

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **India: Gujarat one year on -- the credibility of the criminal justice system is at stake**

Amnesty International today (27 February 2003) expressed its solidarity with all the Hindu and Muslim victims of the Godhra and the post Godhra massacres in the state which began a year ago.

"The anniversary of the massacres, where more than 2000 people were killed, is a stark reminder to the governments of India and of Gujarat that justice must be promptly delivered to the victims and their families, if the credibility of the criminal justice system in the country is to be upheld," the organization said.

Constitutional rights, and in particular the right to redress, continue to be violated in the state. The manner in which police investigations into the massacres are carried out highlights a severe bias against Muslim victims and survivors. These investigations often rely on the same police officers who were at best indifferent bystanders or at worse actively colluding with the attackers when the violence took place.

"The absence of an independent investigative agency prejudices most trials even before they begin. It flouts a very basic principle of justice: the same police officers cannot be the accused and investigators at the same time", Amnesty International emphasized.

The constitutional right to equality before the law is also routinely violated in Gujarat: double standards appear to have been repeatedly and consistently applied during investigations of responsibilities in the Godhra and post Godhra massacres.

On 1 April 2002 the National Human Rights Commission (NHRC) issued recommendations to the governments of India and of Gujarat which, if implemented, would go a long way in restoring the trust of minorities in the criminal justice system. They included:

- certain critical cases should be entrusted to the Central Bureau of Investigation (CBI);
- Special Courts should be set up to try these cases on a day-to-day basis;
- Special Prosecutors should be appointed as needed;
- action should be initiated to identify and proceed against those state officials who failed to act appropriately to control the violence.

The implementation of these recommendations have so far been ignored. Amnesty International calls once more on the authorities to urgently implement them. This is crucial to maintain the legitimacy of the criminal justice system itself and to give meaning to the existence of the NHRC.

"The lack of justice, relief and rehabilitation for the victims and survivors of the massacres in Gujarat re-enact a scenario seen far too many times in India in the aftermath of mass violence," the international human rights organization stressed.

Full justice and redress are yet to be delivered to the victims of the major massacres in the history of the country, including the anti-Sikh riots in New Delhi in 1984 and the violence targeting the Muslim population of Mumbai in 1992.

"It is high time this trend is reversed and Gujarat must be seized as an opportunity to do so", the organization concluded.

### **Background**

Following an attack on a train in Godhra, Gujarat, on 27 February 2002 in which 59 Hindus were killed, violence of unprecedented brutality targeting the Muslim community spread in the state and continued in the next three months, leaving more than 2000 people killed. The state government, administration and police took insufficient action to protect civilians and in many cases may have colluded with the attackers and actively participated in the violence.

In many cases of post Godhra violence police have recorded complaints in a highly defective manner, witnesses' statements as well as corroborative evidence have not been thoroughly collected and responsibilities of eminent suspects have not been investigated by police.

Double standards applied during the investigations are evident from the fact that in post Godhra massacres a large number of arrested persons suspected of crimes as serious as murder have been bailed out and roam free, the charge of conspiracy has rarely been considered and the property of absconders has not been attached. In the Godhra case, on the contrary, most of the accused are kept in detention, the charge of conspiracy has been clearly made out and the property of the absconders has been attached. The draconian Prevention of Terrorism Act -- containing insufficient safeguards or the rights of the accused -- is being applied to the suspects in the Godhra case.

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