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Politics of Vendetta Shall not Defeat the Cause of Justice

Statement in Solidarity with Teesta Setalvad and Javed Anand

Teesta Setalvad and Javed Anand, who have fought a long and heroic battle to advance the cause of justice for Gujarat's 2002 pogrom, face possible prosecution on charges of financial misappropriation. We see this as a clear case of the politics of vendetta launched with explicit intent to whitewash and efface from public memory the misdeeds of those who today wield political power in the state and centre.

As the government headed by Narendra Modi launches a fresh investigation into the 1984 carnage on the streets of Delhi – a measure that we would welcome except for the obvious partisan motivation behind it – we are shocked to see this persisting spirit of vendetta against an effort to enforce legal and moral accountability for an equally horrific massacre in Gujarat.

The Gujarat police's alacrity in turning up at the doorstep of Teesta and Javed's Mumbai residence within minutes after the High Court in Gandhinagar pronounced that it would not entertain their plea for anticipatory bail, suggests an intent to bully and intimidate. The ostensible reason, that Teesta and Javed are required for "custodial interrogation" is an unwitting, but nonetheless chilling confession of the Gujarat police's real intent.

We have serious doubts about the *bonafide* of the complainants in this matter, but have taken the trouble of familiarising ourselves with the nature of the charges they make. An utterly trivial complaint has been inflated by the prosecution into charges involving crores, when the actual magnitude of funds received for the impugned purpose – building a museum of remembrance in Ahmedabad for victims of communal violence – was a mere Rs 4.6 lakh. These funds were received in the accounts of Sabrang, one among two trusts that have been engaged in the cause of justice for the 2002 riots. The other trust of which Teesta Setalvad and Javed Anand are executive functionaries – Citizens for Justice and Peace (CJP) – has received far larger donations for the cause of pursuing avenues of legal redress for the 2002 victims and survivors. Curiously, every withdrawal for petty cash expenses for the activities of the Trust has been portrayed by the prosecution as an instance of defalcation for personal ends. Honrarium or salaries paid to Teesta and Javed have been similarly presented, though these are fully in conformity with memoranda of understanding and agreements arrived at between their trusts and donor agencies.

There are several such patent distortions of fact in the prosecution case. For their part, Teesta Setalvad and Javed Anand, we understand, have submitted all relevant invoices clarifying the purposes of every one of the impugned cash withdrawals. These number some 11,000 documents and have been available with the investigating agencies for several weeks.

By way of background, we would like to recall that the Supreme Court has at least twice in past years, made adverse observations about the Gujarat state government's campaign of vilification against Teesta Setalvad and Javed Anand. The first such instance was in 2004, after elements within the ruling party in Gujarat pressured and in other ways induced a key witness in the Best Bakery case, Zaheera Sheikh, to change her testimony so that charges of obstructing the course of justice and perjury could be brought against Teesta. A second instance was in 2010-11, when malicious charges of exhuming the bodies of riot victims from their graves were brought and summarily dismissed as absurd by the highest court.

We are shocked at the tone of some of the media coverage, especially in some television news channels. These have made a bonfire of the basic principle of fairness and due process, which is the presumption of innocence. They have also shown more than the usual aversion to understanding issues of complexity, though these are not matters that would challenge more than the average intelligence.

We extend our solidarity to Teesta Setalvad and Javed Anand in this hour of trial and reaffirm our unstinting support to the cause they are engaged in.

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