

AMNESTY INTERNATIONAL

Public Statement

AI Index: ASA 20/006/2006 (Public)
News Service No: 053
2 March 2006

India: Gujarat Violence Four years On: Amnesty International welcomes due process of justice

Amnesty International welcomes the move by the authorities to bring to justice perpetrators of a massacre during the Gujarat communal violence in 2002.

A Mumbai special court has now sentenced nine persons to life imprisonment in a key case relating to the Gujarat communal violence. Eight other defendants were acquitted by the court.

This case, which relates to the massacre of 14 persons during an attack on the Best Bakery at Baroda city on 1 March 2002, is one of the two cases highlighted in the Amnesty International report, *Justice, the victim - Gujarat state fails to protect women from violence* (January 2005).

More than 2,000 people, mostly minority Muslims, had been killed in the Gujarat communal violence which took place in March 2002.

Amnesty International recalls that the initial trial proceedings in this case had created a controversy when a Gujarat court, in 2003, acquitted all the accused. This was after Zahira Sheikh, a key witness in the case, turned hostile and retracted her statements, reportedly under pressure. Zahira Sheikh also claimed that she had been forced to testify against the accused persons by a Mumbai-based human rights activist, Teesta Setalvad, who was campaigning on behalf of the victims of the violence.

After serious questions were raised over the lack of a proper witness protection system in place and the credibility of the judicial processes relating to the Gujarat violence cases, the Indian Supreme Court ordered transfer of this case to the neighbouring state of Maharashtra in 2004 for retrial by a Mumbai court. Six similar cases are still pending before the Supreme Court.

Amnesty International also welcomes the Mumbai court decision to drop charges against Teesta Setalvad.

Indeed, the Mumbai court judgement offers a ray of hope to the countless victims of the Gujarat communal violence who have so far been denied justice. Amnesty International, however, points out that the process of ensuring justice for them in a credible manner is far from over.

Amnesty International also points out that the Supreme Court has ordered the Gujarat police to reopen a large number of cases relating to the communal violence which the police had earlier declared as closed. As per the ruling, as many as 1,594 cases have been reopened and action has been taken against 41 police officials for their alleged role in the communal violence. The Supreme Court has asked the Gujarat police to file quarterly reports on the progress of the investigations.

In this context, where victims have to fight cases without a witness protection system, Amnesty International urges the authorities to closely monitor the ongoing cases in Gujarat to ensure justice for all the victims of the 2002 communal violence.