

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: ASA 20/006/2012
29 February 2012

A decade on from the Gujarat riots, an overwhelming majority of victims await justice in India

A decade after the month-long outbreak of violence that resulted in the killing of at least 2,000 women, men and children, mostly Muslims, and the rape of significant numbers of women and girls, in the western Indian state of Gujarat, India's authorities are yet to bring justice to the majority of victims, Amnesty International said today.

The violence by extremist Hindu mobs commenced after 59 Hindu pilgrims, returning from Ayodhya in Uttar Pradesh, were killed in a fire on the Sabarmati Express train set by a Muslim mob at Godhra on 27 February 2002.

The majority of the perpetrators of the Gujarat violence walk free, assuming that they will not be punished by the state institutions which have simply failed to ensure justice for the victims, Amnesty International said.

The fact that more than 2,000 people can be murdered and the lives of thousands of others shattered in Gujarat with only a small number of the perpetrators brought to justice is offensive to any notion of justice, Amnesty International said.

In fact, investigation and trial processes have made headway only in a handful of cases, including the six major cases of mass killings which are being investigated by a special team under the direction of India's Supreme Court ensuring protection for the witnesses, Amnesty International pointed out, adding that the Supreme Court should continue to monitor these cases and ensure justice for the victims.

The special team, which was the only one to have probed allegations that Gujarat chief minister Narendra Modi belonging to the Bharatiya Janata Party played a key role in facilitating the riots, referred to his speeches as "sweeping and offensive", but cited lack of evidence to proceed against him.

Immediately after the riots, the Gujarat authorities cited lack of evidence to close 2,107 cases without giving the victims an opportunity to depose as per the law. Following this, a Supreme Court-appointed enquiry, in February 2006, directed the state authorities to reopen 1,594 of the cases; the victims lodged 13 fresh complaints and successive probes found that 41 police officials were involved in the riots, naming more than 600 persons as accused in various cases. However, the state authorities appointed members and supporters of extremist Hindu organizations as public prosecutors in an overwhelming number of cases, many of which did not lead to convictions given the communal bias of public prosecutors and members of the lower judiciary in Gujarat.

Rape and sexual violence was perpetrated against large numbers of women and girls: accurate figures on the extent of gender-based violence including rape and sexual assault do not exist because many cases were not reported to the authorities. Teesta Setalvad of the Centre for Justice and Peace (CJP), who has been fighting several cases on behalf of the victims, informed Amnesty International that many of those victims who did report gender-related violence were yet to receive justice or compensation. A survey conducted by her organization also found that more than 19,000 persons whose houses were either burnt down or demolished during the riots were yet to receive compensation.

Moreover, at least 21,000 persons are still in 19 transit relief camps awaiting relocation, but the state authorities were now claiming that the land on which the camps were set up belonged to the government and that they would have to vacate the camps, putting them under risk of forced evictions, she informed Amnesty International.

For the relatives of the victims and survivors, this has been an excruciating process of being promised justice and watching India's institutions break their promises again and again, Amnesty International said, adding that all those responsible for the killings and gender-based violence including rape must be brought to justice – whether they are political leaders, police or government officials. Amnesty International calls on the authorities to improve their response to victims of gender based violence, including witness protection. The authorities should challenge the stigma and stereotyping affecting women and girl survivors of rape. These women and girls, and the family members of those killed, should be provided with full reparation: rehabilitation, restitution, compensation, satisfaction, and guarantees of non-repetition.

Amnesty International urges the authorities in India to ensure the provision of adequate compensation to all those who lost their houses during the riots and not to go ahead with any planned forced evictions of riot victims who are in transit camps.

Background

A 2005 report released by Amnesty International describes in detail the failures 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 systematically record and investigate survivors' complaints. Deficiencies in the law relating to rape and the absence of a witness protection program further contribute 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.

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>

Also, India: Five years on - the bitter and uphill struggle for justice in Gujarat, AI Index: ASA 20/007/2007, 8 March 2007, <http://www.amnesty.org/en/library/info/ASA20/007/2007/en>

ENDS/

Public Document

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK

www.amnesty.org
