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India: Three years later still no justice for victims of violence in Gujarat

On the third anniversary of the fire on the Sabarmati Express train at Godhra on 27 February 2002 in which 59 people died, Amnesty International once again calls on the Government of Gujarat to take all possible steps to ensure justice to the victims of the wave of violence that swept across the state of Gujarat in the following weeks.

Three years after at least 2,000 people, mostly Muslim men, women and children died at the hands of Hindu right wing mobs, virtually no one has been convicted of sexual assault, murder or destruction of homes and businesses. The victims, whose lives, homes and hopes for their future were shattered in the targeted violence, have to live amongst those who violently raped and burned Muslim women, mercilessly killed babies and children and hunted down and killed Muslim men. The perpetrators continue to walk free, safe in the knowledge that they will not be punished as state institutions in Gujarat have consistently failed to perform their constitutional duties to ensure justice to the victims.

A report released by Amnesty International on 27 January 2005 describes the failure of the state of Gujarat to exercise due diligence to protect members of the minority community. During the attacks, police stood by or joined in the violence. Later, police failed to record and investigate survivors' complaints. Many of those cases that came to court did not lead to convictions because of the communal bias of public prosecutors and judges. Deficiencies in the law relating to rape and the absence of a witness protection program further contributed to justice being denied to survivors. Relief, rehabilitation and compensation remained inadequate, adding to the survivors' sense of being second class citizens in the state.

Since publishing the report, Amnesty International has received a letter from the Government of Gujarat. It categorically asserts that "there has been no discrimination against any community", points to a long history of communal violence in the state and concludes that "the unfortunate riots in Gujarat [in 2002] have been singled out to tarnish the image of the state and pointed out [sic] the failure to protect the citizens". The letter restates several arguments which the Government of Gujarat had made earlier in its response to Amnesty International of November 2004 after the report had been sent with a request for comment. The state government's arguments have been fully reflected in the report.

Amnesty International regrets that the Government of Gujarat is persisting in its refusal to acknowledge its massive failings which have been exhaustively documented by Indian human rights activists who had -- unlike Amnesty International -- the opportunity to directly investigate the violence against the Muslim minority in 2002.

Amnesty International once again calls on the Government of India to take all possible measures to ensure that the consistent failure of the state of Gujarat to fulfil its obligations under national and international law to protect the state's minorities and to provide justice to the victims comes to an end.

The report, *India: Justice, the victim -- Gujarat state fails to protect women from violence*, AI Index: ASA 20/001/2005 can be found on Amnesty International's website at <http://web.amnesty.org/library/Index/ENGASA200012005?open&of=ENG-IND>.