

# Citizens for Justice and Peace

September 1, 2012

## Press Release

The Citizens for Justice and Peace describes as exemplary the sentencing meted out to those accused convicted in the Naroda Patiya massacre. At this stage, reiterating the contribution of the entire CJP team in Ahmedabad and Mumbai including the legal team we would like to provide basic information from the Court records on the Incident and the role of the accused. CJP will upload the judgement on its website as soon as it is available. ([www.cjponline.org](http://www.cjponline.org))

## Witness Protection

Sixty Five witnesses, most of whom are also survivors of the worst ever massacre of 2002 were provided legal assistance by the CJP Team. This entailed daily attendance at the trial, ensuring continued protection of witnesses, presence at the local police station when threats and intimidations occurred (this happened at least two dozen, that is 24 times during the trial) and timely applications and coordination with the SIT nodal officers to ensure protection. To understand how victims and witnesses were protected we need to go back to 2004-- CJP had through the Amicus Curaie in the SC Harish Salve moved an application for the protection of all key witnesses and victims of the nine major cases including the victim witnesses of the Naroda Patiya masasacre in 2004. Through a detailed order, individual and cluster protection by the CISF these victim survivors have enjoyed unprecedented and unique protection enabling them to carry out their business and lives without fear. Then after SIT completed its investigations and when the SC was lifting the stay on the trials to enable them to begin, we reiterated concerns through written applications in our petition in the SC. The Final Order of the SC (dated 1-5-2009) ordering Special Courts to begin the trials directs specifically that SIT oversees this protection by the CISF. Dr Raghavan asked CJP to outline a scheme that we have done in writing (2009). This has been unique to the trials in Gujarat supervised by the SC and has ensured that Victims had the security to seek justice, complain several times about attempts at threat and inducement. This example also makes a strong case for an enduring witness protection programme in the country.

## The Incident (Documented through Evidence in Court)

### Role of Smt Mayabehn Kodnani

In this case, according to the evidence, the accused persons and the a mob off persons belonging to the majority community gathered between 8.30-9 am on 28-2-02 and have thereafter committed criminal acts. Crowds were also gathered near Noorani Mosque and this crowd had started swelling. The crowds had come from Krishangnagar and Nartaj hotel and these crowds were gathered on road between Noorani Mosque and ST workshop. **At this point, Mayaben Kodnani had come there with her bodyguard Kirpalsing, had incited and excited the crowd to attack and kill Muslims ("Cut off Miyans" (Muslims).** Encouraged to violence members of the murderous mob began their attack on Noorani Mosque, had set it on fire and thereafter, while the police watched, following the directions and signs of leaders they had committed the violent attacks on Muslims, who had gone in chalis to save their lives. Accused persons of this case along with the riotous crowds of belonging to sections of the Hindu community had rushed inside Muslim chalis from the backside of Noorani Mosque situated besides the ST Workshop and the accused persons

joining with the riotous crowds there had committed loot, breaking down and set on fire. The accused persons of this case and the persons of the crowd were armed with deadly weapons and inflammable substances like kerosene and petrol and they were committing attacks on Muslims. At that time the residents of chawls of Muslim people i.e. the witnesses of this case and their family members ran toward Gangotri and Gopinath Societies and hidden there in go down and other places to save their lives. At that time, the accused persons had come there and removing Muslims from there, they had made well planned conspiracy to lead them towards Teesra Kuan situated in open ground, situated near Gangotri and Gopinath Society and Naroda and as per this conspiracy, Muslims were running towards the ground and Naroda. As per the plan decided earlier, accused persons and the crowds of Hindu Community were present towards Teesra Kuan in ground and at that time the accused persons and crowd persons attacked on Muslims and beat – cut off Muslims in Teesra Kuan situated in the ground and burnt them pouring kerosene petrol on them and destroyed the evidence. Thereafter, the Muslims who were saved, had returned towards Gangotri Gopinath society to save their lives. At that time, as per plan decided earlier, they had surrounded Muslims near water tank situate between Gangotri society Gopinath society situate opposite the wall of ST work shop near Husennagar and i.e towards the road of ST workshop and ground, thus between both the roads and at that time, the accused persons had started the massacre of Muslims and pulling young girls from Muslims, they had committed the rape upon them mercilessly and after having committed rape, they had killed and burnt said young girls and the accused persons had made mass massacre of Muslims by throwing inflammable substances like petrol, kerosene and the mattresses made wet by petrol kerosene and had given result as per their pre planned conspiracy. In this mass massacre, beating even innocent children mercilessly and taking them on water tank and throwing in burning fire, they were burnt alive. Thereafter, the accused persons with a view to destroy the evidence, have attempted to dispose of the corpses and the accused persons with a view to destroy the evidence the well, in which they had cutoff and burnt Muslims had filled up that well. They had thrown the deceased hogs in that well and thereby filled it. Deaths of total 95 persons are caused in this incident as per the evidence.

.....As a part of this criminal conspiracy, Mayaben Kodnani and other accused persons had come in a motor at around 12:00 pm – 1:45 pm. A vehicle of PI Mysorewala had come following their vehicle and Mayaben Kodnani and the accused persons of this case had got down from the vehicle in the presence of the police and taking out swords from the vehicle, the same were to given to the Hindu persons. Dildar Umrao Saiyed a witness of this case had eye witnessed this incident. He has stated this even in the Hon'ble Court. At that time, a threat was given to a witness and stated, you go away otherwise you will be killed. This incident also gives support to the criminal object of the accused persons of this case. Because these swords had been distributed during 12:00 pm to 1:45 pm and thereafter the massacre having been committed appears from the deposition of the witnesses in the Hon'ble Court and so many Muslims had been killed by these swords. This is not an accidental act. The criminal act has been given a result as a part of pre planned conspiracy, which is being proved by deposition of those witnesses.

### **CRIMINAL CONSPIRACY**

The heinous attack had not occurred incidentally. The accused persons in this case have hatched a criminal conspiracy earlier and as a part of that conspiracy Babu Bajarangi and the accused persons of this case being united in common intent, on 27/2/2002, planned this conspiracy and to carry it through have collected a total 23 revolvers from the persons possessing guns/revolvers in the Naroda area. This fact transpires from the deposition of witness No. 322 Ahish Khetan and the accused Babu Bajarangi has admitted this fact in the

sting operation, which is a confession of the offence. Thus it transpires clearly that the plans having been made one before the date of the incident with a common object to ruin Muslims were succeeded on 28/2/2002, which has appeared in view of this evidence and as a part of this conspiracy the accused persons of this case had attacked on Muslim area and Noorani Mosque right from the morning of 28/2/2002 and as a part of this conspiracy accused no. 37 Mayaben Kodnani had distributed the weapons to the accused persons on the day of incident. The arrangement of these weapons is not possible suddenly. It is going to be proved that Mayaben had made bandobast for the collection of deadly weapons earlier, making her a part of the conspiracy since she has herself distributed these weapons to the accused persons and the carnage is committed by those weapons in all areas. The police too did not help to Muslims even on the day of incident. As the helpless, innocent poor Muslims made earnest request to police to seek help, KK Mysorewala first PI had allegedly said, "Today you have to die". "Today there is our holiday". You have to die. There is an order from above. The witnesses have stated this in their depositions. Besides the police have fired upon such helpless poor innocent Muslims as per guidance of crowd. The police abandoned their duty and are guilty of criminal negligence.

.....In view of the evidence and especially the deposition of Ashish Khetan and conduct of the police officers and SRP officers, the conspiracy to commit the offences of a huge scale against one community was made and the communal elements, with the assistance of police officers and SRP officers effected this murderous conspiracy. Pre-planning and preparations included collection of revolvers and swords and distributing them, collection of inflammable substances and distributing them. Even after the killing of innocents, dead were not allowed to die with dignity ---corpses were kicked and beaten and burned.

#### **Accused given Life Term Until Death**

Babubhai @ Babu Bajrangi Rajabhai Patel (accused 18)

#### **Naroda Patia 100/02**

#### **(Role of Babu Bajrangi)**

<b>No.</b>	<b>Witness No.</b>	<b>Witness Name</b>	<b>Page No.</b>	<b>Accuse No.</b>	<b>Accuse Name</b>	<b>Remark</b>
1	1	V.K. Solanki	12	18	Babu Bajrangi	- Accused was shouting slogans and instigating the mob. - At 12 to 19.30, accused no, 20,19,43,18,24 lead & instigated mob, shouting "Maro Kapo" (Kill, Cut them to pieces). They committed the offence

						and killed 58 persons near Noorani Masid and surrounding chawls, S.T. Workshop and Hussain Nagar - Accused no. 20, 19, 43,18,24, instigated the mob at Naroda Patia and Jawannagar.
2	137	Mo. Ashraf Karimbhai	375	18	Babu Bajrangi	- In the morning at 9.30 am the mob gathered at Noorani Masjid from Krushnanagar and Saijpur with fatal weapons - he led the mob - he shouted “Maro Kapo” *Kill, Cut them to pieces) - He destroyed houses in chawls - He destroyed, looted and burnt the houses of Kashiram, Hussainnagar and Jawannagar’s chawls. - The mob burnt alive Madinabibi, Babubhai, Shakinabibi and Razakbhai - I can identify him on seeing him.
3	308	M.T. Rana	881	18	Babu	- At 2.30 p.m. the

					Bajrangi	accused no. 20,24,18,19, are in the mob - above 4 accused are seen in the mob until 3.00 p.m.
4	309	K.K. Mysorewala	891 (897)	18	Babu Bajrangi	- At 2.00 p.m. accused no. 20,24,18,19, are in the mob; They instigate the mob and shouted.
5	310	ASG Dasrathsinh	903	18	Babu Bajrangi	They excited the mob and destroyed Muslim's chawls and Noorni Masjid. - Accused no. 20, 19, 43,18,24, shouted. "Maro Kapo"(Kill, cur them to pieces) - they instigated the mob and were themselves carrying weapons; - I was serving since 8 years and knew them mostly as social worker and leaders. So, I know accused no.20,19,43,18, and 24.
6	314	HC – Devjibhai Jamabhai	923 (925)	18	Babu Bajrangi	BJP Workers accused no. 20,24,18,19 are seen in the mob
7	315	PC – Sureshbhai	929	18	Babu Bajrangi	BJP Workers accused no. 20,24,18,19 are

						seen in the mob
8	316	PC – Vijaykumar Lakshmanrav	933 (935)	18	Babu Bajrangi	BJP Workers accused no. 20,24,18,19 are seen in the mob
9	317	PC- Jeevabhai Pujabhai	939 (941)	18	Babu Bajrangi	BJP Workers accused no. 20,24,18,19 are seen in the mob
10	328	PC – Deepak Govindrav	1003	18	Babu Bajrangi	BJP Workers accused no. 20,24,18,19 are seen in the mob
11	405	Haroon Mohammedbhai	1881	18	Babu Bajrangi	The mob near at Krishnanagar and ST Workshop with weapons. - Seen in the mob Accused no. 18,37, 10,22,41,38,44,52
12	427	Javed Ismailbhai	2003 2005 2006	18	Babu Bajrangi	Accused no. 18, 22, 28, Bhavani and Guddu attacked Muslims and injured them, burnt them by pouring kerosene. And also thrown children into the fire. -Offence committed at 7.30 p.m. - At that time Accused no. 18 who had the sword. He cut the stomach of Kausarbanu. - He pulled out the child from

						Kausarbanu's embryo and thrust a sword into the living child/foetus
13	431	Mayuddin Imamddin Shaikh	2029 2031	18	Babu Bajrangi	- Destroyed and fired at the houses - the mob came from Uday Gas house - I had hidden on terrace - From the terrace I have seen accuse no. 18 instigated and sending the mob to Jawannagar
14	271/1	A. Salim A. Majid Chaudhry	609/2	18	Babu Bajrangi	- The mob came from Nr. ST Workshop, Uday Gas and Gangotri society at 5.00 p.m. - Accused no. 22,18,41 Bhavani, Dalpat, Guddu leading the mob and instigated.
15	264	Shaukat Nabibhai	735	18	Babu Bajrangi	- Seen with sword in the mob

#### **Accused given 28 Years Imprisonment**

Dr. Mayaben Surendrabhai Kodnani (accused 37);

#### **Witnesses who have deposed Against former Minister for Women and Child Welfare Mayabehn Kodnani**

Accused No.	Accused Name	Witness No.	Exh.	Witness Name
1.	Dr.Mayaben Surendrabhai Kodnani	52	425	Aminaben Abbasbhai Belif
		104	668	Mahammedsalim Mahammedhusen Shaikh
		136	898	Bashirkhan Nannekhan Pathan

		143	975	Dildar Umrav Saiyed
		156	1072	A.Majid Mahammed Usman Shaikh
		176	1212	Julekhabibi Sardarahmed Chaudhri
		192	1314	Rashidabanu Imtiyazhusen Momin
		198	1363	Harun Mohammadbhai Shaikh
		227	1614	Juberkhan Ismailkhan Pathan
		236	1662	Siddik Alabax Mansuri
		310	2188	Dipakbhai Revabhai Parmar Retired deputy secretary, Vidhansabha, Gandhinagar.

Names of Accused who have been given 31 years imprisonment:-

Naresh Agarsinh Chara (accused 1);

Murlibhai Naranbhai Sindhi (accused 2);

Hareesh @ Hariyo S/o Jivanlal @ Agarsinh Rathod (accused 10);

Suresh @ Richard @ Langdi Kantibhai Dedawala (Chara) (accused 22);

Premchand @ Tiwari Conductor (accused 25);

Manojbhai @ Manoj Sinhi Renumal Kukrani (accused 41);

Bipinbhai @ Bipin autowala Umedray Panchal (accused 44);

Names of accused who have been given 14 years imprisonment- Ganpat Chanaji Deedawala (accused 4); Vikrambhai Maneklal Rathod (accused 5); Kishan Khubchand Korani (accused 20); Prakashbhai Sureshbhai Rathod (Chara) (accused 21); Suresh @ Sehjad Dalubhai (Marathi, Charo) (absconding) (accused 26); Nawab @ Kalu Bhaiyo Harisinh Rathod (accused 27); Manubhai Keshavbhai Maruda (Bhangi) (accused 28); Shashikant @ Tiniyo Marathi Yuvraj Patil (accused 30); Babubhai Jethabhai Salat (accused 33); Lakshmanbhai @ Lakho Budhaji Thakor (accused 34); Ashok Hundaldas Sindhi (accused 38); Harshad @ Mungda Govind Chara (Parmar) (accused 39); Mukesh @ Vakil Ratilal Rathod (accused 40); Hiraji @ Hero Marwadi @ Sonaji Danaji Medhwan (Marwadi) (accused 42); Ashokbhai Uttamchand Korani (Sindhi) (accused 45); Vijaykumar Takhubhai Parmar (accused 46); Ramesh Keshavlal Dedawala (Chara) (accused 47); Sachin Nagindas Modi (accused 52); Vilas @ Viliyo Prakashbhai Sonar (accused 53); Dinesh @ Tiniyo Govindbhai Barange (Marathi) (accused 55); Santoshkumar Kodumal Mulchandani (accused 58); Pintu Dalpatbhai Jadeja (Chara) (accused 60); Kirpalsinh Jagbahadursinh Chabda (accused 62).

## Role of Citizens for Justice and Peace

CJP has handled over 68 cases related to the Gujarat Carnage of 2002. Documenting the evidence for each case carefully, accurately and persistently following these up; Ensuring protection first—a historic order of the Supreme Court in 2004 ensured that over 570 witnesses, individually and through clusters have got protection from the CISF; this was our intervention—this protection has continued till date and will continue until appeal. Ensuring

legal aid through a team of lawyers at the Trial Court lawyers who file their appearance under Section 24(8)(2) of the CRPC that ensure the voices of Victim Witnesses are heard, assisting the Prosecution. In the Sardarpura case (earlier Best Bakery etc etc) and now the latest Naroda Patiya we have filed detailed written arguments and made separate applications before the Courts. This ensures that any aspect, large or small that may be overlooked is addressed. At the Gujarat high court level our courageous colleague MM Tirmizi who has risked much along with others and our team of lawyers from Bombay – Mihir Desai, Gautam Patel, Navroz Seervai—and Delhi –Kamini Jaiswal, Sanjay Parikh, Aparna Bhat, Ramesh Pukhrambam have made it possible for us to be consistently vigilant.



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