NHRC Chief Sets Deadline," *Times of India*, March 24, 2002.

<sup>11</sup> Rajiv Chandrasekaran, "Provocation Helped Set India Train Fire," *Washington Post*, March 6, 2002.

<sup>12</sup> Priyanka Kakodkar, "'Just like Hindustan-Pakistan,'" *Outlook*, March 18, 2002.

<sup>13</sup> Dugger, "After Deadly Firestorm"; Rajiv Chandrasekaran, "Provocation Preceded Indian Train Fire: Official Faults Hindu Actions, Muslim Reactions for Incident That Led to Carnage" *Washington Post*, March 6, 2002; "Train attack not pre-meditated," *Times of India*, March 8, 2002; Siddharth Darshan Kumar, "Muslim attackers set fire to train carrying Hindu nationalists, killing at least 57," Associated Press, February 28, 2002.

<sup>14</sup> Dugger, "After Deadly Firestorm"; Chandrasekaran, "Provocation Preceded Indian Train Fire."

<sup>15</sup> Ashok Sharma, "Indian violence spreads in wake of train fire that killed at least 58," Associated Press, February 28, 2002. Reacting to government assertions that the Godhra incident was an act of terrorism, a resident of Chartoda Kabristan relief camp told Human Rights Watch: "They keep talking about terrorism and Pakistan. But isn't what has happened to us worse than terrorism?" Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002.

<sup>16</sup> "Needle of Suspicion Points Towards ISI in Godhra Incident," Press Trust of India, March 1, 2002; "Conspiracy Theories Abound Over India's Religious Riots," Dow Jones International News, March 6, 2002.

<sup>17</sup> Chandrasekaran, "Provocation Helped Set India Train Fire," *Washington Post*; Kingshuk Nag, "Godhra Attack Not Planned," *Times of India*, March 28, 2002.

<sup>18</sup> The Railway Protection Force is a central government police force for Indian railways. RPF officers were present during the Godhra massacre; S. Satyanarayanan, "Godhra Carnage Not Preplanned: RPF Report Dispels Conspiracy Theory," *Tribune*, April 9, 2002.

<sup>19</sup> Sheela Bhatt, "Intelligence chief who had warned Gujarat government transferred," *rediff.com*, April 8, 2002, <http://www.rediff.com/news/2002/apr/08bhatt.htm> (accessed April 17, 2002).

<sup>20</sup> "Gujarat Defers Use of POTO against Godhra Accused," *Times of India*, March 26, 2002.

<sup>21</sup> A resident of Chartoda Kabristan relief camp in Ahmedabad told Human Rights Watch: "POTO is being put up but why has the government not filed a POTO case against the VHP? Is the law only against Muslims? It should be applied equally against everyone." Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002. In September 2001 the Indian government also drew sharp criticism from numerous minority groups for selectively banning the Students Islamic Movement of India (SIMI) as part of its post-September 11 actions to counter terrorism while ignoring the "anti-national" activities of right-wing Hindu groups. At least four people were killed when police opened fire on a protest in Lucknow on September 27, following the arrest of some SIMI activists. Human Rights Watch, *World Report 2002: Events of 2001* (New York: Human Rights Watch, 2002), p. 225.

<sup>22</sup> Ibid. During the riots that followed the destruction of the Babri Masjid in 1992 and 1993, a number of Muslims were also arrested under the provisions of TADA. See Human Rights Watch, "India: Communal Violence and the Denial of Justice," *A Human Rights Watch Report*, vol. 8, no. 2, April 1996, available at <http://www.hrw.org/reports/1996/India1.htm> (accessed April 15, 2002).

<sup>23</sup> Human Rights Watch, "India Human Rights Press Backgrounder: Anti-Terrorism Legislation," November 20, 2001, <http://www.hrw.org/backgrounder/asia/india-bck1121.htm> (accessed April 15, 2002).

<sup>24</sup> Prasenjit Bose, Dr. Kamal Mitra Chenoy, Vijoo Krishnan, and Vishnu Nagar, "Ethnic Cleansing in Ahmedabad: A Preliminary Report," SAHMAT, March 10-11, 2002, <http://www.outlookindia.com/full.asp?fodname=20020322&fname=sahmat&sid=1> (accessed April 15, 2002).

<sup>25</sup> Radha Sharma and Sanjay Pandey, "Mob burns to death 65 at Naroda Patia," *Times of India*, March 2, 2002.

<sup>26</sup> Ibid.

<sup>27</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002.

<sup>28</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

<sup>29</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

<sup>30</sup> Human Rights Watch interview, Salima Banu, Ahmedabad, March 22, 2002.

<sup>31</sup> Human Rights Watch interview, Samuda Bhen, Ahmedabad, March 22, 2002.

<sup>32</sup> Human Rights Watch interview, Naseem Banu, Ahmedabad, March 22, 2002. See also Bose, "Ethnic Cleansing in Ahmedabad."

<sup>33</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

<sup>34</sup> Human Rights Watch interview, Samuda Bhen, Ahmedabad, March 22, 2002.

<sup>35</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

<sup>36</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

<sup>37</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

<sup>38</sup> Citizens' Initiative, "Sub: Asking for appropriate action in the communal riots of February 2000 in Gujarat." (Signed petition submitted to the National Human Rights Commission of India, New Delhi), March 2002.

<sup>39</sup> Ibid.

<sup>40</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

<sup>41</sup> Citizens' Initiative, "Sub: Asking for appropriate action."

<sup>42</sup> Human Rights Watch interview, Mehboob Mansoori, Ahmedabad, March 22, 2002.

<sup>43</sup> Human Rights Watch interview, Mansoori Abdulbhai, Ahmedabad, March 22, 2002.

<sup>44</sup> Citizens' Initiative, "Sub: Asking for appropriate action."

<sup>45</sup> Human Rights Watch interview, Rosam Bibi, Ahmedabad, March 22, 2002.

<sup>46</sup> Human Rights Watch interview, Ilias Bhai, Ahmedabad, March 22, 2002.

<sup>47</sup> Human Rights Watch interview, Rasida Bhen,, Ahmedabad, March 22, 2002.

<sup>48</sup> Ibid.

<sup>49</sup> Human Rights Watch interview, Yousuf Bhai , Ahmedabad, March 22, 2002.

#### IV. OVERVIEW OF THE ATTACKS AGAINST MUSLIMS

##### **State and Police Participation and Complicity**

On the morning of February 27, 2002, the gruesome attack on the Sabarmati Express in Godhra, Gujarat, left fifty-eight dead. The train cars set alight were carrying Hindu *kar sevaks* (religious volunteers) returning from Ayodhya. By evening, retaliatory attacks against Muslims had begun, including in Rajkot, Vadodara, and Bharuch.<sup>50</sup> That same day the Vishwa Hindu Parishad called for a statewide *bandh* (shut-down) for February 28, a call that according to press reports, its cadre interpreted as a call to action.<sup>51</sup> The state's endorsement of the *bandh*, announced through a press note issued at 8 p.m. on February 27, was taken by the VHP/Bajrang Dal as an endorsement of its stand.<sup>52</sup>

State support of the *bandh* also sent a message to the police. A reporter for the *Hindu* observed that, "In such a situation, the police would always be hesitant to act lest it hurt the interests of the political bosses. And the saffronised police also found a common cause with the criminals to 'punish' the minorities."<sup>53</sup> The same reporter wrote that, "insiders in the Bharatiya Janata Party admit that the police were under instructions from the Narendra Modi administration not to act firmly."<sup>54</sup>

By the afternoon of February 27, retaliatory attacks had already begun, including the stabbing of a Muslim man in Vadodara railway station as crowds gathered awaiting the arrival of the Sabarmati Express.<sup>55</sup> Starting on the morning of February 28, Hindu mobs unleashed a coordinated attack against Muslims in many of Gujarat's towns and cities.<sup>56</sup> Despite the state's claims that police were simply overwhelmed by the sheer size of the Hindu mobs-often numbering in the thousands-evidence collected by the media, Indian human rights groups, and Human Rights Watch all point to state sponsorship of the attacks. Eyewitness accounts cited throughout this report, as well as the history of police and political recruitment demonstrate the state's partisan role. In a matter of days, over 850 people are known to have been killed-although



unofficial estimates are as high as 2,000. Violence continued as of this writing and has quickly spread to poorly protected rural areas. Accounts of politicians directing the violence are also commonplace. Furthermore, in many cases, police posts and police stations were in close proximity to affected sites.<sup>57</sup>

After allowing thirty-six hours to pass without any serious intervention, the first of several contingents of army troops were deployed into Ahmedabad, Rajkot, and Vadodara on March 1.<sup>58</sup> Many had to be flown in from reserves' stations in south Indian as the bulk of Indian forces are stationed along the India-Pakistan border.<sup>59</sup> Though the army arrived in Gujarat soon after the Godhra carnage,<sup>60</sup> the state government refused to deploy the soldiers until twenty-four hours after they arrived and only once the worst violence had ended.<sup>61</sup> The army's inability to rapidly intervene was also hindered by the state government's failure to provide requested transportation support and information regarding areas where violence was occurring.<sup>62</sup> Speaking on why the army took so long to quell the violence, an Indian army source stated, "We are ordered to be deployed only when such incidents happen. And once we are there it is up to that state administration how they use us."<sup>63</sup>

In Ahmedabad, Gujarat's commercial capital and the site of Human Rights Watch's investigations, many attacks took place within view of police posts and police stations. Human Rights Watch viewed several police posts less than fifty feet from the site of burnt Muslim-owned restaurants, places of businesses, and hotels in Ahmedabad. Without exception, the Hindu-owned establishments neighboring the destroyed structures were unscathed. The same pattern was observed by India's National Human Rights Commission during its fact-finding mission in March (see below).

Attacks in Ahmedabad on February 28 also began at precisely the same time, around 10:30 in the morning. Muslims living in "mixed communities," that is alongside Hindus, were hit the hardest while those concentrated in Muslim enclaves following a history of state communal riots fared only marginally better.

According to an article in *The Week*, a weekly Indian news magazine, 1,679 houses, 1,965 shops, and twenty-one *godowns* (warehouses) were burnt, 204 shops looted, and seventy-six shrines were destroyed in Ahmedabad. The great majority of them belonged to Muslims.<sup>64</sup>

Dozens of witnesses interviewed by Human Rights Watch described almost identical operations. The attackers arrived by the thousands in trucks, clad in saffron scarves and khaki shorts, the signature uniform of Hindu nationalist, or Hindutva, groups. Shouting slogans of incitement to kill, they were armed with swords, *trishuls*,<sup>65</sup> sophisticated explosives, and gas cylinders. Guided by computer printouts listing the addresses of Muslim families and their properties, information obtained from the Ahmedabad municipal corporation among other sources, they embarked on a murderous rampage. In many cases, the police led the charge, aiming and firing at Muslims who got in the mobs' way (see below).

According to the preliminary report of SAHMAT, a Delhi-based nongovernmental organization, its fact-finding team found graffiti left behind on the charred walls of a burnt madrasa in Sundaramnagar, Ahmedabad boasted of police support.<sup>66</sup>

*Yeh andar ki bat hai*  
*Police hamarey saath hai*  
 (This is inside information, the police are with us).

*Jaan se mar dengey*  
*Bajrang Dal zindabad*  
*Narendra Modi zindabad*  
 (We will kill. Long live the Bajrang Dal. Long live Narendra Modi).<sup>67</sup>

*Andar ki bat hai...* was also the war-cry used to terrorize Muslim residents in Vadi in the city of Vadodara as they burnt Muslim-owned shops that ironically sold kites, bindis, and bangles for Hindu festivals.<sup>68</sup>

Human Rights Watch interviews with eyewitnesses to the attacks revealed that the attackers were carrying voter lists as well as listings of Muslim businesses, along with cell phones and water bottles "so as to be fully prepared for a long day's work."<sup>69</sup> According to a report in *Outlook* magazine, attempts to pinpoint the exact location of Muslim businesses began months before the attacks:

In Ahmedabad... one official recalled how for the last few months, there had been concerted attempts to get lists of Muslim business establishments from the Ahmedabad municipal corporation.... VHP volunteers have also been making the rounds of professional institutions and universities, seeking the names and addresses of Muslim students. Some government sources say VHP members have drawn up lists of government departments (for example, the Food Corporation of India) and their allied agencies, and identified "undesirables" and their addresses.<sup>70</sup>

Professor Keshavram Kashiram Shastri, ninety-six-year-old chairman of the Gujarat unit of the VHP denied the charge that the VHP prepared lists in advance of Muslim shops to loot. To the contrary, he said "the list of shops owned by Muslims in Ahmedabad was prepared on the morning of February 28 itself."<sup>71</sup>

Voter lists were also reportedly used to identify and target Muslim community members.<sup>72</sup> A senior police officer told *rediff.com*, a leading Internet news site on India, on conditions of anonymity that, "[The attackers] hardly failed to lay hands on their targets, thanks to documents like the voters' list.... The mission was accomplished with clinical precision."<sup>73</sup>

In many cases the leaders of the attack, who communicated with one another on cell phones, receiving instructions in seemingly well-coordinated and planned operations, have been identified by name in police reports as members of the BJP and the VHP. Few, if any, of the leaders have been arrested (see below).

As the state offers one excuse after another-that the police were outnumbered, overwhelmed, did not receive orders to respond, or that their own feelings could not be "insulated from the general social milieu" -no excuse proves sufficient to explain the direct participation of police in the attacks.<sup>74</sup>



Press reports and eyewitness testimonies, including those collected by Human Rights Watch, abound with stories of police participation and complicity in the attacks. Their crimes range from inaction to direct participation in the looting and burning of Muslim shops, restaurants, hotels, homes, and the killing of Muslim residents. Worse still, officers who tried to keep the peace or act against murderous mobs have been transferred or have faced the wrath of their superiors.<sup>75</sup>

A key state minister is reported to have taken over a police control room in Ahmedabad on the first day of the carnage, issuing directions not to rescue Muslims in danger of being killed:

If VHP-BJP leaders led mobs from the front along with the police, they also took control of the institutional apparatus. Health Minister Ashok Bhatt sat in the Police Control Room in Ahmedabad through the first two days of violence. Given his portfolio, it was an odd place to be but not given his past. Bhatt, along with Union Minister of State for Defence Harin Pathak, faces charges of having incited a mob that murdered a police constable in the course of communal violence on April 25, 1985. According to several eyewitnesses, another State Minister, Harin Pandya, moved through the Paldi area, speaking to leaders of mobs that were burning Muslim homes and shops. [State Home Minister Gordhan] Jhadaphia, who ought to have been in the control room after the violence broke out on February 28, was busy telling reporters that he "did not expect Hindus to retaliate."<sup>76</sup>

Many people testified that the police led the mobs directly to their homes and places of business. In many instances, the police also fired upon Muslim youth, crushing any organized self-defense against the mobs. (See below).

A human rights activist who has been visiting relief camps in Ahmedabad on an almost daily basis since the attacks and documenting in detail the nature and methodology of the violence provided valuable insight into the patterns that emerged:

Most incidents happened at the same time. It was definitely pre-planned. Many were around 10:30 a.m. The role of the police was also very clear. When I interviewed victims, they said that prior to the attacks mass meetings were taking place that were being addressed by local VHP and Bajrang Dal leaders. A rumor was already going around that something was going to happen, long before the Godhra incident.

The attacks also took place where the Muslim population is low, in areas where people could not adequately defend or protect themselves. The police itself was also involved in almost all incidents. Local MLAs [members of legislative assembly] and corporators [local officials] were also involved. In many cases SRP [State Reserve Police] camps were close by. Everybody knew that attacks were going on but no one tried to prevent them. So many women had been gang-raped and then killed.... Usually in our work we address individual incidents so we have hope for justice. But there is no hope here because the involvement of the police is so high. You feel irrelevant, like you have wasted ten years.<sup>77</sup>

Twenty-six major towns and *talukas* (sub-districts) in Gujarat were affected in the first week of violence. Attacks had also spread to rural areas. In Halad village in north Gujarat, for example, hotels and businesses belonging to Muslims were attacked when the dead body of a Hindu

activist killed in the train attack in Godhra was brought to the village.<sup>78</sup> The patterns of violence in the worst-hit cities, where the majority of people killed were Muslim, were remarkably similar, lending further support to the notion that the attacks were planned and not the result of spontaneous riots. An interim report on violence in Vadodara submitted to the NHRC by the nongovernmental People's Union for Civil Liberties (PUCL), for example, documents in meticulous detail the selective burning and looting of Muslim homes and places of business, the destruction of mosques, the killing, beating, and maiming of Muslims, the extent of police participation in the attacks, and the role of the local media in inciting the violence. The report also documents the spreading of hate propaganda leading to economic boycotts.<sup>79</sup> A separate report by PUCL outlines the impact on women (see below).

At this writing, attacks were being reported on an almost daily basis, over six weeks after the state government's claims that the situation had been brought under control. On March 24, for example, thirty-year-old Mumtazbano was stripped in public and stabbed to death by a mob in the Vejalpur area of Ahmedabad after being dragged off her husband's scooter.<sup>80</sup> On April 6, at least five people were killed in Ahmedabad. Two were stabbed to death and three were killed by police gunfire as police reportedly fired to disperse clashing groups of Hindus and Muslims.<sup>81</sup> On April 17, three people were stabbed to death and fifteen were injured in Hindu-Muslim clashes in Ahmedabad.<sup>82</sup>

### ***Police Firings***

*"They only shot at one side. Why? Why didn't they shoot to stop the attackers?"*<sup>83</sup>

Numerous eyewitnesses to the attacks in Ahmedabad told Human Rights Watch that police gunfire paved the way for the violent mobs. Marching in front of the mobs, the police burst tear gas shells and aimed and fired at Muslim youth seeking to defend their families and their homes. According to a report in *The Week*, a weekly Indian news magazine, in the month following the Godhra massacre, 120 people had been killed in police shootings throughout the state, many of them Muslim.<sup>84</sup> At this writing, the numbers were climbing. Hindus were also killed in police shootings, some in response to shoot-on-sight orders issued by Chief Minister Modi on March 1 to stop those participating in rioting and arson, and others in the weeks that followed as police tried to contain outbreaks of violence.<sup>85</sup>

During the first two days of violence, Chief Minister Modi defended the actions of his police stating that they had "mowed down people" to quell the violence. According to the *Indian Express*, "one such incident he was referring to occurred on February 28 and March 1 near the Bapunagar police station, where 40 were killed in firing. Now, according to a batch of FIRs filed last week and post mortem reports, it has come to light that all 40 were Muslims, most of them shot in the head and the chest. And 36 of them were between 20 and 25 years old."<sup>86</sup>

A resident of the Chartoda Kabristan camp in the Gomtipur area told Human Rights Watch: "We were able to handle the crowd but when the police joined in then we couldn't stop them. Our spirit was broken. They were shouting, 'Kill them, cut them, look for *Miyabhai* [Muslim man].' The police burned the houses with their own hands. They also looted. Now everyone is afraid of the police; they were only firing on Muslims. They were not firing for riot control."<sup>87</sup>

According to the Chartoda Kabristan camp organizer:

From the areas represented in this camp, twenty-five people were hit in police and private firings. Sixteen died, the rest are in hospitals.... There are still burnings going on.... If they keep dividing people then people will keep losing faith in this state. They need to put a brake on it. If the state does not want to stop it then it will keep happening. Everyone will tell you that the police came first, fired and then the private attackers came.<sup>88</sup>

Twenty-five-year-old Abdul Aziz, a resident of Panna Lal ki Chali, near Chartoda Kabristan, witnessed the killing of his brother by police gunfire. He told Human Rights Watch:

On the 28<sup>th</sup> afternoon at 3 p.m. my younger brother was returning from work. The police said that a curfew was in place. A crowd gathered to attack. The police was leading the crowd. They were looting and the people followed, looting and burning behind them. The crowd was shouting, "Go to Pakistan. If you want to stay here become Hindu." The police very clearly aimed at my brother and fired at him. He was twenty-three years old. At 6 p.m., three hours later, we were able to get him to the hospital.... We have not filed any complaints. All the doctors that have been coming here are private or from NGOs.<sup>89</sup>

Julamasul Abdul Bhai Kureishi, of Danzi ki Chali near Chartoda Kabristan, lost his son to police gunfire. He told Human Rights Watch:

They made us homeless and they took my son.... The police came from one side and the crowd came from the other. They started setting fire to things and firing shots. My son was shot and killed. He was twenty-two years old. They collected all the young men. The police were calling the crowds. The police had the mob behind them.

Another resident of Danzi ki Chali told Human Rights Watch: "The police grabbed me and hit me with a sword and a *lathi* [baton]. They also shot my seven-year-old son. He spent eleven to twelve days in the hospital."

Twenty-two-year-old Mohammed Salim from Bara Sache ki Chali told Human Rights Watch that most of the deaths in his neighborhood were caused by police shooting. He described a pattern testified to by many interviewed by Human Rights Watch:

The Hindus called us outside to fight. When we came out, the police fired on us, twelve to thirteen people died.... They said come forward, then they started shouting, "Kill the Muslims, cut the Muslims, loot the Muslims." The police were with them and picked out the Muslim homes and set them on fire. The police aimed and fired at the Muslim boys. They then joined with the Hindus to set fire to the homes and to loot the homes. The police were carrying kerosene bottles and shooting and setting the bottles on fire. The others were carrying swords and trishuls. Some of the attackers were wearing *kesri pattis* [saffron bandannas] on their foreheads with the words "Jai Sri Ram" [Praise Lord Ram]. The attackers consisted of both people from our neighborhood and also people from outside. None of the deaths from our area were from the Bajrang Dal, it was all from police firing. One person also lost his eyesight as a result of police

firing. One woman was burnt alive. She was old and couldn't run. She was cut in three pieces. The police came inside [the Chartoda Kabristan area] and fired.<sup>90</sup>

A fifteen-year-old boy named Sanu from the Riyaz Hussain ki Chali was also killed. According to residents of the Chartoda Kabristan camp, "The police caught him from inside the Masjid, took him to the Hindu area and shot him at close range."<sup>91</sup>

### **Mass Gravesites and the Collection of Bodies**

Surviving family members have faced the added trauma of having to fend for themselves in recovering and identifying the bodies of their loved ones under difficult security conditions and with little assistance from the state government. The bodies have been buried in mass gravesites throughout Ahmedabad. Many bodies have been charred beyond recognition and many are still missing. To bury hundreds of Muslim victims, mass gravesites have sprouted throughout the city of Ahmedabad. A March 6 article on the news site *rediff.com* reported that as many as 212 bodies of men, women, and children were buried in graveyards in Dudheshwar, Juhapura, Sarkhej, and Sarangpur—all in Ahmedabad—since March 3, 2002.<sup>92</sup>

Human Rights Watch visited a gravesite in the Shahibaug area of Ahmedabad. According to gravediggers there: "The state government has not given one *paisa* [one cent]. No one asks. One police car would accompany a truck full of bodies. Our young would go around and look for the bodies. We use our own trucks."<sup>93</sup> When asked about the events of the last several weeks, eighty-five-year-old gravekeeper Abdul Kadir simply said: "I cannot even talk about it." Another gravekeeper added, "New incidents are happening so more bodies keep coming."<sup>94</sup> Gravekeepers claimed to have already buried close to three hundred bodies at the gravesite. Human Rights Watch was shown a metal leg brace that survived the burning of its owner to illustrate the story of a handicapped person's murder. A resident of the Chartoda Kabristan camp in Gomtipur told Human Rights Watch: "We ourselves collected and buried the bodies. The military came with us for protection."<sup>95</sup>

### **Attacks on Women**

*I have never known a riot which has used the sexual subjugation of women so widely as an instrument of violence as in the recent mass barbarity in Gujarat. There are reports everywhere of gang-rape, of young girls and women, often in the presence of members of their families, followed by their murder by burning alive, or by bludgeoning with a hammer and in one case with a screw driver. Women in the Aman Chowk shelter told appalling stories about how armed men disrobed themselves in front of a group of terrified women to cower them down further.*<sup>96</sup>

Tragically consistent with the longstanding pattern of attacks on minorities and Dalits (or so-called untouchables) in India, and with previous episodes of large-scale communal violence in India, scores of Muslim girls and women were brutally raped in Gujarat before being killed.<sup>97</sup>

A resident of Jawan Nagar, Naroda, Ahmedabad told the Citizens' Initiative that only four out of his eleven family members had survived. His daughter was raped and burned, succumbing to her injuries in the hospital:

My house has a small grocery store and I was there in the store. A mob came from Charanagar. Five hundred strong mob came from Kubernagar. Two thousand strong mob came. They started riot, burning houses. We ran to nearby Gangotri society and took shelter on the terrace. The mob started burning people at around 5 or 6 o'clock in the evening. The mob stripped all the girls of the locality including my 22-year-old daughter and raped them. My daughter was engaged. Seven members of my family were burnt that includes my wife (age 40), my son (18), my son (14), my son (7), my daughter (4), my daughter (2). Police did not allow me to climb down from the terrace. My 8-year-old son has survived with 20 percent burn injuries and he remembers his mother. What can I do? My house and shop has been burnt.... They hit her on the head and burnt. She had 80 percent burn injuries.<sup>98</sup>

Even pregnant women were not spared. In some cases, their bellies were cut open and the fetus was pulled out before the women were killed.<sup>99</sup> A gravedigger at a mass grave site next to the Dariyakhan Ghummat camp in the Shahibaug area told Human Rights Watch: "There were at least three pregnant women and one of the fetuses was partially hanging out. We had to stick it back in before burial. If the fetus was completely removed then we left it out but still buried it with the mother."<sup>100</sup>

A woman who washed the bodies of female victims before burial at the same site told Human Rights Watch about the conditions of the bodies upon arrival:

I washed the ladies' bodies before burial. Some bodies had heads missing, some had hands missing, some were like coal, you would touch them and they would crumble. Some women's bodies had been split down the middle. I washed seventeen bodies on March 2, only one was completely intact. All had been burned, many had been split down the middle. On March 3 fifteen more bodies came. Then I just threw water over them, I couldn't stand to be around them anymore.<sup>101</sup>

Some of the cuts down the middle of the bodies may have been a consequence of official autopsies, though not all.

A report sponsored by the Citizens' Initiative dated April 16, 2002 and titled "The Survivors Speak" presents over thirty pages of testimony from female victims and eyewitnesses to the violence in Gujarat. The report is based on investigations conducted at the end of March by a fact-finding team of prominent women's rights activists. Among the report's most significant findings is the fact that crimes against women, in both urban and rural areas, have been grossly underreported and under-recorded by the police. The report states:

Among the women surviving in relief camps, are many who have suffered the most bestial forms of sexual violence - including rape, gang rape, mass rape, stripping, insertion of objects into their body, stripping, molestations. A majority of rape victims have been burnt alive.

There is evidence of State and Police complicity in perpetuating crimes against women. No effort was made to protect women. No Mahila [women] Police [were] deployed. State and Police complicity in these crimes is continuing, as women survivors continue to be denied the right to

file FIRs. There is no existing institutional mechanism in Gujarat through which women can seek justice.<sup>102</sup>

Among the testimonies documented in the report is that of Saira from Panchmahals district, Gujarat. Her name has been changed by Human Rights Watch:

On the afternoon of February 28th to escape the violent mob, about 40 of us got on to a tempo [a vehicle]. My husband was driving the tempo... a Maruti car was blocking the road. A mob was lying in wait. [My husband] had to swerve. The tempo overturned. As we got out they started attacking us. People started running in all directions. Some of us ran towards the river. I fell behind as I was carrying my son. The men caught me from behind and threw me on the ground. [My son] fell from my arms and started crying. My clothes were stripped off by the men and I was left stark naked. One by one the men raped me. All the while I could hear my son crying. I lost count after 3. They then cut my foot with a sharp weapon and left me there in that state.<sup>103</sup>

The report also cites the extent of Bajrang Dal and VHP participation in the attacks, adding that members of these organizations were distributing arms in rural areas as early as six months before the violence began.<sup>104</sup>

An interim report by the People's Union for Civil Liberties on "women's experiences and perspectives" on the communal violence in Vadodara, based on data collected between February 27 and March 26, 2002, states:

The wide range of data collected reveals that the post-Godhra carnage has affected most women living in Vadodara in some way or the other. Lives of minority women have of course changed drastically. However, women from all communities are also affected by the reign of fear and the terror promoted by the state and the police. The Hindu women are caught in a fear psychosis that the "other" will attack. A lot of this has to do with the rumours that are being systematically spread through various pamphlets and booklets. Livelihoods of all poor, working class women have been affected. The situation in the minority households is far more serious, and hunger has become an acute problem because the minority men too cannot go out to work. The deep sense of betrayal that women feel by neighbours and children "who grew up in front of my eyes [or in my aangan]" is seen across classes.<sup>105</sup>

On April 24 India's National Commission for Women (NCW) added its voice to those of the National Commission for Minorities and the National Human Rights Commission (see below) and accused the Gujarat government of "failing to perform its constitutional duty." NCW expressed concern over the state of fear and insecurity in the state, particularly among women, adding that much more needed to be done for the relief and rehabilitation of women, particularly those that had lost family members or were victims of sexual violence.<sup>106</sup>

### **The Effect on Children and Young People**

The children of Gujarat have been severely affected and traumatized by the violence. In addition to the rape and murder of many children (see above), many bore witness to the death of their family members.<sup>107</sup> Unclaimed and unidentified children's bodies still crowd Ahmedabad's morgues.<sup>108</sup> Many children have also been orphaned or have suffered serious stabbing and burn



injuries. In the aftermath of the violence, their education has been severely disrupted and little counseling is available to them to cope with the trauma of what they experienced. A Citizens' Initiative fact-finding team on violence against women in Gujarat (see above) spoke to young girls from Naroda Patia still trying to make sense of the rapes that they had witnessed. One girl interviewed said:

"Mein bataoon Didi" (Shall I tell you?), volunteers a nine-year-old, "Balatkaar ka matlab jab aurat ko nanga karte hain aur phir use jala deta hain." (Rape is when a woman is stripped naked and then burnt) And then looks fixedly at the floor. Only a child can tell it like it is. For this is what happened again and again in Naroda Patia - women were stripped, raped and burnt. Burning has now become an essential part of the meaning of rape.<sup>109</sup>

Nineteen-year-old Sheikh S. from Mehndi Kuva, Shahpur, slum quarters in Ahmedabad, explained the long-term consequences of the attacks on children's education and on the livelihood of affected families:

All the children's education has been disrupted. All businesses are closed. All savings are gone. My parents are so old they cannot go back to work. I will surely have to leave my studies now and go to work. I was studying in the 11<sup>th</sup> standard. Still we won't get the government jobs, those are given to Hindus. We will have to do labor.<sup>110</sup>

Sheikh added that in the looting and burning of his home, his education certificates and other valuables were also destroyed: "All my education certificates and medical reports that were in a suitcase were also destroyed. I have a blood disease and need those reports."<sup>111</sup>

In addition to destruction of educational records, students have been attacked while going to school. An eighteen-year-old student in Bharuch was pulled off a rickshaw and hit on the head and killed while returning home after taking a board exam.<sup>112</sup> In Modasa, the college-aged son of a police inspector was stabbed and killed.<sup>113</sup> The violence has also led to school exams being postponed in Ahmedabad, Vadodara, Bharuch, and Modasa.<sup>114</sup> In addition, at Gujarat University, exams have not yet been completed because mobs have been successful in disrupting exams. The school plans on completing exams by having police vans stationed in sensitive areas.<sup>115</sup> There are also disturbing reports that the same groups which collected information on Muslim shops and residences in preparation for attacks, are now openly collecting information on the number of Muslim children in each school in order to intimidate Muslim children from attending.<sup>116</sup> Principals of English-medium schools in Gujarat have also been threatened with violence by VHP members if they did not expel Muslim students from their institutions. According to one report, parents are being told by school officials to remove their children from these schools on the grounds that their safety could not be guaranteed. The tactics are helping to ensure that Muslim children are confined to *madrasas*, or Muslim-run religious schools, where education is imparted in Hindi or Urdu-limiting severely the students' career prospects.<sup>117</sup>

### **Destruction of Mosques and Dargahs**

Attackers also destroyed Dargahs, traditional meeting grounds for Hindus and Muslims and razed mosques. In some cases makeshift Hindu temples were erected in their place. In many places saffron flags, the signature flag of Hindu nationalist groups, were dug deep into mosque

domes.<sup>118</sup> Roughly twenty mosques were destroyed in Ahmedabad alone, many on March 1 during Friday prayers.<sup>119</sup> Even historical monuments were not spared. According to the preliminary report of an Indian human rights fact-finding team:

The famous 500-year-old masjid in Isanpur, which was an ASI [Archeological Survey of India] monument, was destroyed with the help of cranes and bulldozers. The famous Urdu Poet Wali Gujarati's dargah was also razed to the ground at Shahibaug in Ahmedabad. While a *hanuman* [a Hindu god] shrine was built over its debris initially, all that was removed overnight and the plot was [paved] and merged with the adjoining road. No authority claimed any knowledge about the entire episode. It is worth noting here that the Ahmedabad Municipal Corporation, which is responsible for the maintenance of all these structures, and for the building of roads, is run by the Congress [party] with a near two-thirds majority.<sup>120</sup>

More problems and possibly violence may ensue in deciding how and whether to reconstruct the shattered mosques on these the new religious sites.

### **Looting**

The brutal killing and sexual violence was also accompanied by widespread looting and burning of homes. For many the violence became an excuse for daylight robbery in which even affluent Gujaratis took part.<sup>121</sup> Most relief camp inhabitants are now homeless and completely dispossessed of all their belongings. Numerous victims testified to the extent of the theft and looting of their property both during the attacks and in the days that followed after they had fled for safety to makeshift camps.

A fifty-year-old woman named Fatu Bhen from Sanjay Nagar Nanachiloda, an area just outside of Ahmedabad, told Human Rights Watch, "When they attacked we ran into the fields. For one day and one night we hid in the fields. Then we walked to Gandhinagar. My brother brought me here. We didn't even have a chance to lock our doors. My brother went back to see and found that everything had been burned and looted."<sup>122</sup>

Jinat A., a forty-year-old woman from Naroda Patia, told Human Rights Watch:

The riots came, we ran. We saw people getting cut up and burned. They used swords and sharp weapons. The first two days we were somewhere else and then we came to the camp. They stole all our things and burned our homes. They took our TVs, tapes, everything, even the beds. They took everything.... We have been here since March 1. We arrived at 3 a.m. Where will we go? The curfews are set. The police killed as well.<sup>123</sup>

Thirty-year-old Noorjehan belonged to a relatively affluent Muslim family and lived in the government quarter of Mehndi Kuva. Out of a total of thirty-six homes, only three belonged to Muslims. The rest belonged to Hindus. Noorjehan suffered severe head injuries but survived the attack after being left for dead. Visibly in pain and with fresh bandages around her head, she told Human Rights Watch:

On February 28 we were all sitting at home and heard a noise, this was around noon. Our Hindu neighbor said, "Don't go out." If he said go then we could have run and saved ourselves. He was



drunk. Everyone started to surround the house. They all had swords and pipes. I locked the doors. They then broke down the main door. They threw an iron pipe through the iron bars, which hit me across my eyes. I got dizzy. They then started to set fire to things. I tried to close all the doors as fast as I could, but they came in and hit me with pipes all over on my head, my legs. They were about to take out a sword and cut me with it. But one Hindu had pity on me I guess and said, "Don't cut her, set her on fire." When I heard that I fainted. When I fainted they took off all of my jewels. They were screaming, "Ram bol." [Say Ram]. I think they then put me on top of the fire. My twelve-year-old niece dragged me off and threw water on me to save me. I was covered in blood. I had sent my brothers away; they went to hide in another Hindu's house. They thought I was dead so they moved on to the next Muslim house. My mother took me inside the house. A Dalit scavenger brought the doctor to me. They gave me an injection because I was going to hemorrhage. Finally the family doctor came. I was vomiting for two days. The police were nowhere. They did not help anyone. When we called they said, "You protect yourselves." The police are only two minutes away from our home.<sup>124</sup>

After Noorjehan and her family left for the camp they learned that their home had been looted:

We contacted this camp by mobile phone and people here sent a car for us and brought us here. After we came our house was looted. They didn't even leave our animals. My mother was so fond of raising those animals. They took them, cut them, and ate them: our sheep, our chickens. There was a temple in front of our house. They ate the animals there the next day. They took our gold, our silver. We had four safes in the house. All of them were looted. They took our cutlery as well.<sup>125</sup>

Noorjehan believed her neighbors were involved in the attacks and had long been participating in meetings to plot attacks against Muslims:

In previous riots, we used to close the main gates to the residential quarters, but not this time. The people inside were mixed up with this so they left the big gates open. They were always meeting about how to go after Muslims but we never believed it would happen to us, we have been there for so many years. I can't sleep properly. They are enemies of humanity. They are complete monsters and devils.<sup>126</sup>

Noorjehan and her family arrived at the camp on the evening of March 1: "We left even without our shoes on. No one has come to ask us anything about who attacked us or how much was taken. On March 2 or 3 we filed a complaint. My mother went back on March 16 to see what had become of our home."<sup>127</sup> Her mother added: "I went to see if any of my animals were left. There was nothing left. The people were still roaming the area with swords."<sup>128</sup>

Unlike residents of Naroda Patia, Noorjehan very much wanted to return to her home but lamented that it was too unsafe. "If we got security then at least we could go back home," she said.<sup>129</sup>

Rehman Pata, Noorjehan's twenty-year-old brother described the reaction of the police when he approached them for help during the attack on his home:

I ran to the police station, I fought the crowds to get through. Two constables told me, "You go and we'll follow you." But they never came. I came home and saw that my sister had been hit by a pipe.... These were Shiv Sena and VHP workers. We know the names of some of the people who did this. After the attack one of them made a call and told the person he was talking to move on to the next Muslim home. They were coordinating everything on their cell phones. We filed a complaint against them. They didn't leave anything, even my childhood toys.... One of our Hindu neighbors told the mob not to burn our home otherwise theirs would catch on fire as well. He said, "Don't burn it just loot it."<sup>130</sup>

Nineteen-year-old Sheikh S., also from Mehndi Kuva, lived in a slum quarter adjacent to the government quarter. He told Human Rights Watch that his neighbors were involved in the attacks and that police gave them their blessing to loot Muslim shops and homes:

It all started at 10 a.m. on February 28. They came after the Muslim shops. Around 8 p.m., they attacked my quarters. They were screaming, "Jai Shri Ram." They opened the locks with their iron pipes. They burned all the beddings but took all the nice things. They did not set fire to our house because it was a flat system and Hindu homes would also have been affected. We were calling the police all day. The police said, "You help yourselves, we are getting pressure from above, we cannot help you." We called fifty to a hundred times. Around 2:00 or 2:30 p.m. I saw a police inspector shake hands with the attackers and say, "You can loot peacefully, we won't do anything. We are with you."<sup>131</sup>

Sheikh listed the names of those involved in the attacks, many of whom he recognized. He then added:

We filed a complaint and wrote down all the names. During the attack, thirty to thirty-five went to hide in a Goanese Christian home after 6 p.m. Then the crowd surrounded that home and said, "You send them out or we will kill you too." After that we came here to the camp with police escorts. We called the camp on our mobile phone and they sent the police to us to bring us here. We arrived March 1 at 1 a.m. We then called the Christian family from here and they told us the crowds started looting the homes on March 1. Our dowry, marriage money, machines, etc. all of them were looted. They even took the two lights and the wiring and the fan. They took everything. They took my brother's new cycle but set my old one on fire.<sup>132</sup>

Sheikh also sustained head injuries during the attacks and still wore a dressing on the wounds at the time of the interview three weeks later: "At one point they surrounded me and started shouting, `Miya, Miya' [Muslim, Muslim]. They started throwing stones and I ran upstairs."<sup>133</sup>

### **The Role of the Media**

While the national Indian press has played an important role in exposing the violence and official neglect or misconduct, sectors of the local press have been accused of inciting the violence.

On April 5, 2002, the People's Union for Civil Liberties and Shanti Abhiyan, both nongovernmental organizations, issued a comprehensive analysis of the role of the media during the violence in Gujarat. Among the papers analyzed is the Vadodara edition of *Sandesh*, a Gujarati newspaper. The report concludes that the major effort of *Sandesh* for the period under

review "has been to feed on the prevalent anti-Muslim prejudices of its Hindu readership and provoke it further by sensationalizing, twisting, mangling and distorting news or what passes for it."<sup>134</sup>

Sandesh published especially inflammatory headlines, pictures, and stories the day after the Godhra attack. For example, a front page report on February 28, 2002, read: "AVENGE BLOOD WITH BLOOD."<sup>135</sup> Another headline during the first week of March, when Gujarati Muslims were returning from their pilgrimage (Haj) to Mecca, stated: "HINDUS BEWARE: HAJ PILGRIMS RETURN WITH A DEADLY CONSPIRACY."<sup>136</sup> In fact, most Muslims returning from Haj were so terrified of being attacked that they sought and received escorts home by army officials.<sup>137</sup>

### ***Attacks on the Media***

The national media has also come under verbal and physical attack for its coverage of the Gujarat violence. Gujarat Chief Minister Modi has accused the media of exaggerating the extent of violence, and for provoking the violence by naming the religion of the victims.<sup>138</sup> Modi also objected to All India Radio (AIR) coverage of the Godhra attack, specifically reports that mentioned that the trouble in Godhra began after kar sevaks (Hindu activists) refused to pay for the tea they consumed from Muslim tea vendors. Union Information and Broadcasting Minister Sushma Swaraj "gave a dressing down to the top brass of AIR," reportedly at Modi's behest, though no action was taken against anyone.<sup>139</sup>

According to the Paris-based Reporters Sans Frontières (RSF), some twenty journalists and media workers were attacked by the police on April 7, 2002, in Gandhi Ashram, Ahmedabad while two peace demonstrations were disrupted by members of the Gujarat Yuva Morcha, a youth section of the BJP. A cameraman for the private television station NDTV was told by a deputy police superintendent to stop filming. When he asked why, he was struck on the head and later was admitted to the hospital's intensive care unit. Witnesses say police then attacked the journalists, seriously injuring several others.<sup>140</sup> RSF adds that a journalist for the *Asian Age* was beaten up by the Gujarat police while interviewing Muslim women who had complained of police atrocities.<sup>141</sup>

### **The Government of Gujarat's Response**

The Gujarat government, and in particular its chief minister, has responded to severe criticism regarding its posture during the violence by either tacitly justifying the attacks or asserting that they were quickly brought under control. On March 1, Chief Minister Modi confidently declared that he would control the "riots resulting from the natural and justified anger of the people."<sup>142</sup> "Every action has an equal and opposite reaction," Modi told reporters. "The five crore (50 million) people of Gujarat have shown remarkable restraint under grave provocation," referring to the Godhra massacre.<sup>143</sup>

The Gujarat government's official report of the events, presented to the National Human Rights Commission, includes the following accounts, as reported in the *Hindu*:

The gory details of the Godhra incident, depicting charred bodies through the electronic media, aroused passions of the people of Gujarat on a very large scale. In the wake of the call for

"Gujarat bandh" and the possible fall-out of the Godhra incident, the State Government took all possible precautions. However, on account of widespread reporting in the media, incidents of violence on a large-scale started occurring in Ahmedabad, Baroda... Crowds that assembled in the towns were huge and consisted of higher and middle class people. It became difficult even to implement the curfew. Due to timely measures taken by the State Government, major incidents were contained within 72 hours and normality and confidence of the public were restored.<sup>144</sup>

Tellingly, the report does not once mention the role of the Vishwa Hindu Parishad or the Bajrang Dal, whose members have been named as leaders of the violence in police reports (FIRs), and grossly undercounts the number of mosques and dargahs destroyed and makeshift Hindu temples erected in their place.<sup>145</sup>

The appointment of retired high court judge K. G. Shah to head a Gujarat state commission of inquiry into possible police inaction or direct complicity and administrative failure during Godhra and its aftermath has also raised concern. Shah's close association with the BJP government, including his participation on a panel of lawyers representing the state government before the Supreme Court, has left many questioning his ability to conduct an impartial investigation. Dr. Shakeel Ahmed of the Cell for Legal Help and Guidance for the Islamic Relief Committee told the *Times of India*: "It's better if someone from outside is appointed. The state government is involved and is a party to what happened."<sup>146</sup> Even if the Shah commission's investigations are impartial, his perceived partiality will likely influence victims' willingness to come forward. The history of government-appointed commissions of inquiry in the state, and the country, also raise doubts as to whether the commission's recommendations will be followed.<sup>147</sup> The recommendations of two commissions of inquiry established following the 1969 and 1985 riots have yet to be implemented.<sup>148</sup>

<sup>50</sup> "Time Line," *Hindustan Times*, March 3, 2002.

<sup>51</sup> Sujan Datta, "When guardians of Gujarat gave a 24-hour license for punitive action," *Telegraph*, March 9, 2002, [http://www.telegraphindia.com/archive/1020310/front\\_pa.htm#head1](http://www.telegraphindia.com/archive/1020310/front_pa.htm#head1) (accessed April 9, 2002).

<sup>52</sup> *Ibid.*

<sup>53</sup> Manas Dasgupta, "Saffronised police show their colour," *Hindu*, March 3, 2002.

<sup>54</sup> *Ibid.*

<sup>55</sup> "Violence Spreads Like Wildfire in State," *Times of India*, February 28, 2002.

<sup>56</sup> Muslims make up about 10 percent of Gujarat's fifty million-strong population. Praveena Sharma, "Woman stripped and stabbed, Indian rights watchdog slams Gujarat for riots," *Agence France-Presse*, March 24, 2002.

<sup>57</sup> A Muslim hotel was burnt right across from the police commissioner's headquarters. Human Rights Watch visit to Ahmedabad, March 22, 2002.

- <sup>58</sup> Sujan Datta, "Where had all the soldiers gone?", *Telegraph*, March 2, 2002.
- <sup>59</sup> Ibid. The long delay in deploying the army in Gujarat is strikingly similar to the failure to immediately deploy the army after mobs began attacking New Delhi's Sikh population after Prime Minister Indira Gandhi's assassination. Asia-Pacific Human Rights Network, *Gujarat riots point to need for police reform*, (a joint initiative of the South Asian Human Rights Documentation Centre and the Human Rights Documentation Center), March 13, 2002, <http://www.hrdoc.net/sahrdc/hrfeatures/HRF53.htm> (accessed April 10, 2002).
- <sup>60</sup> Rajart Pandit, "Centre Delayed Deployment of Paramilitary Forces," *Times of India*, March 3, 2002.
- <sup>61</sup> Beth Duff-Brown, "India's Religious Violence Spreads to Rural Villages in Gujarat," Associated Press, March 2, 2002.
- <sup>62</sup> Rahul Bedi, "Soldiers `held back to allow Hindu revenge,'" *Telegraph*, April 4, 2002.
- <sup>63</sup> Rajart Pandit, "Centre Delayed Deployment of Paramilitary Forces," *Times of India*.
- <sup>64</sup> Anosh Malekar, "Silence of the Lambs," *The Week*, April 7, 2002.
- <sup>65</sup> A three-pronged spear often carried as weapons by militant sangh parivar activists. Trishuls also feature prominently in the depiction of some Hindu gods.
- <sup>66</sup> SAHMAT, or the Safdar Hashmi Memorial Trust, is a collective of artists, intellectuals, and others working to promote the idea of a secular, democratic, Indian state.
- <sup>67</sup> Ibid.
- <sup>68</sup> Barkha Dutt, "Opinion: Covert Riots And Media," *Outlook*, March 25, 2002.
- <sup>69</sup> Human Rights Watch interviews with eyewitnesses (names withheld), Ahmedabad, March 22-23, 2002.
- <sup>70</sup> Ranjit Bhushan, "Thy Hand, Great Anarch: The overriding theme of the riots: surprisingly systematic targeting, little state intervention," *Outlook*, March 18, 2002. District administrations in Gujarat, Delhi, and Orissa were also conducting surveys to assess the activities and whereabouts of minority community members and leaders. Human Rights Watch, *World Report 2001: Events of 2000* (New York: Human Rights Watch, 2000), p. 198.
- <sup>71</sup> "Riots in Ahmedabad, India-`It Had to be Done,'" *rediff.com*, March 13, 2003, <http://www.ncmonline.com/content/ncm/2002/mar/0313riots.html> (accessed April 9, 2002).
- <sup>72</sup> "Misuse of voters list in Gujarat riots alleged," Press Trust of India, March 12, 2002.

<sup>73</sup> Nirendra Dev, "Gujarat riot victims allege 'communal cleansing'," *rediff.com*, March 12, 2002, <http://www.rediff.com/news/2002/mar/12train1.htm> (accessed April 10, 2002).

<sup>74</sup> Ahmedabad Commissioner of Police P.C. Pande as quoted in Reuters: Sanjay Miglani, "Hindu mobs rampage in India, army called out," Reuters, February 28, 2002. State Director General of Police K. Chakravarty said that his forces were overstretched and given the simultaneous and large-scale nature of the violence added that, "available forces may not have been able to do justice." Bhushan, "Thy Hand, Great Anarch."

<sup>75</sup> Basant Rawat, "Minority hole in Gujarat police force," *Telegraph*, March 26, 2002, [http://www.telegraphindia.com/archive/1020327/front\\_pa.htm#head7](http://www.telegraphindia.com/archive/1020327/front_pa.htm#head7) (accessed April 9, 2002).

<sup>76</sup> Praveen Swami, "Saffron Terror," *Frontline*, March 16 - 29, 2002. Bhatt is also facing murder charges in the killing of a police constable during anti-reservation riots in the state in April 1985. "Contempt, perjury proceedings sought against Bhatt," *Times of India*, November 8, 2001.

<sup>77</sup> Human Rights Watch interview, Ahmedabad, March 23, 2002.

<sup>78</sup> Uday Mahurkar, "Godhra: Horror on 9618 DN," *India Today*, March 11, 2002.

<sup>79</sup> People's Union for Civil Liberties, "An Interim Report to the National Human Rights Commission," March 21, 2002, <http://www.pucl.org> (accessed April 13, 2002). In Rajkot, the police chief reportedly switched off his cell phone and vanished as mobs took to the street burning one Muslim shop after another on February 28. Sudhir Vyas, "Police chief vanishes as Rajkot burns," Times News Network, March 1, 2002; Muslim truck drivers were also killed by Hindu gangs manning the roadblocks on the national highway leading to Bombay. Luke Harding, "Police took part in slaughter," *Observer*, March 3, 2002.

<sup>80</sup> "Woman stripped, Fresh violence in Gujarat," *Asian Age*, March 25, 2002; "Woman stripped and stabbed, Indian rights watchdog slams Gujarat for riots," Agence France-Presse, March 24, 2002.

<sup>81</sup> "Five killed as fresh violence hits India's Gujarat," *Channelnewsasia*, April 6, 2002.

<sup>82</sup> "Fresh Violence in Gujarat," BBC News, April 17, 2002, [http://news.bbc.co.uk/low/english/world/south\\_asia/newsid\\_1934000/1934669.stm](http://news.bbc.co.uk/low/english/world/south_asia/newsid_1934000/1934669.stm) (accessed April 17, 2002).

<sup>83</sup> Human Rights Watch interview with forty-five-year-old female resident of Chartoda Kabristan camp, March 23, 2002.

<sup>84</sup> Malekar, "Silence of the Lambs," *The Week*.

<sup>85</sup> See for example, "Seven Hindus killed in Udhampur attack," Press Trust of India, April 8, 2002; "3 Killed in India Mob Violence," *Los Angeles Times*, March 11, 2002. In Ahmedabad, 249 bodies had been recovered by the night of March 5. Thirty were of Hindus; thirteen were



shot by the police, while several others died in attacks on Muslim-owned establishments. Praveen Swami, "Saffron Terror," *Frontline*, March 16 - 29, 2002.

<sup>86</sup>Janyala Sreenivas, "Who shot them point blank?" *Indian Express*, April 7, 2002.

<sup>87</sup>Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002.

<sup>88</sup>Human Rights Watch interview, Chartoda Kabristan camp organizer, Ahmedabad, March 23, 2002.

<sup>89</sup>Human Rights Watch interview, Abdul Aziz, Ahmedabad, March 23, 2002.

<sup>90</sup>Human Rights Watch interview, Mohammed Salim, Ahmedabad, March 23, 2002.

<sup>91</sup>Ibid.

<sup>92</sup>"212 bodies buried in Ahmedabad graveyards," Press Trust of India, March 6, 2002.

<sup>93</sup>Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

<sup>94</sup>Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

<sup>95</sup>Human Rights Watch interview, eighteen-year-old male resident of Chartoda Kabristan camp, Ahmedabad, March 23, 2002.

<sup>96</sup>Harsh Mander, "Cry, the Beloved Country: Reflections on the Gujarat massacre," *South Asia Citizens' Web*, March 13, 2002, <http://www.mnet.fr/aiindex/Harshmandar2002.html> (accessed April 15, 2002). Harsh Mander spent twenty years in the Indian Administrative Service (IAS), and currently heads Action Aid India, a nongovernmental poverty prevention organization.

<sup>97</sup>See Human Rights Watch, *Broken People: Caste Violence Against India's "Untouchables"* (New York: Human Rights Watch, 1999), Chapter IX; and Human Rights Watch, "India: Communal Violence and the Denial of Justice." According to a human rights activist working in the camps, one woman arrived at the Dariyakhan Ghummat camp unconscious and with an iron rod stuck inside her vagina. Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

<sup>98</sup>Describing the role of the police during the attack, the witness added: "The SRP [State Reserve Police] beat us. Said they did not have orders (to protect us). An employee of the ST [state transport] depot provided oil and diesel to burn. The phone lines were snapped." Citizens' Initiative, "Sub: Asking for appropriate action."

<sup>99</sup>See sections on Naroda Patia and Gulmarg Society.

<sup>100</sup>Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

- <sup>101</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.
- <sup>102</sup> Citizens' Initiative, "The Survivors Speak," April 16, 2002.
- <sup>103</sup> Ibid.
- <sup>104</sup> Ibid.
- <sup>105</sup> People's Union Civil Liberties-Vadodara, Shanti Abhiyan, "Women's Perspectives," February 27 - March 26, 2002, <http://www.pucl.org> (accessed April 13, 2002).
- <sup>106</sup> "Women Commission indicts Gujarat Govt," Press Trust of India, April 24, 2002.
- <sup>107</sup> See "Gujarat inching towards normalcy," *Times of India*, March 6, 2002. See also, "One killed, curfew imposed in Ahmedabad, about 20,000 arrested," Press Trust of India, March 15, 2002; Rupak Sanyal, "Volunteers Bury 186 Unclaimed Bodies of Muslims in Mass Burial," Associated Press, March 6, 2002; Kim Parker, "Common Scars Can't Heal Hatred in India," *Chicago Tribune*, March 8, 2002; Beth Duff-Brown, "Residents offer shelter from 'shameful' riots-Courageous Hindus harbour Muslims as death toll tops 540," *Toronto Star*, March 5, 2002.
- <sup>108</sup> Rupak Sanya, "Unrecognizable bodies of Indian children go unclaimed in morgues," Associated Press, March 11, 2002.
- <sup>109</sup> Citizens' Initiative, "The Survivors Speak."
- <sup>110</sup> Human Rights Watch interview, Sheikh S., Ahmedabad, March 22, 2002.
- <sup>111</sup> Ibid.
- <sup>112</sup> "4 Killed in Police Firing in Bharuch, Modasa," *Times of India*, March 22, 2002.
- <sup>113</sup> Ibid.
- <sup>114</sup> "Board Exams Continue Amid Tension," *Times of India*, March 22, 2002.
- <sup>115</sup> "Police to Help Conduct GU Exams," *Times of India*, April 8, 2002.
- <sup>116</sup> Vinay Menon, "Muslim School Kids Targeted in Gujarat," *Hindustan Times*, April 6, 2002.
- <sup>117</sup> S.N.M. Abdi, "Hindu hoodlums warn school heads to remove Muslims," *South China Morning Post*, April 9, 2002.
- <sup>118</sup> Barkha Dutt, "Opinion: Covert Riots And Media," *Outlook*.
- <sup>119</sup> Bose, "Ethnic Cleansing in Ahmedabad."



<sup>120</sup> Ibid.

<sup>121</sup> Harsh Sethi, "Frayed at the Edges," *Hindu*, March 16, 2002.

<sup>122</sup> Human Rights Watch interview, Fatu Bhen , Ahmedabad, March 22, 2002.

<sup>123</sup> Human Rights Watch interview, Jinat A., Ahmedabad, March 22, 2002.

<sup>124</sup> Human Rights Watch interview, Noorjehan, Ahmedabad, March 22, 2002.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

<sup>129</sup> Human Rights Watch interview, Noorjehan, Ahmedabad, March 22, 2002.

<sup>130</sup> Human Rights Watch interview, Rehman Pata, Ahmedabad, March 22, 2002.

<sup>131</sup> Human Rights Watch interview, Sheikh S., Ahmedabad, March 22, 2002.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

<sup>134</sup> People's Union Civil Liberties-Vadodara, Shanti Abhiyan, "The Role of Newspapers During the Gujarat Carnage: February 28 - March 24," April 5, 2002, <http://www.pucl.org> (accessed April 13, 2002).

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> "Indian State Pledges Safe Return for Haj Victims," Reuters, March 18, 2002.

<sup>138</sup> Rupak Sanyal, "Police beat up journalists as Hindu activists disrupt aid meeting," Associated Press, April 8, 2002.

<sup>139</sup> Josy Joseph, "AIR staff reprimanded for Godhra report," *rediff.com*, March 1, 2002, <http://www.rediff.com/news/2002/mar/01train7.htm> (accessed April 15, 2002).

<sup>140</sup> "Alert-India: Journalists attacked by police in the state of Gujarat," Reporters Sans Frontières, April 10, 2002, <http://www.rsf.org/rsf/uk/> (accessed April 15, 2002).

<sup>141</sup> Ibid.

<sup>142</sup> "Gujarat used as Hindutva laboratory," *Asian Age*, March 25, 2002.

<sup>143</sup> Scott Baldauf, "Indian government struggles to maintain order; Continuing riots test Hindu-led coalition's credibility," *Christian Science Monitor*, March 4, 2002. On March 17 the RSS passed a resolution warning Muslims that their safety lay in the goodwill of the majority. The resolution, titled "Godhra and After," justifies the post-Godhra violence as "natural and spontaneous." Echoing statements made by the chief minister, RSS Joint General Secretary Madan Das Devi, in explaining the resolution, added that, "there will be a reaction to any action." "Hindu goodwill key to Muslims' safety: RSS," *Hindustan Times*, March 18, 2002.

<sup>144</sup> Anjali Mody, "Gujarat report-whitewashing reality?" *Hindu*, April 5, 2002.

<sup>145</sup> Ibid.

<sup>146</sup> Shyam Parekh, "Riots probe panel faces credibility crisis," Times News Network, March 11, 2002. Chief Minister Modi has also reportedly requested a list of judges in Gujarat who have a "track record" of giving "anti-government" verdicts. Deepal Trevedie, "Gujarat CM now targets judges," *Asian Age*, April 7, 2002.

<sup>147</sup> State governments in India share a common history of appointing judicial commissions of inquiry to quell public outcries against police excesses during large-scale communal and caste clashes. Although these commissions do serve a political function, their findings, if and when released to the public, are frequently in favor of the state. Those that criticize the state are rarely implemented. See, for example, the BJP government's refusal to adopt the Srikrishna Commission's recommendations on the 1992-1993 Bombay riots in Chapter VI. The report of the commission singled out various state officials for their role in inciting violence against Muslims. See also the history of Tamil Nadu government-appointed commissions of inquiry into attacks against Dalits in Human Rights Watch, *Broken People: Caste Violence Against India's "Untouchables,"* Chapter V.

<sup>148</sup> Anil Pathak, "Traditional hot-beds of strife remain relatively quiet," *Times of India*, March 5, 2002.

## V. RETALIATORY ATTACKS ON HINDUS

Hindus have also suffered greatly from the violence in Gujarat. In addition to the fifty-eight people killed during the torching of the Sabarmati Express in Godhra on February 27, 2002, over ten thousand Hindus have also been made homeless as a result of post-Godhra violence.<sup>149</sup> Many

also fear retaliatory attacks by Muslims communities-promoted in some areas by false reports in the local language media -or fear of being mistaken for Muslim by Hindu mobs.<sup>150</sup> To provide some protection from the latter, some Hindus, and possibly some Muslims, resorted to adorning their homes and places of business with prominent Hindu symbols, including pictures of Hindu gods and goddesses, both during and since the initial attacks.

An adjoining Hindu home stood unscathed in the row of burned Muslim homes in Naroda Patia, a site visited by Human Rights Watch on March 22. The Hindu residents had a picture of the Hindu goddess Saraswati and a saffron flag, the representative flag of the Hindutva groups, on prominent display at the entrance of their home. On an outside facing wall, the words Jai Ram, Jai Ram appeared in big bold letters. They told Human Rights Watch that they needed to identify themselves as Hindu for protection.<sup>151</sup> Homes and commercial establishments throughout Ahmedabad and elsewhere have taken to "wearing their religion on their sleeve."<sup>152</sup> According to an article in the *Times of India*:

"Jai Shri Ram" and posters of Hindu gods and goddesses have become passwords to survival for those who live in mixed localities or have controversial names that can be mistaken as belonging to that of the minority community.... The humble mango leaf is suddenly in demand as well.... Others have fallen back on simple symbols. Fresh swastikas [a traditional Hindu symbol], the symbolic Om and Jai Shri Ganesh [Praise Lord Ganesh] surfaced overnight on rusted shutters of mechanics and greengrocers at Naroda, Bapunagar and Memnagar. In Vadodara, a number of houses have Ram inscribed on doors and shopkeepers have hung boards proclaiming: "This shop belongs to a Hindu". Others have resorted to decorating doorways with coconuts on a kalash near their doorsteps. In Karelibaug, even housing societies have pasted posters of Hindu gods and goddesses at the main gates.<sup>153</sup>

An *India Today* article contained the followings accounts of retaliatory violence against Hindu communities, though the list is far from complete:

In Ahmedabad, violence broke out on March 17 when Dalits in the Danilimda area were attacked by Muslims. On March 19, it was Modasa, a town in Sabarkantha district. A police officer's son was stabbed and two communities went berserk.... The stories only got more macabre. In Himmatnagar, a young man who went to a Muslim-dominated area to do business was found dead, with his eyes gouged out. In Bharuch, the murder of a Muslim youth led to mass violence. Next the Sindhi Market and Bhanderi Pole areas of Ahmedabad, hitherto calm, were attacked by mobs. This phase, really, was one of Muslim mobs attacking Hindus. By the time [Prime Minister] Vajpayee arrived [on April 4] the Hindu throngs were looking for blood again. The cycle seemed unending, at least for the immediate future.<sup>154</sup>

On March 21, fifty shops in Revdi Bazaar-a market place for wholesale cloth in the Panchkuva area of Ahmedabad-were set ablaze. According to former BJP corporator (local official) and local shop owner Balram Thavani, "Since morning, there were instances of stone-throwing and abortive attacks on local shopkeepers and their residences. Matters turned worse after a mob attack on the Sindhi Market was foiled by SRP personnel stationed at the site. The mob then turned its fury on the Revdi Bazaar and started sprinkling acid, oil, petrol, and inflammable chemicals on cloth shops. The next thing we knew, our shops were ablaze."<sup>155</sup>

### **Mahajan No Vando, Jamalpur**

Human Rights Watch visited Mahajan No Vando, a fortified Hindu residential area situated within the Muslim dominated area of Jamalpur, on March 23. Mahajan No Vando was the site of a retaliatory attack by Muslims on March 1.

According to residents, approximately twenty-five people were injured in the attacks and at least five homes were completely destroyed. Residents closer to the periphery of the fortified compound and its entrance also suffered extensive property damage. Muslim residents attacked the compound from the higher Muslim-owned buildings that surrounded it using light bulbs filled with acid, petrol and crude bombs, and bottles filled with kerosene and set some Hindu-owned houses on fire. According to the residents, who had collected and saved the remnants of what was thrown in and showed them to Human Rights Watch, "There was acid in the glass bottles and in the light bulbs that were thrown in. They used solvent petrol, kerosene, and acid. They filled some Pepsi bottles with them."<sup>156</sup>

Like many Muslim victims of attacks, the Hindu residents of Mahajan No Vando were surprised at the overnight animosity of their neighbors. One resident told Human Rights Watch: "There were no problems before February 27. On the 28<sup>th</sup>, the VHP declared all of Gujarat closed. We didn't attack anyone. We are all poor people, we live on our labor."<sup>157</sup>

The appointed head of the community described the method of attack:

On March 1, at around 2:15 p.m. they surrounded us. There were so many people you couldn't count them. They attacked us from all sides. There was a row of twenty-four houses on the periphery of the vando [courtyard] and they burnt them all using petrol. Five or six were completely destroyed but we saved some using water. They also burned other homes and tried to break down the houses and enter. This went on for three-and-a-half hours. The police were few and couldn't really do much so they left. We are trapped here. We haven't left here since then. Some organizations are helping us. The VHP and RSS have helped us a bit as well. We are worried that once the protection lifts at the end of the month, what will happen to us? We cannot leave for work because it is difficult to come back after 6:30 p.m. No one was killed in this area but some were injured. NGO doctors also came.<sup>158</sup>

A resident named Harki Bhen added:

Kerosene bottles were thrown in through the roof. They threw it through the windows and the openings in the walls. We called the police thousands of times but they told us, "Sir is out". In the morning the mosques began announcing that Islam was in danger, that there was poison in the milk. This is their code word. We are the only Hindus here, poison here means us. The rioting lasted between 2:15 p.m. and 5:30 p.m. First they destroyed the police stall outside. At 11:00 p.m. two police people came to us. We had to give them security.<sup>159</sup>

Kankubhen Kanjibhai lives in the first home on the left next to the colony gates, where the attackers first started to force their way into the area. "Everything was burned, clothes, dishes, everything. I only have left what I am wearing."<sup>160</sup> Her one-room house was completely charred. A few houses down, a Hindu shrine had also been destroyed.

A very elderly and frail woman called Ukibhen Sawaji told us: "I was sitting inside my home and everything started burning. They jumped in; they looted us also. They took our dishes and our bedding that we had kept for the dowry."<sup>161</sup> Seven-year-old Bharat Rameshbhai showed us the raw exposed skin that covered his right arm: "They threw bottles down into our home, I was inside the house. The house started burning."<sup>162</sup> Resident D. R. Rathod whose home was partly damaged in the attacks said, "Just like the train was burning, that same way our homes burned too."<sup>163</sup>

When asked about police response during the attacks, Human Rights Watch was told:

After 5:30 p.m., the brigadier came in. The Rapid Action Force and the military said, "We got no message to come here. We have been close by for seven hours but got no message that there was any problem here." The police said, "We are on our way." They cut off our phones from the outside. When the police arrived they threw tear gas inside here.<sup>164</sup>

A strong police presence outside the colony that included several members of the Border Security Force (BSF) was helping to prevent further attacks. But residents feared what would happen once the BSF protection was lifted. While they were frustrated with the pace of police investigations, they noted that the police filed the complaints and even sent an acid bottle to be lab tested. One resident told us:

There are twelve to thirteen people stationed outside. But they will leave on March 30. We don't know what will happen after that. After the first incident, another acid bottle was thrown in around March 15. Nothing has happened since then. The police took the acid bottle and sent it to the lab. We are working with the Gaikwad police station. We have filed complaints with the police. The police noted everything down but there is no combing of the areas.<sup>165</sup>

Two members of the Ahmedabad Home Guard who were stationed at Jamalpur even prior to the attacks entered the colony during Human Rights Watch's investigation. They encouraged us to take more photos, carefully note down all the damage and visit each and every damaged home to talk to the resident. Their behavior stood in sharp contrast to that of police stationed near sites of destruction of Muslim homes, such as Naroda Patia, where a member of Gujarat intelligence worked diligently to note the comings and goings of those viewing the damage interviewing remaining residents.

When asked where they were during the attack one noted: "The whole city was in a storm, but this incident was the worst incident of Jamalpur. Everywhere else there was just a little bit of stone throwing. These people cannot sleep, they are afraid that someone will come again."<sup>166</sup>

On March 6, Chief Minister Narendra Modi visited Mahajan No Vando and according to the residents told them, "You will be taken care of." Still, the residents claim that no arrests have been made.

<sup>149</sup> Sanjay Pandey, "Riots hit all classes, people of all faith," *Times of India*, March 18, 2002.

<sup>150</sup> See People's Union Civil Liberties, "The Role of Newspapers During the Gujarat Carnage."

<sup>151</sup> Human Rights Watch visit to Naroda Patia, March 22, 2002.

<sup>152</sup> Amit Mukherjee, "Shops in Gujarat wear religion on their sleeve," *Times of India*, March 18, 2002.

<sup>153</sup> Ibid.

<sup>154</sup> Udhay Mahurkar, "Gujarat: End of Hope," *India Today*, April 15, 2002.

<sup>155</sup> "Rioters torch 50 shops at Revdi Bazaar," *Times of India*, March 24, 2002.

<sup>156</sup> Human Rights Watch interviews, Mahajan No Vando residents, Ahmedabad, March 23, 2002.

<sup>157</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002.

<sup>158</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002.

<sup>159</sup> Human Rights Watch interview, Harki Bhen, Ahmedabad, March 23, 2002.

<sup>160</sup> Human Rights Watch interview, Kankubhen Kanjibhai, Ahmedabad, March 23, 2002.

<sup>161</sup> Human Rights Watch interview, Ukibhen Sawaji, Ahmedabad, March 23, 2002.

<sup>162</sup> Human Rights Watch interview, Bharat Rameshbhai, Ahmedabad, March 23, 2002.

<sup>163</sup> Human Rights Watch interview, D. R. Rathod, Ahmedabad, March 23, 2002.

<sup>164</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002.

<sup>165</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002.

<sup>166</sup> Human Rights Watch interview, Ahmedabad Home Guard member, Ahmedabad, March 23, 2002.

## VI. THE CONTEXT OF THE VIOLENCE IN GUJARAT

Communal violence against Muslims in Gujarat is intimately connected to a rise of Hindu nationalism in the country and the state, a phenomenon that is also responsible for attacks against Christians over the last several years in the state and around the country. The following provides a brief overview of the rise of Hindu nationalism and related attacks on minorities in the state.

### **The Sangh Parivar**

The Hindu organizations considered most responsible for the violence in Gujarat are the Vishwa Hindu Parishad, the Bajrang Dal, and the Rashtriya Swayamsevak Sangh, which along with the

Bharatiya Janata Party collectively form the sangh parivar. Portions of the following descriptions of the nature and missions of these organizations are taken from the September 1999 Human Rights Watch report *Politics By Other Means: Attacks Against Christians in India*.<sup>167</sup>

The RSS was founded in the city of Nagpur in 1925 by Keshav Baliram Hedgewar with the mission of creating a Hindu state. Since its founding, it has propagated a militant form of Hindu nationalism which it promotes as the sole basis for national identity in India. According to the RSS, the leaders of India's nationalist movement and those of post-independence India failed to create a nation based on Hindu culture.<sup>168</sup> Western thought and civilization are perceived as enemies of Hindu culture. Religions such as Islam and Christianity are depicted as alien to India, as they are seen as the religions of foreign invaders—the Mughals and the British.<sup>169</sup> The RSS wanted "the entire gamut of social life" to be designed "on the rock bed of Hindu nationalism," a goal that inspired the creation of RSS political, social, and educational wings, a family of organizations that is now referred to collectively as the sangh parivar.<sup>170</sup>

The VHP was formed in 1964 to cover the social aspects of RSS activities. The VHP organizes and communicates the RSS message to Hindus living outside India and holds conferences for Hindu religious leaders from all over the country. The most publicized of the VHP's activities was its campaign to build a temple to the Hindu god Ram at the site of the Babri Masjid, a mosque in the city of Ayodhya in Uttar Pradesh. The VHP, along with the other sangh parivar organizations, claimed that the site of the mosque was actually the birthplace of Ram and that a temple at that site had been destroyed in order to build the mosque. On December 6, 1992, the mosque was demolished by members of the VHP, the Bajrang Dal, and RSS-trained cadres. The police did not intervene. The incident sparked violence around the country in which thousands were killed.<sup>171</sup> Since then, the VHP has also organized a program to reconvert those who had converted from Hinduism to other faiths.

The Bajrang Dal is the militant youth wing of the VHP. It was formed in 1984 during the Babri Masjid conflict, in order to mobilize youth for the Ayodhya campaign.<sup>172</sup> A young women's association, the Durga Vahini, was also founded at this time. Unlike other organizations affiliated to the RSS, the Bajrang Dal is not directly controlled by the sangh parivar. With its loose organizational structure, it initially operated under different names in different states. Its activists are believed to be involved in many acts of violence carried out by Hindutva organizations,<sup>173</sup> including the spate of attacks against the Christian community in India that began in 1998.

The Jana Sangh Party was formed in 1951 as the political wing of the RSS. It was later replaced by the BJP in 1980. The BJP heads India's coalition government, along with twenty-one other parties that collectively form the National Democratic Alliance. The BJP recently suffered electoral setbacks at the state level. The BJP now only controls the state legislatures in Gujarat, Orissa, Himachal Pradesh, and Jharkand. The party was voted out of power during the February 2002 elections in Uttar Pradesh, Uttaranchal, and Punjab. The BJP also suffered a huge defeat in the Delhi municipal elections in March 2002, where they won only seventeen out of 134 seats.<sup>174</sup>

BJP president and home minister L. K. Advani and Uttar Pradesh chief minister Kalyan Singh were among the forty people accused by the Central Bureau of Investigation of the destruction of



the mosque. Also on the list were Murli Manohar Joshi, the former chief minister of Maharashtra, and Bal Thackeray, the leader of the Shiv Sena. The CBI charged all of the accused with "criminal conspiracy, intentional destruction and defiling of a place of worship, criminal trespass and intimidation of public servants on duty."<sup>175</sup> Advani and Joshi were present in Ayodhya when Hindu militants tore down the mosque.<sup>176</sup>

The Srikrishna Commission was established in response to the notorious 1992-1993 Bombay riots that claimed more than seven hundred lives, mostly Muslims, in the aftermath of the mosque's destruction. The report's findings were presented to the government of Maharashtra on February 16, 1998, more than five years after the riots took place. The report determined that the riots were the result of a deliberate and systematic effort to incite violence against Muslims and singled out Shiv Sena leader Bal Thackeray and Chief Minister Manohar Joshi as responsible. Despite widespread calls by the political opposition, human rights groups, women's rights groups, and other community groups, for the prosecution of the perpetrators, the-then Shiv Sena-BJP government refused to adopt the commission's recommendations, and instead labeled the report "anti-Hindu."<sup>177</sup> On July 14, 2000, the Maharashtra state government announced its intention to prosecute Thackeray for his role in inciting the Bombay riots. On July 25, amid rioting by Shiv Sena supporters, Thackeray was arrested only to be released a few hours later, after a judge ordered the case closed on the grounds that the statute of limitations relating to the incitement charges had expired.<sup>178</sup>

The BJP and its allies continue at the national level and in various states to implement an agenda for the "Hinduization" of education, mandating Hindu prayers in certain state-sponsored schools and revising history books to include what amounted to propaganda against Islamic and Christian communities.<sup>179</sup>

The continuing campaign to construct a Ram temple on the site of the Babri Masjid that was destroyed in Ayodhya, Uttar Pradesh continues to raise the spectre of further violence in the country. The recent revival of the campaign, corresponding to BJP election losses in key states, centered on the March 15, 2002 deadline set by the VHP to bring stone pillars to the site in order to begin construction of the temple. In the weeks preceding the violence in Gujarat, Hindu activists had been traveling to and from Ayodhya, including on the Sabarmati Express that was attacked in Godhra on February 27. A Supreme Court order issued two days before the March 15 deadline stopped the planned construction.<sup>180</sup> Nevertheless, VHP activists held a "symbolic" religious ceremony outside the dispute area and stone pillars were handed over to and accepted by a representative of Prime Minister Atal Behari Vajpayee.<sup>181</sup>

### **Gujarat: A Hindutva Laboratory**

Gujarat, one of few remaining Indian states still led by the BJP, has earned the dubious reputation of being a laboratory for the Hindutva agenda. The National Human Rights Commission's recommendation that the state's worst incidents of violence be investigated by the CBI reveals the commission's lack of faith that the state is capable of conducting an impartial investigation into the attacks. The apprehension, widely shared by Indian human rights organizations, stems from the intricate nexus between the BJP and its social wing, the VHP in the state. Since first assuming power in 1995, the state has stacked its inner ranks with VHP and

RSS members and others that shared and would actively promote sangh parivar's policies and programs.

Then-chief minister Keshubhai Patel, according to press reports, "disbanded most of the advisory committees in the districts and talukas, as well as the State-owned Boards and Corporations and packed the bodies with people from the Sangh Parivar."<sup>182</sup> The process stalled under Chief Minister Suresh Mehta, considered a moderate, and was briefly reversed under Chief Minister Shankarsinh Waghela who stepped in with outside support from the Congress (I) party. Patel's return to power in 1998 revived in full swing what has been termed the state's "saffronisation" process:

Importance was given to the cadres from the Sangh Parivar to dominate the numerous advisory committees at the district and taluka levels, including the Police Advisory Committee, the Social Justice Committee and others wielding enormous powers in the appointment and transfer of Government officials. The recruitment of teachers at the village level, launched by the Waghela administration, was used by the Patel Government to "infiltrate" the villages. Most of the 20,000 "vidya sahayaks" recruited to man the schools in the villages were picked from the Rashtriya Swayamsevak Sangh. The Vishwa Hindu Parishad was encouraged to open schools in remote villages. The syllabus in the schools was often subtly changed to suit the saffron ideology.<sup>183</sup>

A retired bureaucrat who worked under the Patel administration explained to the *Hindu* that, "it would be difficult to assess how many Government employees still keep in contact with the RSS to please their political bosses."<sup>184</sup> The article adds, "It may not be a coincidence that barring one person, no District Collector or development officers come from the minority community. And among senior police officers, those belonging to the minority community have been mostly sidelined."<sup>185</sup>

The extent of police involvement in the attacks indeed raises key questions about police recruitment and training in Gujarat. Since retaking power in the state in 1998, Gujarat's BJP government has systematically been keeping minority community officers away from the field and bound to the desk. According to an article in the *Telegraph*, as a result:

not a single IPS [Indian Police Service] officer from the minority community is now on a "field posting".... All eight IPS officers in the state from the minority community... are working in insignificant "support systems" and not engaged in "active policing".... [Of] the 65 minority community officers of the rank of inspector in Gujarat, only two are handling field jobs. Most minority community officers below the rank of superintendent have been relegated to the CID [Crime Investigation Department]. According to norms, when an IPS officer is promoted, he is given a field posting. However, in Gujarat, when an IPS officer from the minority community is promoted, he is sent to the computer section or given charge of police housing.<sup>186</sup>

The article also asserts that "as many as 27 police officers who had taken action against rioters have been transferred."<sup>187</sup> Gujarat Director General of Police A.K. Chakravarty's letter of protest at the transfer of senior police officers who had acted to halt the pogroms is discussed below.

The campaign to build a Ram temple at the site of the Babri Masjid in Ayodhya—which was hugely successful in cultivating a national Hindu vote bank—helped catapult the BJP into power in the early 1990s. The BJP's recent electoral losses may have fueled a resurgence of the temple construction campaign and in its wake, the violence in Gujarat (see above). The tragic events of Godhra provide fertile ground for the BJP in Gujarat to recapture some of the party's lost ground as it heads into assembly elections scheduled for February 2003.<sup>188</sup> An article in *Frontline* magazine described the significance of the assembly elections:

In less than 12 months, Gujarat's Hindu Right will face Assembly elections. Discredited by its record on the economic front, and its less-than-credible handling of the 2001 Kutch earthquake, few people had given the Bharatiya Janata Party a serious chance to retain power. Now, after February 28, the Hindu Right is again on a roll. It has learned the lessons of the 1998 Lok Sabha elections when a string of attacks on Christians and Muslims in south Gujarat helped the BJP wrest key seats, including Godhra, from the Congress (I). Tragically, Chief Minister Narendra Modi has become something of a hero for many Hindus because he presided over this pogrom.<sup>189</sup>

Narendra Modi's own appointment as chief minister, succeeding Kashubhai Patel in October 2001 was considered a huge victory for the RSS.<sup>190</sup> Modi, who served as BJP general-secretary for the six years before taking the post, is also an RSS *pracharak* (volunteer), the first-ever to become chief minister.<sup>191</sup> Pracharaks function as full-time publicists or propagandists for the RSS, "spreading the message of Hindu fundamentalism."<sup>192</sup>

That the state's Hindu and Muslim communities are deeply divided on their feelings on Chief Minister Modi was readily apparent during Modi's visits to violence-torn sites in Ahmedabad in the first week of March. As Modi's convoy drove into Naroda Patia, the site of a major Muslim massacre on February 28, a crowd of thousands greeted his arrival chanting "Bharat mata ki jai," [Praise Mother India] and "Narendra Modi Zindabad" [Long live Narendra Modi].<sup>193</sup>

On April 12, 2002, Chief Minister Narendra Modi offered to resign from his post, in what some opposition parties viewed as a political ploy.<sup>194</sup> The BJP leadership rejected Modi's resignation and instead proposed that Modi dissolve the state assembly and hold early elections in Gujarat to "seek the [people's] verdict."<sup>195</sup> Early elections in the aftermath of the attacks may favor the Hindu nationalist vote in the state, thereby ensuring Modi's continued tenure as chief minister.<sup>196</sup> The Telegu Desam Party (TDP), a key alliance partner of the fragile BJP-led central government coalition, along with other opposition groups, vigorously opposed holding "snap" elections in Gujarat, viewing them as tantamount to reelecting the government in place. In a statement the TDP accused the BJP of "trying to make political capital out of a human tragedy."<sup>197</sup>

Opposition parties began disrupting the national parliamentary sessions during the week of April 15, in protest at the call for early elections in Gujarat, calling again for Modi's removal, and demanding a parliamentary debate on the violence in Gujarat and a vote to censure the national government.<sup>198</sup> On April 17, the Gujarat cabinet deferred dissolving the state assembly, and the BJP was reported to have dropped the call for an early election.<sup>199</sup>

Protests in Parliament continued, however, and as this report went to press, the leadership of the Lok Sabha (House of the People) allowed a motion by opposition parties to allow the debate on

the violence and a possible censuring of the national government.<sup>200</sup> The debate was scheduled for April 30. The Rajya Sabha (Council of States) also passed a similarly worded agreement scheduling their own debate for May 2.<sup>201</sup>

### **A Campaign of Hate**

The rise of the BJP in Gujarat has paralleled and even been attributed to the increasing activity of the broader coalition of Hindu nationalist groups in the state. A campaign of hate against the state's minority Christian and Muslim communities began years before the 2002 attacks. A 1999 Human Rights Watch report documented the August 1998 distribution of fliers by RSS and Hindu Jagran Manch (HJM)-an offshoot of the sangh parivar consisting of people who belong to the Bajrang Dal-in Dangs district in southeastern Gujarat, site of a ten-day spate of violent and premeditated attacks on Christian communities and institutions between December 25, 1998, and January 3, 1999.

The fliers proclaimed, "India is a country of Hindus.... Our religion of Rama and Krishna is pious. To convert [or] leave it is a sin." Another flier by the VHP in Bardoli, Gujarat, warned, "Caution Hindus! Beware of inhuman deeds of Muslims.... Muslims are destroying Hindu Community by slaughter houses, slaughtering cows and making Hindu girls elope. Crime, drugs, terrorism are Muslim's empire."<sup>202</sup> A flier produced by the Bajrang Dal and VHP in November 1998 described the Bajrang Dal as a "wide organisation of youth," "working under the Vishwa Hindu Parishad," with the objectives of "protect[ing] mother India," "rais[ing] a loud voice against people who ignore Hindu Sabha [assembly]," raising people's awareness against the "trapping of Hindu girls by Muslims and anti-national activities of Christian missionaries," and working for the "protection of religion and culture."<sup>203</sup> A parallel anti-Christian campaign was supported by the Gujarati-language press that printed false reports of Hindu temples being destroyed, cited an increase in the percentage of Christians in the area, printed announcements for upcoming rallies, and repeatedly branded Christians as the main instigators of violence in December 1998 and January 1999.<sup>204</sup>

Several fact-finding missions to southeastern Gujarat by local and national human rights organizations attributed the increase in violence against Christians to the growing presence and activities of sangh parivar groups in these areas. According to an October 1998 joint report by the Committee to Protect Democratic Rights and the Andhra Pradesh Civil Liberties Committee:

A well planned strategy is being operated by the Hinduvata forces in Gujarat and it aims at communalising society at the grass root level. Youngsters belonging to the age group of fifteen to twenty-five are being recruited as activists of the Bajrang Dal for this purpose. They are taught to carry out operations covertly and deny any knowledge of those incidents where communal flare-ups do take place.... The VHP has also intensified its activities all over Gujarat. Activities such as the distribution of the idols of Hindu Gods, revival of Hindu festivals, conducting of "Artis" [prayer ceremonies] etc., are on the increase in recent months.... A well planned program to "Hinduise" the tribals is in full swing in the entire tribal belt of South Gujarat. The founding of the units of the VHP and the BD [Bajrang Dal] in each tribal locality, the regular visits and preaching of Swamis, the construction of temples for tribals, etc. are being pursued vigorously. The attack on Christian churches, disruption of prayer meetings, physical assaults on Christians, etc. are part [of] and the result of this programme.<sup>205</sup>

### ***Economic Boycotts and Hate Propaganda***

A pamphlet calling for the economic boycott of Muslims has resurfaced in the state since the March 2002 attacks. The pamphlet was issued in the name of the VHP's office in Raanip locality though its origins have yet to be traced.<sup>206</sup>

The pamphlet-the text of which is included in the appendix to this report-refers to Muslims as "anti-national elements" who molest Hindus' sisters and daughters and who use money earned from Hindus to buy arms. It calls on its readers to institute a complete boycott of goods and services proffered by Muslims, adding that Muslims should not be hired in Hindu establishments and should not be allowed to rent property. It also cautions Hindus to be "alert to ensure that [Hindus'] sisters-daughters do not fall into the 'love-trap' of Muslim boys" and calls on Hindus to vote, but "only for him who will protect the Hindu nation."<sup>207</sup>

Though the VHP has denied authorship of the pamphlet, it is already achieving its intended effect.<sup>208</sup> According to an organizer of the Chartoda Kabristan camp in Ahmedabad: "The Hindus are not selling their wares to Muslims. A certain boycott is in effect."<sup>209</sup> An article in the *Washington Post* also notes the difficulties relief camp residents in Ahmedabad are facing returning to their jobs for fear of attack, or because their employers have hired Hindus in their place.<sup>210</sup> A report issued by the Vadodara branch of the People's Union for Civil Liberties and Shanti Abhiyan also noted that pamphlets calling for an economic boycott against Muslims were being distributed in and around the city of Vadodara, Gujarat.<sup>211</sup> The forced isolation of Muslim community members afraid to leave ghetto neighborhoods that have become affected, has also resulted in reports of acute food shortages and starvation in Ahmedabad.<sup>212</sup>

### **Communal Violence and Attacks Against Christians in Gujarat**

Communal violence is not new to Gujarat. Successive episodes of Hindu-Muslim violence (in 1969, 1985, 1989, and 1992) have resulted in the increasing ghettoization of the state's Muslim community, a pattern that promises to reinforce itself as Muslim residents once again look for safety in numbers and refuse to return to what is left of their residences alongside Hindu neighbors. After the experience of earlier riots, many Muslim establishments had also taken Hindu names.<sup>213</sup> Those too were selectively targeted for attacks using lists prepared in advance. The current climate also cannot be divorced from heightened conflict in Kashmir, India's deteriorating relations with Pakistan, and the VHP's ongoing temple construction campaign in Ayodhya.<sup>214</sup>

Hindu nationalist groups were also directly responsible for the spate of violence against the state's Christian community in 1998 and 1999. As documented in the 1999 Human Rights Watch report, *Politics By Other Means: Attacks Against Christians in India*, anti-Christian violence in the state of Gujarat reached its peak during Christmas week 1998 when a local extremist Hindu group obtained permission to hold a rally on December 25 in Ahwa town in the state's southeastern Dangs district. Over 4,000 people participated in the rally, shouting anti-Christian slogans while the police stood by and watched. After the rally, Hindu groups began to attack Christian places of worship, schools run by missionaries, and shops owned by Christians and Muslims. Between December 25, 1998, and January 3, 1999, churches and prayer halls were damaged, attacked, or burned down in at least twenty-five villages in the state. Scores of individuals were physically assaulted, and in some cases tied up, beaten, and robbed of their



belongings while angry mobs invaded and damaged their homes. Thousands of Christian tribal community members in the region were also forced to undergo conversions to Hinduism.<sup>215</sup>

The current spate of attacks appears to be unparalleled in the history of the state since the independence partition, both because of the extent of state involvement in the violence and the participation of and impact on all classes of society:

The underclass was supported in the looting by the middle and upper middle classes, including women. They not only indulged in pillaging but openly celebrated the destruction and mounting death toll.... New areas joined the sectarian frenzy. Implicit in this participation was an expectation of tacit, if not overt support, from the state Government. As Maheshbhai, an entrepreneur, says, "For the first time we have had a chief minister who has stood up. The Muslims have been the aggressors for the past 50 years. This time it was different."<sup>216</sup>

Muslims from all sections of the population were affected, "from slum dwellers to businessmen and white collar professionals and senior government bureaucrats."<sup>217</sup> High court judges and Muslim police officers were also attacked.<sup>218</sup> Muslim policemen have since sought special permission to be on duty without their name tags.<sup>219</sup>

A history of communal violence has left its mark. Over one hundred areas in Gujarat have long been declared "sensitive" or violence-prone by state authorities, yet few, if any, of the state's many guidelines on preventive measures to address communal violence at the first sign of trouble were implemented following the Godhra attack.<sup>220</sup> As a senior retired police officer commented in an article in the *Hindu*: "[T]he sky is the limit for taking preventive measures," though none were implemented "in the 24 hours it [the administration] had at its disposal between Godhra and the bandh [shutdown]."<sup>221</sup>

<sup>167</sup> See section on the sangh parivar in Human Rights Watch, "Politics By Other Means: Attacks Against Christians in India," *A Human Rights Watch Report*, vol. 11, no. 6, September 1999, chapter III, [http://www.hrw.org/reports/1999/indiachr/christians8-03.htm#P191\\_32616](http://www.hrw.org/reports/1999/indiachr/christians8-03.htm#P191_32616) (accessed April 15, 2002).

<sup>168</sup> Tapio Tamminen, "Hindu Revivalism and the Hindutva Movement," <http://www.abo.fi/comprel/temenos/temeno32/tamminen.htm> (accessed April 15, 2002).

<sup>169</sup> Rashtriya Swayamsevak Sangh, "Sangh-Inspired Organisations," in *Widening Horizons*, <http://www.rss.org/books/wideninghorizons/ch7.html>. Both Islam and Christianity were introduced to India long before Mughal and British rule.

<sup>170</sup> *Ibid.*; Rashtriya Swayamsevak Sangh, "Sangh's March," in *Widening Horizons*, <http://www.rss.org/library/books/wideninghorizons/ch9.html> (accessed September 1999).

<sup>171</sup> See Human Rights Watch, "India: Communal Violence and the Denial of Justice."

<sup>172</sup> N. K. Singh and U. Mahurkar, "Bajrang Dal: Loonies at Large," *India Today*, February 8, 1999.

<sup>173</sup> Ibid.

<sup>174</sup> Ashok Damodaran, "BJP: The Party is Over," *India Today*, April 15, 2002.

<sup>175</sup> "Top BJP leaders accused of razing medieval mosque," Inter Press Service, October 6, 1993.

<sup>176</sup> "India Arrests 5 Over Mosque Demolition," Reuters, April 8, 1993.

<sup>177</sup> "Srikrishna report indicts Thackeray, Joshi," *Indian Express*, August 7, 1998.

<sup>178</sup> Human Rights Watch, *World Report 2001*, p. 198.

<sup>179</sup> Human Rights Watch, "India Human Rights Press Backgrounder."

<sup>180</sup> Uttara Choudhury, "India's Supreme Court bans religious ceremony in Ayodhya," Agence-Press France, March 13, 2002.

<sup>181</sup> Myra MacDonald, Terry Friel, "India's hardline Hindu prayer ceremony peaceful," Reuters, March 15, 2002.

<sup>182</sup> Manas Dasgupta, "NHRC indictment shocks Gujarat," *Hindu*, April 3, 2002.

<sup>183</sup> Ibid. In 2000, the state government of Gujarat lifted a ban on civil servants joining the RSS. Severely criticized by opposition parties and secular groups, the decision was later reversed. Human Rights Watch, *World Report 2001*, p. 198; and Ravish Mishra, "BJP backs off, withdraws RSS circular," *Indian Express*, March 8, 2002.

<sup>184</sup> Dasgupta, "NHRC indictment shocks Gujarat."

<sup>185</sup> Ibid.

<sup>186</sup> Rawat, "Minority hole in Gujarat police force."  
[http://www.telegraphindia.com/archive/1020327/front\\_pa.htm#head7](http://www.telegraphindia.com/archive/1020327/front_pa.htm#head7) (accessed April 9, 2002).

<sup>187</sup> Ibid.

<sup>188</sup> Dasgupta, "Saffronised police show their colour."

<sup>189</sup> Swami, "Saffron Terror."

<sup>190</sup> "New chief minister for Gujarat," BBC News, October 4, 2001,  
[http://news.bbc.co.uk/hi/english/world/south\\_asia/newsid\\_1579000/1579033.stm](http://news.bbc.co.uk/hi/english/world/south_asia/newsid_1579000/1579033.stm) (accessed April 10, 2002).

<sup>191</sup> V. Venkatesan, "A pracharak as Chief Minister," *Frontline*, October 13 - 26, 2001.



<sup>192</sup> Kuldip Nayar, "Dilli's Gang of Four," *Indian Express*, October 23, 2001, <http://www.indian-express.com/columnists/kuld/20011023.html> (accessed April 17, 2002).

<sup>193</sup> "Modi hears only `Bharat mata ki jai,'" *Times of India*, March 6, 2002.

<sup>194</sup> "India's opposition turns up the heat," BBC News, April 16, 2002, [http://news.bbc.co.uk/hi/english/world/south\\_asia/newsid\\_1930000/1930330.stm](http://news.bbc.co.uk/hi/english/world/south_asia/newsid_1930000/1930330.stm) (accessed April 24, 2002).

<sup>195</sup> "Modi's resignation offer rejected, asked to seek fresh mandate," *Outlook*, April 12, 2002, [http://www.outlookindia.com/pti\\_news.asp?id=51712](http://www.outlookindia.com/pti_news.asp?id=51712) (accessed April 24, 2002).

<sup>196</sup> "Uproar over riot-hit Indian state halts parliament," Reuters, April 15, 2002.

<sup>197</sup> "Indian coalition ally condemns early election call," Reuters, April 13, 2002.

<sup>198</sup> "Indian opposition keeps up heat on government over riots," Reuters, April 16, 2002.

<sup>199</sup> "Gujarat Cabinet defers decision on dissolution of assembly," *rediff.com*, April 17, 2002, <http://www.rediff.com/news/2002/apr/17train1.htm> (accessed April 24, 2002); "Gujarat assembly not to be dissolved before Presidential poll," *Outlook*, April 23, 2002, [http://www.outlookindia.com/pti\\_news.asp?id=53783](http://www.outlookindia.com/pti_news.asp?id=53783) (accessed April 24, 2002).

<sup>200</sup> "Opposition censure motion on Gujarat violence admitted in Lok Sabha," *Outlook*, April 24, 2002, [http://www.outlookindia.com/pti\\_news.asp?id=53639](http://www.outlookindia.com/pti_news.asp?id=53639)

<sup>201</sup> "Rajya Sabha too will debate and vote on Gujarat," *Times of India*, April 24, 2002.

<sup>202</sup> In towns outside of Dangs, members of the Muslim community also came under attack. In several districts, inter-religious marriages between Muslim men and Hindu women were being depicted as incidents of "the abduction of girls." The government of Gujarat has also announced that it would "probe into all such marriages, that too, only when the bridegrooms are Muslim." "Attacks on Religious Minorities in South Gujarat," A Report by the Combined Fact Finding Team of CPDR and APCLC, October 1998, p. 7.

<sup>203</sup> Citizens' Commission on persecution of Christians in Gujarat, *Violence in Gujarat: test case for a larger fundamentalist agenda* (National Alliance of Women, 199=), p. 45. In early September 1999, on the eve of national parliamentary elections in Gujarat, the VHP distributed inflammatory pamphlets in the slum areas of Ahmedabad. Among the many attacks on minorities contained in the pamphlets was the charge that Muslim men were trapping Hindu girls into marriage. The pamphlets also said that the populations of Christians and Muslims in the country since independence have increased at a far greater rate than the population of Hindus, and that voters should think twice before handing the country back to a Christian foreigner—namely Italian-born Congress Party president Sonia Gandhi. "VHP unleashes pamphlet attack on Sonia, minorities," *Times of India*, September 3, 1999.

<sup>204</sup> "Details of the incidents that have taken place on 25.12.98 (daytime) in Ahwa, Dangs District, S. Gujarat," *A South Gujarat Tribal Christian Welfare Council Report*, December 29, 1998.

<sup>205</sup> "Attacks on Religious Minorities in South Gujarat," A Report by the Combined Fact Finding Team of CPDR and APCLC, October 1998, p. 7.

<sup>206</sup> "Pamphlet calling for boycott of Muslims causing concern in Ahmedabad," *rediff.com*, March 12, 2002, <http://www.rediff.com/news/2002/mar/12train4.htm> (accessed April 10, 2002).

<sup>207</sup> The spread of hate propaganda in Gujarat is not unlike the propaganda against Tutsis in the years preceding the genocide in Rwanda where through the written press and radio, extremists taught that the Hutu and Tutsi were different peoples. Simplifying and distorting history, the propagandists insisted that the Tutsi were foreign conquerors who had ruthlessly dominated the majority Hutu. The propaganda also warned Hutu men to beware of Tutsi women, not unlike propaganda in Gujarat that warns Hindus to protect their daughters from Muslim men. The targeted use of sexual violence against Tutsi women during the genocide was fueled by the propagation of both ethnic and gender stereotypes. See Human Rights Watch, "Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath," *A Human Rights Watch report*, September 1996, <http://www.hrw.org/reports/1996/Rwanda.htm> (accessed April 15, 2002).

<sup>208</sup> Malekar, "Silence of the Lambs," *The Week*.

<sup>209</sup> Human Rights Watch interview, Chartoda Kabristan camp organizer, Ahmedabad, March 23, 2002.

<sup>210</sup> Rama Lakshmi, "Sectarian Violence Haunts Indian City: Hindu Militants Bar Muslims From Work," *Washington Post*, April 8, 2002.

<sup>211</sup> The report also cited a confidential letter from the RSS calling for the boycott of all minority secular programs. People's Union for Civil Liberties, "An Interim Report to the National Human Rights Commission."

<sup>212</sup> "Threat of starvation looms large in Ahmedabad areas," Press Trust of India, April 6, 2002.

<sup>213</sup> Bose, "Ethnic Cleansing in Ahmedabad."

<sup>214</sup> V. Shankar Aiyar and Uday Mahurkar, "Gujarat: Losing Faith," *India Today*, March 18, 2002.

<sup>215</sup> See Human Rights Watch, "Politics By Other Means." More incidents of violence against India's Christian community were recorded in 1998 and 1999 than in all the years since independence. Attacks occurred primarily in the tribal regions of Gujarat, Madhya Pradesh, and Orissa, as well as the state of Maharashtra. Activists belonging to militant Hindu extremist groups, including the Bajrang Dal and the Vishwa Hindu Parishad were often blamed for the violence. While the central government officially condemned the attacks, spokespersons for the

BJP characterized the surge in violence as a reaction to a conversion campaign by Christian missionaries in the country. Sporadic violence continues to this day.

<sup>216</sup> Mahurkar, "Gujarat: Losing Faith," *India Today*.

<sup>217</sup> Bose, "Ethnic Cleansing in Ahmedabad."

<sup>218</sup> Justice M.H. Kadri, a sitting Gujarat High Court judge, for example, found himself having to retreat to an undisclosed location when large crowds began gathering near his house. Bhushan, "Thy Hand, Great Anarch."

<sup>219</sup> "Muslim policemen scared to wear name tags in Gujarat," *Asian Age*, March 24, 2002.

<sup>220</sup> Aiyar, "Gujarat: Losing Faith."

<sup>221</sup> "Callousness... after the carnage," *Hindu*, March 31, 2002

## VII. IMPUNITY IN THE AFTERMATH

Even as attacks continued to occur six weeks after the Godhra attacks, the Gujarat state administration was engaged in a massive cover-up of the Bharatiya Janata Party and Vishwa Hindu Parishad's extensive involvement. The state government's claims to have arrested 2,500 people in early March in connection to post-Godhra violence were undermined by reports claiming that no BJP, VHP, or Bajrang Dal activists were among those arrested. Police officials have either refused to name them in the police reports-FIRs-or under pressure from the state administration have booked some under less serious charges.<sup>222</sup> Many police officers who have pursued charges against leaders of the attacks on Muslims, or those who tried to maintain law and order during the attacks, have since been transferred. Muslims in the state have been denied equal protection of the law and continue to be arbitrarily detained and booked on false charges following combing operations in Muslim neighborhoods.

### **Impunity for BJP, VHP and Bajrang Dal Members**

According to press reports, numerous BJP and VHP leaders and members have been accused of murder, arson, rioting with deadly weapons, and conspiracy, among other crimes, in the police reports filed following the massacres in Naroda Patia and Gulmarg Society, although few if any have been charged.<sup>223</sup>

Police reports obtained by the Associated Press name a specific BJP leader as having led the attack on Gulmarg Society while pinpointing the responsibilities of named VHP leaders for participation in the killings at Naroda Patia:

One report said nine people, including local Bharatiya Janata Party leader Deepak Patel, headed Hindus who burned to death 42 people, including former Parliament member Ehsan Jaffrey, in the Muslim neighborhood known as Gulbarg Society in Meghaninagar. "These persons, armed with weapons, led a mob of 20,000 to 22,000, which attacked Gulbarg Society and set it ablaze," said the report by Kirit Erda, senior inspector-in-charge of the Meghaninagar police station.

"They first burned to death 18 residents and later burned 24 more persons in the same place," said Erda's report, written in the Gujarati language.

A separate report dealing with the Naroda killings blamed members of the World Hindu Council. "The carnage at Naroda Patia was the handiwork of a mob of 6,000, which was led by Babu Bajrangji, Kishan Kosani, T.J. Rajput, Harish Rohit and Raju Goyal," said the report written by N.T. Bala, an assistant police sub-inspector. "These people, possessing deadly weapons, led the mob of about 6,000, all belonging to the Hindu community," said Bala's report. It details how the mob set fire to 24 homes, killing the 65 Muslims inside.<sup>224</sup>

According to the Associated Press, the Gujarat state joint secretary for the VHP Jaideep Patel confirmed that all five men were local leaders of the organizations but charged that the reports were false: "Police have falsely implicated my men in this case," Patel said. "Without doing any investigation, the FIR was lodged by the assistant sub-inspector in link with some anti-Hindu forces"<sup>225</sup>

Patel himself is reportedly named in a police complaint as one of the attackers who set fire to a house in Naroda Patia:

The FIR mentions Mr. Patel and five others as having led a mob of about 1,500 to 2,000 people which attacked the building and set it afire with a large number of people trapped inside. It also claims that the mob looted household goods and other valuable material. The FIR, filed under various sections, names Mr. Patel and others for rioting, *dacoity* [banditry] and arson among other charges.<sup>226</sup>

Officials, however, reportedly cited state government instructions not to arrest the leaders of these and other attacks. According to an article in the *Asian Age*:

"It is politically incorrect to arrest them and we are under tremendous pressure to not to act against them," a top police official told. These six persons [involved in the Naroda Patia attacks], notorious for their fanaticism, have not been arrested by the police so far and top home department officials say that this is because of the state government's instructions.

A senior Indian Police Service official admitted, "While most of the policemen have consciously avoided naming any BJP, VHP or Bajrang Dal activist in the FIRs, some conscientious police officials have done so. Now they are under severe pressure to make amends."<sup>227</sup>

To probe the two incidents, the Gujarat government has appointed Assistant Commissioner of Police P.N. Barot, an officer reportedly handpicked by the VHP. According to an article in the *Asian Age*, the appointment was made despite "a strong representation from a section of the Gujarat police that the Gulbarg Society killings and the Naroda massacre need a proper investigation." The article added that the "Gujarat police are distressed with the VHP functioning as a parallel authority" and that "both the cases do not fall under the jurisdiction of Mr. Barot, who is well known for his VHP connection."<sup>228</sup>

### ***Manipulation of Police Reports***

An attorney assisting victims filing police reports in Ahmedabad, who asked not to be identified, told Human Rights Watch that in many cases the police were misreporting statements in the First Information Reports (FIRs) and omitting the names of the accused. The National Human Rights Commission also expressed concern over allegations of "distorted or poorly recorded" FIRs (see below). The attorney told Human Rights Watch:

People don't trust the local police. They are saying that all this happened in their presence. There have been some arrests and some of the police have tried to save people. When witnesses file complaints, the police enter their statements according to their preference. They don't file complaints properly. People are uneducated and the police don't show them the statement, they just get them to sign it. The police don't record statements properly. In some cases, they won't write the name of the accused. In one case, for example, seven people were identified but they didn't write their names. This area is covered by the Madhavpura police station but this is happening in all stations, also at the Sabarmati police station.<sup>229</sup>

Similar problems have been documented in rural Gujarat. Nearly 137 persons from Sabarkantha district, for example, have reportedly petitioned the high court claiming that the police have not filed their FIRs properly: "Only cases referring to a mob attack are being registered. Police turn a deaf ear to others, where the perpetrators have been identified."<sup>230</sup>

The effect of these FIRs was made clear by advocate Bhushan Oza, a member of the Citizens' Initiative that has collected a large number of what are known as "omnibus FIRs," where the accused is identified only as "an unruly mob" or "a mob of 10,000." Oza told the *Times of India*: "You need to hold an identification parade based on the information given in the FIR.... The procedure has to be completed before taking a particular case to court. You can't identify an accused for the first time in the court. The law does not allow this and there are judgments to this effect based on the 1985 riots"<sup>231</sup>

On April 24, 2002, India's National Commission for Women criticized the police in Gujarat for not registering cases of violence against women. Commission chairperson Purnima Advani stated that "the number of FIRs registered was much less than the incidents of violence against women reported to the NCW."<sup>232</sup>

### ***Police Transfers***

The transfer of police officers who tried to stop mobs from attacking Muslims has come under close scrutiny by the National Commission for Minorities and the NHCR (see below). In a letter to Additional Chief Secretary (Home) Ashok Narayan, reported in the *Indian Express*, Gujarat Director General of Police A.K. Chakravarty took strong exception to the transfer of certain IPS officers who had taken steps to maintain law and order during the post-Godhra violence in their districts. Among the transfers cited:

Kutch SP Vivek Srivastav has been transferred as Deputy Commissioner of Police (Prohibition and Excise). He had arrested a Home Guards commandant having VHP links, and some other influential people for creating trouble in the border district.

Bhavnagar SP Rahul Sharma has been shunted out to Ahmedabad as DCP (Control). He had successfully thwarted an attempt by a mob to attack a madrasa [Islamic school] on Ghogha Road, and rescued 400 inmates. In the firing that he had ordered to beat back the mob, four persons were killed.

Sharma had also registered cases against attackers despite pressure from local BJP leaders. This is Sharma's fifth transfer in the last one year.

Banaskantha SP Himanshu Bhatt, known for his competence, has been shifted to the Intelligence Bureau at Gandhinagar, because he had suspended a PSI for not taking action against a mob which went about torching shops and houses. Bhatt did not withdraw the suspension orders in spite of pressure from higher-ups.

DCP (Zone IV), Ahmedabad City, P B Godhia, who had registered a case against Naroda BJP MLA Mayaben Kodnani and VHP leader Jaydeep Patel, has been put in charge of Civil Defence. He had booked several other VHP activists for their alleged involvement in violence.<sup>233</sup>

A superintendent of police in Rajasthan faced similar protests by the BJP state unit for taking action against rioters there.<sup>234</sup>

### **Detaining Muslim Youth**

The arbitrary detention and filing of false charges against Muslim youth during and after the initial attacks in Gujarat remains largely unchecked. An attorney working in Vadodara and Ahmedabad told Human Rights Watch that the detention and filing of false charges against Muslims was rampant in these cities.<sup>235</sup> When Human Rights Watch asked residents of Chartoda Kabristan camp if they had been able to go home since arriving at the camp, one male teenager responded, "The government is with the VHP and the Bajrang Dal. They are combing our areas. If we go back there, to our homes, the police fire on them, and take them to jail to show that they have arrested people."<sup>236</sup>

The *mullana* (cleric) of the Chotti Masjid mosque near Barasache ki Chali, Gomptipur, told Human Rights Watch he was beaten by the police on February 28, 2002 as they searched for the Muslim boys who had run inside his mosque for protection:

The police surrounded us. Some children had run inside the mosque for protection. The police pulled me out, slapped me, and hit me with the butt of their gun twice. They asked me for keys to the inside room and I said I didn't have them so they hit me again. Then they grabbed the boys and took them and beat them. There were ten or twelve of them. They left me behind. Those boys were arrested and have not returned. Five people were killed here in police firing, those cases have been filed against the boys that they took.<sup>237</sup>

Bullets had scarred the walls of the mosque viewed by Human Rights Watch. The blood of a young Muslim boy who, according to witnesses, ran into the mosque after being stabbed with a sword still remained on the wall. He too was dragged away by the police.



They were among twenty-six Muslim youth arrested between February 28 and March 1 and taken to the area police station before being transferred to the central station. One resident involved in following the legal proceedings told Human Rights Watch about the nature of cases filed against them: "A woman named Jainab was burned alive here by the police and the RSS. That case is on our boys under Section 302 [murder] of the Indian Penal Code and there are many other charges against them. They were hiding in the mosque and they arrested them."<sup>238</sup>

A Citizens' Initiative report on violence against women in Gujarat found that in Millat Nagar, a neighborhood then-under curfew in Ahmedabad, "under the guise of `combing operations' the Police are picking up young Muslim boys at random. Mothers live in constant fear.... So acute is this fear of the Police that even for small tasks to be done outside the home women venture out more rather than men. No one knows why and under what charge these young men are being arrested."<sup>239</sup>

A People's Union for Civil Liberties report on violence against women in Vadodara, Gujarat, also documents numerous instances of police abuse against women during house to house searches ("combing operations") in which male family members were beaten and arrested by the police.<sup>240</sup>

Even a Muslim member of the Gujarat legislative assembly was falsely implicated in an FIR. According to a report by the *Asian Age*, Faroukh Sheikh, a Congress MLA [member of legislative assembly] representing the sensitive Dariapur area, was named in an FIR charging him with leading a mob to assault Hindu business establishments in Sindh Bazaar and Revdi Bazaar (see section on Attacks on Hindus). Sheikh was in fact in the state assembly that day.<sup>241</sup>

<sup>222</sup> Robin David and Leena Misra, "Legal experts fear manipulation of FIRs," *Times of India*, March 26, 2002.

<sup>223</sup> "VHP, BJP workers named in FIR on riots," *Times of India*, March 4, 2002.

<sup>224</sup> Rupak Sanyal, "Indian police reports say governing party official and Hindu nationalist leaders led mobs," Associated Press, March 5, 2002.

<sup>225</sup> Ibid.

<sup>226</sup> Manas Dasgupta, "Gujarat VHP leader named in FIR on Naroda incident," *Hindu*, March 19, 2002.

<sup>227</sup> "Modi Protects BJP, VHP Men," *Asian Age*, March 4, 2002, <http://www.ahmedabad.com/news/2k2/mar/5modi.htm> (accessed April 15, 2002).

<sup>228</sup> "Pro-VHP officer to prove worst massacres," *Asian Age*, March 25, 2002.

<sup>229</sup> Human Rights Watch interview, attorney, Ahmedabad, March 22, 2002.

<sup>230</sup> "Police not naming names in FIRs," *Times of India*, March 26, 2002.



<sup>231</sup> Robin David and Leena Misra., "Many FIRs' but culprits go scot-free," *Times of India*, March 24, 2002.

<sup>232</sup> "Women Commission indicts Gujarat Govt," Press Trust of India.

<sup>233</sup> Bashir Pathan, "Modi ties hands of cops who put their foot down," *Indian Express*, March 26, 2002.

<sup>234</sup> Sukhmani Singh, "Varanasi to Ajmer: SP braves saffron rage to keep peace," *Indian Express*, March 18, 2002.

<sup>235</sup> Human Rights Watch interview, attorney M.D., Ahmedabad, March 23, 2002.

<sup>236</sup> Human Rights Watch interview, sixteen-year-old male resident of Chartoda Kabristan camp, Ahmedabad, March 23, 2002.

<sup>237</sup> Human Rights Watch interview, Chotti Masjid mullana, Ahmedabad, March 23, 2002.

<sup>238</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002. Other charges filed against the Muslim youth include: obstructing a public servant in the discharge of his public functions (IPC, Sec. 186); disobedience to an order duly promulgated by a public servant (IPC, Sec. 188); voluntarily causing hurt to deter a public servant from his duty (IPC, Sec. 332); causing hurt by endangering the life or personal safety of others (IPC, Sec. 337); assault, or the use of criminal force to deter a public servant from discharge of his duty (IPC, Sec. 353); and mischief by fire or explosive substance with intent to destroy house, etc. (IPC, Sec. 436). Section 135 of the Bombay Police Act, which authorizes arrest and punishment for violations of Section 37 that permits police to prohibit various kinds of public assembly, was also invoked. The pattern is not unique to Gujarat. A study undertaken by former Inspector General (Border Security Force) Vibhuti Narain Rai on police neutrality during communal riots found that "even in riots where the number of Muslims killed was many times more than the Hindus, it was they who were mainly arrested, most searches were conducted in their houses, and curfew imposed in a harsher manner in their localities. This observation holds good for even those riots where almost [all those] killed were Muslims" (emphasis in original). Asia-Pacific Human Rights Network, "Gujarat riots point to need for police reform."

<sup>239</sup> Citizens' Initiative, "The Survivors Speak."

<sup>240</sup> People's Union Civil Liberties, "Women's Perspectives."

<sup>241</sup> "FIR says Muslim MLA led riot mob," *Asian Age*, March 23, 2002.

## VIII. RELIEF CAMPS AND REHABILITATION

The government of Gujarat has said that some 98,000 people were displaced by the communal violence and are now living in one hundred make-shift relief camps in different parts of the state.<sup>242</sup> An overwhelming majority of the internally displaced in Gujarat are Muslims. Human

Rights Watch visited two relief camps in Ahmedabad that together held 11,100 people. The information below is based on interviews with internally displaced persons (IDPs) in the camps, as well as representatives of nongovernmental and humanitarian agencies, reports by NGOs, and the press.

The state government of Gujarat has failed to provide effective and equitable protection and assistance to those displaced by the violence. Security in the camps remains precarious, and there have been serious delays in the delivery of assistance, compensation, and rehabilitation support. The camps continue to lack sufficient medical support and there are reports of discrimination in the delivery of assistance to Muslims, as compared to Hindus affected by the violence.

Government authorities are reported to be absent from many camps. In sharp contrast to the international and Indian community's response following a massive earthquake in the state in January 2001-when millions of dollars of international and civil society aid poured into the state<sup>243</sup>-the onus of providing food, medical support, and other supplies for victims of violence rests largely on local NGO and Muslim voluntary groups. Members of the victims' community are managing many camps' day-to-day operations. The Indian government has not acknowledged requesting any international or U.N. relief agencies to provide assistance and protection to those displaced by the violence.

In responding to the crisis of the displaced, the state government has failed to adhere to the standards laid out in the U.N. Guiding Principles on Internal Displacement (Guiding Principles) and with international human rights standards.<sup>244</sup>

### **Conditions in the Camps**

One of the camps visited by Human Rights Watch, at Dariyakhan Ghummat in the Shahibaug area of Ahmedabad, was formerly a municipal school for first to seventh graders and has been hosting people since February 28. The school was also used as a camp during the 1985 riots. As of the fourth week of March, the camp housed a total of 5,100 people though the numbers rose and fell depending on security conditions outside. Between March 16 and 19 for example, immediately after the March 15 events in Ayodhya that many feared would lead to more attacks, the camp absorbed 2,500 more people. Each classroom in the municipal school building, approximately fifteen by fifteen feet in size, housed fifty to sixty people, mostly women and children. The men slept outside under makeshift shelters. For over a week following the attacks, residents lived and slept in the same clothes in which they fled. Many left their homes without even shoes.

At Chartoda Kabristan, Gomtipur, the second camp visited by Human Rights Watch in Ahmedabad, residents were living in the most inhumane conditions. The camp is situated in a Muslim cemetery (kabristan). Many of its 6,000 residents were literally sleeping in the spaces between the graves. One resident remarked, "Usually the dead sleep here, now the living are sleeping here."<sup>245</sup>

Both camps were receiving assistance from NGOs and Muslim organizations in Gujarat, as well as limited food rations from the government. No police posts had been set up in the majority-Muslim camps in Ahmedabad and no security had been provided to camp residents, leaving

residents unprotected and unable to register formal complaints-to be recorded as FIRs-with the police.

### **Protection and Security of IDPs**

Principle 3 of the Guiding Principles on Internal Displacement stipulates that, "national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction." Principle 10 adds that displaced persons must be protected from attacks on their camps or settlements.

Residents of both camps visited by Human Rights Watch complained of the lack of security and protection both in the camps and in the neighborhoods from which they fled. As a result, many were unable to leave the camps for fear of being attacked or arrested by the police, who have been conducting combing operations in Muslim neighborhoods that were damaged or destroyed by mobs, and arbitrarily detaining Muslim youth returning to collect their belongings or assess the damage to their homes (see above). With no freedom of movement, the lack of police posts in the camps made it particularly difficult for residents to lodge FIRs with the police.

An organizer for the Chartoda Kabristan camp in Ahmedabad told Human Rights Watch that a lack of security was one of the biggest problems facing camp residents:

"We want to apply for security to be able to leave the camps. The military has helped to put the brakes on a little bit. But there is still violence in certain pockets. Just yesterday, two crowds of Hindus and Muslims began confronting each other."<sup>246</sup>

In the first week following the attacks, displaced persons in Ahmedabad also feared for their security within the camps. In some cases, the police did not intervene to stop attacks or incitement to violence, in direct violation of the Guiding Principles on Internal Displacement that state that internally displaced persons shall be protected against threats, incitement, and acts of violence intended to "spread terror" (Principle 11). On March 18, the Odhav camp in Ahmedabad was reportedly attacked with stones and petrol bombs. Camp residents told reporters that several similar attacks had taken place since the camp was set up on February 28. The police failed to intervene during the attacks, resulting in the deployment of army troops for the camp's protection.<sup>247</sup>

The insecurity in camps has been compounded by reports of loudspeakers blaring messages inciting Hindus to anti-Muslim violence from neighborhoods surrounding the camps. Citizens for Justice and Peace-a coalition of citizens from Mumbai and Ahmedabad that includes prominent human rights activists-has, among other activities, issued frequent appeals and updates since the start of the attacks.<sup>248</sup> In their March 7 appeal the coalition reported that in certain camps in Ahmedabad in the week following the initial attacks camp residents were traumatized by "cassettes...played late at night, from the home of the perpetrators of the crime living in nearby societies, sending out the war-cry: *`Looto, kato, maro, Jai Sri Ram!*" (Loot, attack, kill, [Praise Lord Ram!])."<sup>249</sup> An organizer for the Shah-e-Alam relief camp, one of Ahmedabad's largest camps, told reporters that the police were ignoring these new terror tactics.<sup>250</sup>

A lack of protection has also resulted in the forced isolation of Muslims still residing in their homes. Afraid to leave their ghettos to get more supplies, many are facing acute food shortages in Ahmedabad.<sup>251</sup>

### ***Threats of Forcible Return of Displaced Persons***

In blatant violation of the Guiding Principles on Internal Displacement (Principle 15(d)) a local civil supplies minister in Ahmedabad, Bharat Barot, threatened to close down three camps and forcibly return camp residents to places where their security could not be guaranteed. The minister argued that the predominantly Muslim camps were breeding grounds for terrorism.

An organizer at the Dariyakhan Ghummat camp told Human Rights Watch:

Bharat Barot, who is minister for the area, lives half a kilometer away but has not come to the camp.... He wants to remove the camp, but where would we go? We cannot go set up a camp in Pakistan. In many areas Hindus have pushed him away saying don't create animosity here. He is giving press releases saying that there are terrorists here. If they were terrorists then they wouldn't have died, they would have killed and fought back.... Whoever is here is completely helpless if they close and defame the camp. We're not going to send them home; we won't let them close the camp.<sup>252</sup>

In the third week of March, Barot wrote a letter to the Minister of State for Home, Gordhan Zadaphia, asking him to dismantle the three camps in his constituency housing 6,000 people. More than three-quarters of the camps' inhabitants are Muslim and many are residents of Naroda Patia and Gulmarg Society. Although no incidents had been reported between the camp and area residents, the letter stated that the Hindus living near these camps-in Dariapur-Kazipur-were feeling insecure because of the presence of so many riot victims. Barot also conveyed his demand to Chief Minister Narendra Modi.<sup>253</sup> Barot's plea was turned down due to severe national criticism of the role of the state government in the violence.<sup>254</sup>

A thirteen-member All-party Committee on Relief and Rehabilitation (the Committee) was set up by the state government on March 16, following an announcement by Prime Minister Vajpayee in the Lok Sabha (House of the People, Indian parliament).<sup>255</sup> At the first meeting of the Committee, held under the chairmanship of Governor Sunder Singh Bhandari in late March, Chief Minister Modi said that contrary to his initial proposal to close the camps by the end of March,<sup>256</sup> the state would not close the camps and that the victims would not be forced to return to their homes.<sup>257</sup> The Committee also agreed to deal with rehabilitation measures and proposed that they be implemented through nongovernmental organizations. The reversal was reportedly prompted by pressure by the opposition Congress party.<sup>258</sup>

### **Access to Humanitarian Assistance**

A serious problem facing internally displaced persons in Gujarat is the lack of access to humanitarian assistance. Problems have included unacceptable delays in government assistance reaching relief camps, inadequate provisions of medical, food, and sanitation supplies, and a lack of protection for relief workers seeking to assist victims of violence. Under Principle 18 of the Guiding Principles, internally displaced persons are guaranteed the right to an adequate standard of living. Principle 18 states that "competent authorities" should provide internally displaced

persons with essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation "regardless of the circumstances, and without discrimination." The state government of Gujarat has so far failed to comply with these standards.

Government aid, mainly food rations, did not reach the camps until at least a week after the onset of attacks. The amounts received have been inadequate to fulfill the camps' daily food requirements. Aid workers continue to report an acute shortage of food, cooking oil, sugar, medical supplies, clothes, and blankets in Ahmedabad. A report in the *Hindustan Times* added that camps housing thousands of people had only six toilets each and people were receiving only sixty grams of wheat a day.<sup>259</sup>

In the week following the initial attacks police and members of the city administration obstructed the work of NGOs and other organizations attempting to deliver relief supplies to relief camps and to the walled area of Ahmedabad. A number of local and international NGOs were either refused access or denied the protection they needed to be able to provide assistance,<sup>260</sup> in violation of Principle 26 of the Guiding Principles that calls on states to protect persons engaged in humanitarian assistance, as well as their transport and supplies, from attacks or other acts of violence.

A Jesuit priest in Ahmedabad told reporters that government officials refused to lend a single truck to deliver food to the camps. He added: "They won't give us police protection. The other day, armed Hindu men stopped us as we were coming out of a Muslim neighborhood and held spears to our throats."<sup>261</sup>

An organizer of the Chartoda Kabristan camp told Human Rights Watch that while the government had provided some food supplies, the amounts given were not enough to fulfill the camp's daily requirements. Moreover, in what was described as a "government boycott," the government refused to transport the rations to them and told them to get their own trucks and pick them up themselves.<sup>262</sup> Without security or transportation, this was often a difficult demand to fulfill. On the road leading to the Chartoda Kabristan camp, Human Rights Watch saw numerous trucks owned by Muslims that had been completely destroyed by fire during the attacks.

Muslim organizations have also been providing the camp with much needed supplies. The organizer for the Chartoda Kabristan camp stated:

The government has given wheat, rice, milk and other things, but more has come from organizations and what the government gives is not nearly enough to complete the daily food requirements. Running the camp itself, or at least supplying food, costs Rs. 115,000 a day. The government also hasn't given any wood for the fires or for cooking or given any dishes. Rs. 5 (about U.S.\$ 0.10) per day per person was also allocated. This declaration was made on March 6 but the money has not been received. All the Islamic movements are helping.<sup>263</sup>

On April 4 Prime Minister Vajpayee announced a federal relief package for the "riot victims" that included two months free rations for those families living below the poverty line in areas

affected by violence. The package also included a free set of textbooks and a school uniform for children living in relief camps. When announcing the package, the Prime Minister warned that relief provisions should be distributed without discrimination based on communal lines (see below).<sup>264</sup>

### ***Medical Care and Psychological and Social Services***

According to Principle 19 of the Guiding Principles on Internal Displacement, "all wounded and sick internally displaced persons shall receive to the fullest extent possible and with the least possible delay, the medical care and attention they require without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services." Principle 19 (2) adds that, "special attention should be paid to the health needs of women, including access to female health care providers and services... as well as appropriate counseling for victims of sexual and other abuses." It continues in Principle 19 (3): "special attention should also be given to the prevention of contagious diseases."

Residents of relief camps in Gujarat are in desperate need of medical attention and trauma counseling. In some camps, babies have been delivered without any medical support.<sup>265</sup> Seven days after arriving at the Dariyakhān Ghummat camp in Ahmedabad, the residents were finally provided with sanitation facilities such as toilets, that too from a local nongovernmental organization. During the first weeks there was an outbreak of gastroenteritis in the camp and camp residents suffered from diarrhea and vomiting. Private doctors finally reached the camp a few weeks after it was set up to stem the outbreak.<sup>266</sup>

By mid-April measles had broken out in the relief camps in Ahmedabad, raising fears of an epidemic. The overcrowded and unhygienic conditions in the camps-which include a shortage of toilets-have made it impossible to quarantine victims. According to a senior health ministry official in Delhi: "People are being forced to defecate in the open,"<sup>267</sup> a breeding ground for mosquitoes and fleas. "In the absence of enough tents," he added, "people are sleeping outside, exposing themselves to the virus."<sup>268</sup> The Gujarat government and the union health ministry have started working with voluntary organizations to launch vaccination drives in the camps.<sup>269</sup> With temperature soaring above 40 degrees celsius (105 degrees fahrenheit), the threat of summer diseases also loom large. The spread of cholera, gastroenteritis, jaundice, as well as respiratory infections and dehydration is also feared.<sup>270</sup> The federal government announced in mid-April that it would sanction medicine worth Rs. 82.6 million for use in the camps, as requested by the Gujarat government. Although government agencies have also begun setting up medical camps, the infrastructure is reportedly inadequate.<sup>271</sup> The Indian Red Cross Society has also been providing medical relief in violence-affected areas.<sup>272</sup>

The psychological impact on victims of the communal violence is immense. Aid workers have cited an urgent need for counseling to help the victims cope with their trauma.<sup>273</sup> Sociologist Susan Vishwanathan told *Channelnewsasia*, "The psychological degradation that comes from watching people closest to you being killed, raped, mutilated, ravaged. These [are] far greater than that of loss of material possessions."<sup>274</sup> Rape victims are also in desperate need of psychological support.



### ***U.N. Agencies and International Humanitarian Organizations***

The Indian government has not as yet made a public request to the U.N. or international humanitarian organizations to provide assistance and protection to those displaced by the communal violence. Without such a request, it is difficult for U.N. and international humanitarian organizations to provide relief assistance to the internally displaced in Gujarat.

As of April 16 the Indian government had not made any requests to the United Nations Development Programme (UNDP), a leading U.N. agency in India,<sup>275</sup> or to the United Nations Office for the Coordination of Humanitarian Assistance (UNOCHA) to provide assistance to the relief camps.<sup>276</sup> Officials from these agencies told Human Rights Watch that they were unaware of any efforts by the U.N. to address the humanitarian needs of those affected by the violence in Gujarat.

### **Discrimination in the Distribution of Compensation and Relief**

Nongovernmental organizations have accused the state government of discriminating against Muslim victims of violence who are being looked after almost exclusively by Muslim organizations and local NGOs.<sup>277</sup> Although the vast majority of the victims of the violence belong to the Muslim community, reports indicate that the few camps in Ahmedabad which are hosting Hindus are visited more frequently by government authorities and receive more regular rations.<sup>278</sup> While larger camps housing Muslims have virtually no official support, the Kankaria camp for Hindu victims, for example, is run by a deputy collector (local government official).<sup>279</sup> Authorities have also reportedly stopped relief trucks sent by Muslim charities to the camps, citing alleged reports that the trucks might be smuggling arms.<sup>280</sup>

There is also evidence of discrimination in the distribution of compensation. Soon after the Godhra attack, the Gujarat state government announced that the families of Godhra victims would receive Rs. 200,000 (U.S.\$4,094) as compensation. Their decision to then issue only Rs. 100,000 to Muslims whose family members were killed in revenge attacks came under sharp criticism from numerous NGOs and Indian officials outside the Gujarat state government, including two former prime ministers.<sup>281</sup> The amount of compensation for the families of Godhra victims was later reduced to parity with the compensation for revenge attack victims, but only after VHP activists stated they would be satisfied if families of Hindu victims received the lower amount.<sup>282</sup>

The federal relief package announced by Prime Minister Vajpayee during his visit to Gujarat on April 4 included the following provisions. Each family that lost a member would receive Rs. 150,000. Rs. 100,000 would come from the Prime Minister's Relief Fund while Rs. 50,000 would come from the state.<sup>283</sup> In addition those who suffered permanent disability would be given Rs. 50,000.<sup>284</sup> As a result of the Prime Minister relief announcement, the Gujarat government decided to reduce its compensation amount for families of deceased victims from Rs. 100,000 to Rs. 50,000. The National Minorities Commission has strongly urged the state government to compensate victims at the amount the government originally stated it would.<sup>285</sup>

Vajpayee also announced that those whose homes were completely damaged in rural areas would receive Rs. 50,000 while those whose homes had suffered partial damage would receive Rs. 15,000. In urban areas rehabilitation measures would be worked out after a comprehensive



survey. Vajpayee added that victims would not be resettled along communal lines. The federal government will also bear all the expenditure for the reconstruction of damaged homes. Those who lost shops and commercial establishments would also be compensated.<sup>286</sup>

Press reports indicate that a majority of the family members of those killed have yet to receive their compensation disbursements. A coordinator for the Shah-e-Alam camp in Ahmedabad told the *Times of India* that only seven out of the 131 families in the camp who lost family members had received compensation. An organizer for the Dariyakhan Ghummat camp added that Rs. 40,000 of the Rs. 150,000 to be allotted each family had reached 40 percent of the victims in his camp.<sup>287</sup>

The disparate provision of relief and rehabilitation for Muslim and Hindu victims of violence was similar to the Gujarat government's treatment of victims along communal and caste lines following the January 26, 2001 earthquake in the state. Within days of the country's worst natural disaster in recent history at least 30,000 were declared dead and over one million were left homeless. In the months after the earthquake, residents of the state of Gujarat were besieged by man-made problems: caste and communal discrimination in the distribution of relief and rehabilitation, corruption in the handling of aid, and political squabbling that did little to help the earthquake's neediest victims.

Six weeks after the earthquake, Human Rights Watch visited the towns of Bhuj, Bhijouri, Khawda, Anjar, and Bhachau in Kutch, the state's most devastated district. In all areas visited by Human Rights Watch, Dalits and Muslims were segregated in camps from upper-caste Hindus. Several residents and survivors told us, "We are surviving the way we lived, that's why we are in separate camps." While the government had allocated equal amounts of monetary compensation and food supplies to members of all communities following the earthquake, Dalit and Muslim populations did not have the same access to adequate shelter, electricity, running water, and other supplies available to others. This was apparent in several cities near Bhuj, including Anjar and Bhachau, where the government had provided far superior shelter and basic amenities to upper-caste populations.

A nineteen-year-old male resident of Dariyakhan Ghummat camp, fearing that international aid would not reach the Muslims, alluded to corruption and communal bias in the distribution of aid following the January 2001 earthquake:

How will we get our hard earned savings back? Here there's been crores [tens of millions] worth of looting and damage. Even now they're looting our homes.... It looks like a ghost town, a graveyard, where we used to live. Our Hindu neighbors took us in then told the attackers to loot us. Foreign countries should help but the help should come straight to us. The help usually goes through everyone and nothing comes through to us. Even during the earthquake imported things went to Hindus. The Saudis sent these amazing tents where you wouldn't even feel hot, but those also went to the Hindus. We're the ones who used to give when people are in trouble, now we're the ones asking. There is no government help.<sup>288</sup>

### **Rehabilitation and Return**

Principle 28 of the Guiding Principles on Internal Displacement state that it is the responsibility

of the authorities to establish the condition and provide the means to allow internally displaced persons to return voluntarily and in safety and dignity to their homes, and to permit the full participation of the internally displaced to plan and manage their return or resettlement. Principle 29 of the Guiding Principles on Internal Displacement also states that it is the responsibility of the authorities to assist returned or resettled internally displaced persons to recover, or obtain compensation or reparations for their property and possessions that they lost or dispossessed of during displacement.

While the Indian government has announced plans for the reconstruction of homes and places of business (see above), extensive government surveys of the extent of the damage have yet to take place.<sup>289</sup>

An organizer of the Dariyakhan Ghummat camp told Human Rights Watch in March that no work had begun on the construction of new homes:

The government has done nothing for new homes. We're asking them not to send people back to sensitive areas. They should be sent to safe areas. They should give them homes and land. There are NTC [National Textile Corporation] lands here that are lying empty.<sup>290</sup> Lots of people have also lost loved ones. We have a two-year-old orphan in this camp.<sup>291</sup>

Activists in the state have also pointed to problems related to damage assessments of Muslim properties and homes. Speaking on conditions of anonymity, an attorney told Human Rights Watch: "The police *panchnama* [statement of witnesses] is being done in the victim's absence. Let's say I had two lakhs [Rs. 200,000] worth of damage in my home, the police will only write that there is Rs. 25,000 worth of damage."

The process of rehabilitation has been further complicated by the destruction or loss of personal documents during the violence. Many relief camp residents told Human Rights Watch that their identification, education, and even medical certificates had been destroyed during the burning and looting of their homes. At the time of Human Rights Watch's visit, no system was in place to systematically document the numbers and identities of those residing in relief camps.

The insecurity and ongoing violence in the state has made it impossible for most displaced persons to return to their homes. Human Rights Watch was told numerous times that residents did not feel safe in their neighborhoods. Some stated that their attackers were still roaming the streets. Residents also feared being arbitrarily detained by the police in their neighborhoods (see above). Press reports also document instances in which Muslim families were threatened by Hindu mobs, armed with swords and other weapons, as they attempted to return to their homes.<sup>292</sup>

Until the government of Gujarat ends the environment of impunity, addresses those responsible for the attacks, including police and state government officials, provides adequate protection for all those affected by the ongoing violence, and ensures that those displaced can either recover, or be fully compensated for their property and possessions lost during the violence, internally displaced persons will be unable to return to their homes.

<sup>242</sup> Manas Dasgupta, "No plan to close camps - Modi," *Hindu*, April 1, 2002.

<sup>243</sup> Vinay Menon, "Gujarat - A year after," *Hindustan Times*, January 27, 2002.

<sup>244</sup> The U.N. Guiding Principles on Internal Displacement were presented to the U.N. Commission on Human Rights (the Commission) in 1998 by the Special Representative of the U.N. secretary-general on internally displaced persons, Francis Deng and unanimously adopted by the commission. Although non-binding, the Guiding Principles are based upon and reflect international humanitarian and human rights law, which are binding. The Guiding Principles address all phases of displacement-providing protection against arbitrary displacement, ensuring protection and assistance during displacement, and establishing guarantees for safe return, resettlement, and reintegration. The Guiding Principles have gained widespread international recognition and authority. Resolutions of the United Nations Commission on Human Rights and the General Assembly have described the Principles as a comprehensive framework for the protection of internally displaced persons, and have welcomed their use and encouraged U.N. agencies, regional organizations, and NGOs to disseminate and apply them. U.N. agencies and NGO umbrella groups in the U.N. Inter-Agency Standing Committee have endorsed them. Regional bodies in the Americas, Africa, and Europe have endorsed or acknowledged them with appreciation. Individual governments have begun to incorporate them in national policies and laws and some national courts have begun to refer to them as a relevant restatement of existing international law. See [http://www.reliefweb.int/ocha\\_ol/pub/idp\\_gp/idp.html](http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html) (accessed April 23, 2002).

<sup>245</sup> Human Rights Watch interview, forty-five-year-old male resident of Chartoda Kabristan camp, Ahmedabad, March 23, 2002.

<sup>246</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002.

<sup>247</sup> Amnesty International, "India: The state must ensure redress for the victims. A memorandum to the Government of Gujarat on its duties in the aftermath of the violence," March 28, 2002.

<sup>248</sup> See <http://www.sabrang.com> (accessed April 17, 2002).

<sup>249</sup> Citizens for Justice and Peace, "A trained saffron militia at work?" March 7, 2002, <http://www.sabrang.com/gujarat/7mar1.htm> (accessed April 18, 2002).

<sup>250</sup> S.N.M. Abdi, "Muslim refugees face new horrors in camps," *South China Morning Post*, March 25, 2002.

<sup>251</sup> "Threat of starvation looms large in Ahmedabad areas," Press Trust of India, April 6, 2002.

<sup>252</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.

<sup>253</sup> Meghdoot Sharon, "Riot victims are security risk," *Indian Express*, March 22, 2002.

<sup>254</sup> Malekar, "Silence of the Lambs," *The Week*.

- <sup>255</sup> "Committee to oversee relief work in Gujarat," Press Trust of India, March 25, 2002.
- <sup>256</sup> Manas Dasgupta, "Gujarat police top brass want a `free hand,'" *Hindu*, March 24, 2002.
- <sup>257</sup> Manas Dasgupta, "No plan to close camps - Modi," *Hindu*.
- <sup>258</sup> Ibid.
- <sup>259</sup> "Muslim refugees face new horrors in camps," *South China Morning Post*.
- <sup>260</sup> Amnesty International, "India: population of Ahmedabad, Gujarat," *Urgent Action*, March 5, 2002.
- <sup>261</sup> "Muslim refugees face new horrors in camps," *South China Morning Post*.
- <sup>262</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002. See also, Malekar, "Silence of the Lambs," *The Week*.
- <sup>263</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002.
- <sup>264</sup> "PM Announces Relief Measures for Riot Victims," *rediff.com*, April 4, 2002, available at <http://www.rediff.com/news/2002/apr/04train8.htm> (accessed April 17, 2002).
- <sup>265</sup> Bose, "Ethnic Cleansing in Ahmedabad."
- <sup>266</sup> Human Rights Watch interview, relief worker at Dariyakhan Ghummat camp, Ahmedabad, March 22, 2002.
- <sup>267</sup> Sutirtho Patranobis, Rathin Das, "Measles outbreak in camps," *Hindustan Times*, April 17, 2002.
- <sup>268</sup> Ibid.
- <sup>269</sup> Ibid.
- <sup>270</sup> Thomas Kutty Abraham, "India riot relief camps face health problems," Reuters, April 3, 2002.
- <sup>271</sup> "Refugees in Gujarat camps pray for more relief aids," *Channelnewsasia*, April 16, 2002.
- <sup>272</sup> "Indian govt to provide measles vaccine to prevent epidemic," Press Trust of India, April 18, 2002.
- <sup>273</sup> "Muslim refugees face new horrors in camps," *South China Morning Post*.
- <sup>274</sup> "Refugees in Gujarat camps pray for more relief aids," *Channelnewsasia*.

- <sup>275</sup> Human Rights Watch interview, UNDP representative, April 16, 2002.
- <sup>276</sup> Human Rights Watch interview, UNOCHA representative, April 16, 2002.
- <sup>277</sup> "Muslim refugees face new horrors in camps," *South China Morning Post*. Principle 4 of the Guiding Principles on Internal Displacement stipulates that the principles must be applied without discrimination of any kind, including discrimination based on religion.
- <sup>278</sup> Amnesty International, "India: The state must ensure redress for the victims."
- <sup>279</sup> Bose, "Ethnic Cleansing in Ahmedabad." In addition, the VHP has announced plans to reimburse the medical expenses of members of the majority community injured in the violence, and provide financial aid to those rendered homeless. "VHP to compensate violence-affected members of majority community," *rediff.com*, April 2, 2002.  
<http://www.rediff.com/news/2002/apr/02train1.htm> (accessed April 10, 2002).
- <sup>280</sup> "Muslim refugees face new horrors in camps," *South China Morning Post*.
- <sup>281</sup> "Gujral, VP Singh Want Equal Compensation for All," *Economic Times*, March 8, 2002
- <sup>282</sup> NHCR proceedings, para. xii,
- <sup>283</sup> "Don't discriminate-PM tells Modi," *Times of India*, April 5, 2002.
- <sup>284</sup> "PM Announces Relief Measures for Riot Victims," *rediff.com*.
- <sup>285</sup> Anita Joshua, "Raise Compensation for Victims, Restore Confidence," *Hindu*, April 7, 2002
- <sup>286</sup> "Don't discriminate-PM tells Modi," *Times of India*.
- <sup>287</sup> Sourav Mukherjee, "Give us peace and then ask for votes, say relief camp inmates," *Times of India*, April 17, 2002.
- <sup>288</sup> Human Rights Watch interview, nineteen-year-old male resident of Dariyakhan Ghummat camp, Ahmedabad, March 22, 2002.
- <sup>289</sup> "Refugees in Gujarat camps pray for more relief aids," *Channelnewsasia*.
- <sup>290</sup> Ahmedabad is known as the "Manchester of India," although its textile mills are now in a slump. See <http://www.ahmedabad.com/news/16tex.htm> (accessed April 10, 2002).
- <sup>291</sup> Human Rights Watch interview (name withheld), Ahmedabad, March 22, 2002.
- <sup>292</sup> See for e.g., Maria Abraham, "India's riot-hit Muslims fearful of going home," Reuters, March 22, 2002.

## IX. NATIONAL COMMISSIONS

### National Human Rights Commission (NHRC)

Concerned that "normalcy had not been restored in the State despite the passage of three weeks since the tragic events in Godhra,"<sup>293</sup> the National Human Rights Commission conducted a fact-finding mission in Gujarat from March 19 to March 22.<sup>294</sup> The resulting report together with a report requested from the Gujarat state government were considered during proceedings on April 1, 2002 in which the NHRC issued "Preliminary Comments" and "Recommendations" to the government of Gujarat.<sup>295</sup> Together, the preliminary comments and recommendations constitute the NHRC's most extensive commentary on the continuing violence in Gujarat to date. Because of ongoing human rights concerns, the NHRC continues to monitor the situation in Gujarat and will issue additional comments and recommendations at a later date.

The NHRC found that the ongoing violence in Gujarat has "resulted in the violation of the Fundamental Rights to life, liberty, equality and dignity of citizens of India...."<sup>296</sup> Significantly, it then considers whether the Godhra tragedy and the resulting violence could have been prevented by the state government and police. In light of the state government's own admission that Gujarat witnessed over 443 "communal incidents" between 1970 and 2002, the commission faults the state government for a "failure of intelligence and action" with regard to the events "leading to the Godhra tragedy and the subsequent death and destruction that occurred."<sup>297</sup>

The NHRC also contradicts the Gujarat government's continued assertion that violence was contained within 72 hours of the Godhra massacre.<sup>298</sup> According to the commission, "[v]iolence continues in Gujarat as of the time of writing...."<sup>299</sup> Citing two Muslim judges of the High Court of Gujarat who were forced to flee their homes and seek refuge out of fear, the commission states that there is "no clearer evidence" that the government failed to control violence in a timely manner.<sup>300</sup>

The preliminary comments also note with concern that police in Gujarat were constrained in performing their duty to quell communal violence. The NHRC takes notice of reports that organized mobs "armed with cell phones and address" sometimes singled out persons and property for destruction "within view of police stations and personnel."<sup>301</sup> Commenting on this issue during his investigation, the NHRC's Chairman stated, "police officials should not ask permission to perform their duty under the law. They must act."<sup>302</sup>

The NHRC also expressed concern about the "widespread lack of faith in the integrity of the investigating process and the ability of those conducting investigations." In particular the NHRC noted that numerous allegations had been made that FIRs were being "distorted or poorly recorded" and that "senior political personalities" sought to "influence" investigations by remaining present in police stations.<sup>303</sup> The commission therefore listed as the first item of its "Recommendations" to the Gujarat government that the Central Bureau of Investigation be entrusted to investigate critical cases so that the "integrity of the process" could be restored.<sup>304</sup> In

particular the NHRC recommended that the incidents at Godhra, Gulmarg Society, Naroda Patia, Sardarpura and Best Bakery in Vadodara be entrusted to the CBI.<sup>305</sup> The commission also recommended that "Special Courts" be created to try these critical cases and that "Special Cells" be constituted with District Magistrates monitoring the progress of the investigation of cases not handled by the CBI.<sup>306</sup>

At present over 98,000 displaced Muslims live in relief camps throughout Gujarat. The NHRC recommended that senior political leaders and officers visit the camps in order to restore the confidence of victims. Though there are no reports that Gujarat Chief Minister Narendra Modi has visited any of the camps, Indian Prime Minister Atal Behari Vajpayee visited a relief camp on April 4, 2002 and expressed his regret for the condition of the displaced.<sup>307</sup> The commission also recommended that displaced person not be asked to leave camps until appropriate relief and safety measures are in place.<sup>308</sup> The media has reported that Chief Minister Modi and other state government officials have asserted that tens of thousands of the Muslims displaced want to return to their homes despite the displaced's pleas that did not yet feel safe doing so.<sup>309</sup>

Recognizing the serious needs of hundreds of destitute women, orphans and those subjected to rape, the NHRC's recommendations call on government agencies to ensure that they receive proper counseling and psychological care.<sup>310</sup> The commission's recommendations also state that the numerous places of worship that were destroyed be restored immediately.<sup>311</sup>

The commission has had to overcome litigation seeking to bar its investigation of the violence in Gujarat. On March 27, 2002, the Gujarat High Court admitted a petition challenging the commission's jurisdiction in probing the communal violence in Gujarat because a state-appointed commission was already probing the violence.<sup>312</sup> The NHRC was forced to seek the Indian Supreme Court's intervention in the matter. On April 3, 2002, the Supreme Court ordered the state government to stay the proceedings in the Gujarat High Court until further notice.<sup>313</sup>

The NHRC has made serious allegations of state misconduct and put forth detailed recommendations on how the Gujarat state government may meet its human rights obligations. Thus far, its preliminary comments and recommendations have not been received well by the Gujarat government.<sup>314</sup> There is no indication to date that the state government intends to implement any of its recommendations. At the central government level, Prime Minister Vajpayee has stated only that he is sure the state government would "consider" the NHRC's recommendations.<sup>315</sup>

### **National Commission for Minorities (NCM)**

Like the National Human Rights Commission, the National Commission for Minorities has taken serious issue with the state response to the ongoing violence in Gujarat.<sup>316</sup> In addition to conducting an investigation in Gujarat's capital, Ahmedabad, in mid-March, the NCM summoned top state officials to appear before it in New Delhi on April 6, 2002, after the state failed to respond to its request for a report on the action it had taken thus far to stem the violence in early March.<sup>317</sup> This is not the first time that the NCM has investigated and commented upon violence against a religious minority in Gujarat. In 1998, the NCM investigated attacks against the Christian community in the state.<sup>318</sup> Thus far the NCM is "not satisfied with steps so far taken by the Gujarat administration to protect minorities."<sup>319</sup> Similar to the NHRC, the NCM has



found that despite government claims to the contrary, "normalcy" has not returned to Gujarat.<sup>320</sup> As a result, the NCM has made public recommendations for the government of Gujarat that it believes will further the protection of human rights in the state.

Police operations in Gujarat have come under close scrutiny by the commission. Because it has found that minority communities still fear and distrust the state, it has recommended that police officers from minority communities be immediately deployed in violence-prone areas.<sup>321</sup> If no minority police officers are available, the commission has recommended that they be recruited from other states.<sup>322</sup> In addition, the NCM has taken issue with the transfer of police officers who tried to stop mobs from attacking Muslims. It has requested the state to immediately end this practice.<sup>323</sup> The commission has also recommended that the state punish those officers who did not perform their duties during communal violence.<sup>324</sup>

The NCM has also called on the Gujarat state government to immediately repair and restore all damaged places of worship. At present, it is estimated that over 500 places of worship were destroyed by mob violence.<sup>325</sup> Among the places of worship destroyed was the Malik Asin mosque, a nationally protected monument that was destroyed by bulldozers.<sup>326</sup> The NCM in addition expressed its concern about the safety of the tens of thousands of persons in relief camps in Gujarat. It has recommended that the state government shift these persons to more secure sites and to allocate land specifically for that purpose.<sup>327</sup>

<sup>293</sup> Proceedings of the National Human Rights Commission, Proceedings, paragraph 2, April 1, 2002, <http://www.nhrc.nic.in/whatsnew.htm#gr> (accessed April 8, 2002). (Hereinafter "NHRC Proceedings").

<sup>294</sup> The NHRC is an autonomous, statutory body created pursuant to the Protection of Human Rights Act, 1993. The commission has all the powers of a civil court trying a suit including summoning and enforcing the attendance of witnesses and examining them on oath; compelling discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any court or office; and issuing commissions for the examination of witnesses or documents. Unlike the rulings of a civil court, however, the commission's recommendations are not enforceable.

<sup>295</sup> The full report by the NHRC's fact-finding team is being kept sealed. It has been sent only to India's prime minister. The commission requested a report from the Gujarat Proceedings government within three days on March 1, 2002. A report was received from the state government on March 11, 2002 but was rejected by the NHRC as "perfunctory." A satisfactory report was submitted more than three weeks later on March 28, 2002.

<sup>296</sup> NHRC Proceedings, para. 9.

<sup>297</sup> *Ibid.*, paras. v-vi.

<sup>298</sup> Anjali Mody, "Gujarat Report-Whitewashing Reality?" *Hindu*.

<sup>299</sup> NHRC Proceedings, Preliminary Comments, para. x.

<sup>300</sup> Ibid.

<sup>301</sup> Ibid., para. vii.

<sup>302</sup> "NHRC Whiplash for Gujarat Government," *Hindustan Times*, March 25, 2002.

<sup>303</sup> NHRC Proceedings, Preliminary Comments, para. viii.

<sup>304</sup> NHRC Proceedings, Recommendations, Law and Order, para. i.

<sup>305</sup> Ibid.

<sup>306</sup> Ibid, para. ii.

<sup>307</sup> Manas Dasgupta, "Gujarat Incidents a Blot-PM," *Hindu*, April 5, 2002.

<sup>308</sup> NHRC Proceedings, Recommendations, Camps, para. iv.

<sup>309</sup> "Invite Mode to Visit Dargah Camp-If He Had the Guts," *Statesman*, March 24, 2002.

<sup>310</sup> NHRC Proceedings, Recommendations, Rehabilitation, para. v.

<sup>311</sup> Ibid., para. iv.

<sup>312</sup> "PIL Against NHRC Probe Into Violence," *Hindu*, March 28, 2002.

<sup>313</sup> T. Padmanabha Rao, "Proceedings Against - NHRC Stayed," *Hindu*, April 4, 2002.

<sup>314</sup> Smita Gupta, "Embarrassed BJP Tries to `Modi-fy NHRC Report," *Times of India*, April 3, 2002. See also, Manas Dasgupta, "NHRC Indictment Shocks Gujarat," *Hindu*, April 3, 2002.

<sup>315</sup> Manas Dasgupta, "Vajpayee's Advice to Modi," *Hindu*, April 5, 2002.

<sup>316</sup> The National Commission for Minorities is an autonomous, statutory body created pursuant to the National Commission for Minorities Act, 1992. The Commission has all the powers of a civil court trying a suit but like the National Human Rights Commission, its recommendations are not enforceable.

<sup>317</sup> "Minorities Commission Summons Top Gujarat Officials," *rediff.com*, April 1, 2002, <http://www.rediff.com/news/2002/apr/01train.htm> (accessed April 25, 2002).

<sup>318</sup> Human Rights Watch, "Politics By Other Means."

<sup>319</sup> Zafar Agha, "NCM Give Gujarat Leaders a Piece of its Mind," *tehelka.com*, April 8, 2002, <http://www.tehelka.com> (accessed April 15, 2002).

<sup>320</sup> Kota Neelima, "Bring Back Shunted Cops, NCM Tells CM," *Indian Express*, April 7, 2002. See also, Onkar Singh, "Restore Normalcy in Gujarat: Minorities Panel," *rediff.com*, April 6, 2002, <http://www.rediff.com> (accessed April 15, 2002).

<sup>321</sup> "No let-up in Gujarat Violence," BBC News, April 6, 2002. See also, "NCM raps Modi Govt, Wants More Minorities in Police," *Hindustan Times*, April 7, 2002; Neelima, "Bring Back Shunted Cops."

<sup>322</sup> Ibid.

<sup>323</sup> Narendra Kaushik, "Minorities Commission Slam Gujarat Chief Secy," *Mid Day*, April 7, 2002. See also, Onkar Singh, "Restore Normalcy in Gujarat: Minorities Panel," *rediff.com*, April 6, 2002.

<sup>324</sup> Ibid.

<sup>325</sup> Narendra Kaushik, "Minorities Commission Slam Gujarat Chief Secy."

<sup>326</sup> "ASI Urged to Rebuild Mosques," *Hindu*, March 22, 2002

<sup>327</sup> "NCM Wants Safe Sites to Rehabilitate Riot Victims," *Times of India*, March 17, 2002. See also, "No let-up in Gujarat Violence," BBC News.

## **APPENDIX A: NATIONAL HUMAN RIGHTS COMMISSION RECOMMENDATIONS**

National Commission on Human Rights Recommendations on Gujarat Report  
<http://www.nhrc.nic.in/whatsnew.htm#gr> (accessed April 8, 2002).

...

21. The Commission now wishes to make a first set of Recommendations for the immediate consideration of the Central and State Governments. As indicated earlier, once a response has been received from these Governments on the report of the visit of the Commission's team to Gujarat, and a full analysis made of the numerous representations received by the Commission, additional Proceedings will be recorded by the Commission on the situation in Gujarat, offering further Comments and Recommendations.

### **I. Law and Order**

(i) In view of the widespread allegations that FIRs [police reports] have been poorly or wrongly recorded and that investigations are being 'influenced' by extraneous considerations or players, the Commission is of the view that the integrity of the process has to be restored. It therefore recommends the entrusting of certain critical cases to the CBI [Central Bureau of Investigation]. These include the cases relating to the

- Godhra incident, which is at present being investigated by the GRP;
- Chamanpura (Gulbarga Society) incident;
- Naroda Patiya incident;

- Best Bakery case in Vadodara; and the
- Sadarpura case in Mehsana district.

(ii) The Commission recommends that Special Courts should try these cases on a day-to-day basis, the Judges being handpicked by the Chief Justice of the High Court of Gujarat. Special Prosecutors should be appointed as needed. Procedures should be adopted for the conduct of the proceedings in such a manner that the traumatized condition of many of the victims, particularly women and children, is not aggravated and they are protected from further trauma or threat. A particular effort should be made to depute sensitive officers, particularly officers who are women, to assist in the handling of such cases.

(iii) Special Cells should be constituted under the concerned District Magistrates to follow the progress of the investigation of cases not entrusted to the CBI; these should be monitored by the Additional Director-General (Crime).

(iv) Specific time-frames should be fixed for the thorough and expeditious completion of investigations.

(v) Police desks should be set-up in the relief camps to receive complaints, record FIRs and forward them to Police Stations having jurisdiction.

(vi) Material collected by NGOs such as Citizen's Initiative, PUCL [People's Union for Civil Liberties] and others should also be used.

(vii) Provocative statements made by persons to the electronic or print media should be examined and acted upon, and the burden of proof shifted to such persons to explain or contradict their statements.

(viii) Given the wide variation in the performance of public servants in the discharge of their statutory responsibilities, action should be initiated to identify and proceed against those who have failed to act appropriately to control the violence in its incipient stages, or to prevent its escalation thereafter. By the same token, officers who have performed their duties well, should be commended.

## **II. Camps**

(i) Visits to camps by senior political leaders and officers should be organized in a systematic way in order to restore confidence among those who have been victimized. NGOs should be involved in the process and the management and running of the camps should be marked by transparency and accountability

(ii) Senior officers of the rank of Secretary and above should be given specific responsibility in respect of groups of camps.

(iii) Special facilities/camps should be set-up for the processing of insurance and compensation claims. The Chief Minister of the State had requested the Commission to issue an appropriate

request to insurance companies for the expeditious settlement of claims of those who had suffered in the riots. The Commission will readily do so and recommends that the State Government send to it the necessary details at an early date in order to facilitate such supportive action.

(iv) Inmates should not be asked to leave the camps until appropriate relief and rehabilitation measures are in place for them and they feel assured, on security grounds, that they can indeed leave the camps.

### **III. Rehabilitation**

(i) The Commission recommends that places of worship that have been destroyed be repaired expeditiously. Assistance should be provided, as appropriate, inter alia by the State.

(ii) Adequate compensation should be provided to those who have suffered. This will require an augmentation of the funds allocated thus far, through cooperative arrangements involving both the State and Central Governments. Efforts should be made to involve HUDCO, HFDC and international financial and other agencies and programmes in this process.

(iii) The private sector, including the pharmaceutical industry, should also be requested to participate in the relief and rehabilitation process and proper coordinating arrangements established.

(iv) The role of NGOs should be encouraged and be an intrinsic part of the overall effort to restore normalcy, as was the case in the coordinated effort after the earthquake. The Gujarat Disaster Management Authority, which was also deeply engaged in the post-earthquake measures, should be requested to assist in the present circumstances as well.

(v) Special efforts will need to be made to identify and assist destitute women and orphans, and those subjected to rape. The Women and Child Development Department, Government of India and concerned international agencies/programmes should be requested to help. Particular care will need to be taken to mobilize psychiatric and counselling services to help the traumatized victims. Special efforts will need to be made to identify and depute competent personnel for this purpose.

(vi) The media should be requested to cooperate fully in this endeavour, including radio, which is often under-utilized in such circumstances.

### **IV. Police Reform**

(i) The Commission would like to draw attention to the deeper question of Police Reform, on which recommendations of the National Police Commission and of the National Human Rights Commission have been pending despite repeated efforts to have them acted upon. The Commission is of the view that recent events in Gujarat and, indeed, in other States of the country, underline the need to proceed without delay to implement the reforms that have already

been recommended in order to preserve the integrity of the investigating process and to insulate it from extraneous influences.

(Justice J.S. Verma)  
Chairperson

(Justice Sujata V. Manohar)  
Member

(Virendra Dayal)  
Member

## **APPENDIX B: PAMPHLET CALLING FOR ECONOMIC BOYCOTT OF MUSLIMS**

(translated from Gujarati, from the NGO SAHMAT's report)<sup>328</sup>

VISHWA HINDU PARISHAD (Raanip)

SATYAM SHIVAM SUNDARAM  
JAI SHRI RAM

WAKE UP! ARISE! THINK! ENFORCE!  
SAVE THE COUNTRY! SAVE THE RELIGION!

Economic boycott is the only solution! The anti-national elements use the money earned from the Hindus to destroy us! They buy arms! They molest our sisters and daughters! The way to break the back-bone of these elements is: An economic non-cooperation movement.

Let us resolve -

1. From now on I will not buy anything from a Muslim shopkeeper!
2. I will not sell anything from my shop to such elements!
3. Neither shall I use the hotels of these anti-nationals, nor their garages!
4. I shall give my vehicles only to Hindu garages! From a needle to gold, I shall not buy anything made by Muslims, neither shall we sell them things made by us!
5. Boycott wholeheartedly films in which Muslim hero-heroines act! Throw out films produced by these anti-nationals!
6. Never work in offices of Muslims! Do not hire them!

7. Do not let them buy offices in our business premises, nor sell or hire out houses to them in our housing societies, colonies or communities.
8. I shall certainly vote, but only for him who will protect the Hindu nation.
9. I shall be alert to ensure that our sisters-daughters do not fall into the 'love-trap' of Muslim boys at school-college-workplace.
10. I shall not receive any education or training from a Muslim teacher.

Such a strict economic boycott will throttle these elements! It will break their back-bone! Then it will be difficult for them to live in any corner of this country. Friends, begin this economic boycott from today! Then no Muslim will raise his head before us! Did you read this leaflet? Then make ten photocopies of it, and distribute it to our brothers. The curse of Hanumanji be on him who does not implement this, and distribute it to others! The curse of Ramchandrajji also be on him! Jai Shriram!

A true Hindu patriot.

<sup>328</sup> Bose, "Ethnic Cleansing in Ahmedabad"; and Malekar, "Silence of the Lambs," *The Week*.

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*Human Rights Watch  
Asia Division*

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