

**PUBLIC**

**AI Index: ASA 20/031/2003**

**10 November 2003**

**Further information on UA 201/03 (ASA 20/017/2003, 8 July 2003 and follow-up ASA 20/024/2003, 2 September 2003) Fear for safety New Concern: Death Threats**

**INDIA**                    **Rais Khan Azeezkhan Pathan (m)**    ]  
                                 **Teesta Setalvad (f)**                    ] **human rights defenders in Gujarat state**  
                                 **Suhel Tirmizi (m)**                    ]  
  
                                 **Zahira Sheikh (f)**  
                                 **Sehruneesa Sheikh (f)**  
                                 **Other witnesses and human rights defenders in Gujarat state**

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Human rights defender, Rais Khan Azeezkhan Pathan, full time coordinator of the Citizens for Justice and Peace (CPJ), a non governmental organization based in Ahmedabad, Gujarat, has been receiving renewed death threats.

At approximately 9.30am on 4 November, Rais Khan Azeezkhan Pathan received a threat on his mobile phone when he was visiting Viramgam – 62 kilometres northwest of Ahmedabad. Three civilian deaths had been reported in the town on 2 November, when police opened fire to contain communal violence in the area. Rais Khan Azeezkhan Pathan had been visiting on behalf of the CPJ to investigate the incident. The anonymous caller reportedly threatened Rais Khan Azeezkhan Pathan asserting that his visit to the area had “vitiating the atmosphere”, made threats against him to leave the state and that he would be “finished” if he stayed. A similar threat was made against Rais Khan Azeezkhan Pathan at approximately 5.30 pm on 7 November. A complaint regarding the threats has been lodged with relevant police authorities including the Director General of Police of Gujarat.

An application was filed in the Supreme Court of India on 1 September by Teesta Setalvad, Suhel Tirmizi and Rais Khan Azeezkhan Pathan, requesting police protection, which has subsequently been provided. Despite this however, Amnesty International remains concerned that the human rights defenders are still being threatened. A situation which may worsen as the trial involving Zahira Sheikh and Sehruneesa Sheikh is due to begin on 1 December and also because of their involvement in a series of other initiatives seeking justice for victims of the communal violence.

#### **BACKGROUND INFORMATION**

There is credible evidence implicating police officers and members of Hindu nationalist groups, including the ruling Bharatiya Janata Party (BJP), in violence against Muslims. In these circumstances, Amnesty International has been concerned about the Gujarat government’s ability to provide justice to victims of violence.

Zahira Sheikh and her mother Sehruneesa Sheikh were witnesses to the killing of fourteen people at the Best Bakery in Baroda on 1 March 2002. During the trial of 21 accused, they and other witnesses withdrew their testimony, as a result of which the accused were acquitted on 27 June 2003. However, Zahira Sheikh and her mother subsequently claimed that they had been threatened to withdraw their testimony. Following a public outcry, the National Human Rights Commission (NHRC) carried out an investigation and subsequently filed a petition in the Supreme Court, seeking directions from the court to provide protection to witnesses and to ensure a re-trial of the case in a court outside Gujarat, and the transfer of other ongoing cases to courts outside Gujarat. Citizens for Justice and Peace filed a further petition on behalf of Zahira Sheikh, also seeking a re-trial of the case outside Gujarat.

On 7 August 2003, the Gujarat Government filed an appeal challenging the acquittal of the 21 accused in the case. The petition filed by the NHRC and the Citizens for Justice and Peace was subsequently heard by the Supreme Court. During the proceedings the Supreme Court noted concerns regarding the appeal filed by the Gujarat Government and ordered that the state government amend its appeal. Following the criticism, the Gujarat Government amended the criminal appeal seeking a retrial of the case quashing the entire previous proceedings. Human rights activists and Amnesty International continue to monitor progress in the legal proceedings.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

- welcoming the police protection being given to Teesta Setalvad, Rais Khan Azeekhan Pathan and Suhel Tirmizi who had been receiving threats while carrying out their legitimate and peaceful human rights work on behalf of the victims of communal violence in Gujarat;
- stating that despite this, Rais Khan Azeekhan Pathan is continuing to receive death threats;
- urging the state government to ensure that all three human rights defenders and witnesses in the forthcoming trial continue to receive police protection, especially in light of these threats;
- calling on the Government of India to order an independent and impartial investigation into allegations that human rights defenders have received threats and to take prompt action against anyone found to have threatened them;
- urging the authorities to give a commitment that human rights defenders will be free to carry out their peaceful activities without fear of harassment, and that action will be taken against anyone interfering with those activities.

**APPEALS TO:**

Deputy Prime Minister

Shri L.K. Advani  
Room No. 104  
North Block  
New Delhi 110 001  
India

**Telegram: Deputy Prime Minister, New Delhi, India**

**Fax: + 91 11 2 309 4221**

**Salutation: Dear Deputy Prime Minister**

**COPIES TO:**

Chief Minister of Gujarat

Shri Narendra Modi  
Office of the Chief Minister  
Gandhinagar 382 020  
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India

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and to diplomatic representatives of India accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 22 December 2003.