

PUBLIC

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02 September 2003

Further Information on UA 201/03 (ASA 20/017/2003, 08 July 2003) Fear for safety

INDIA

**Zahira Sheikh (f)
Sehruneesa Sheikh (f)
and other witnesses**

New names:

**Teesta Setalvad (f)]
Rais Khan Azeekhan Pathan (m)]**

] human rights

defenders

**Suhel Tirmizi (m)]
and other human rights defenders in Gujarat state**

Human rights defenders Teesta Setalvad, Rais Khan Azeekhan Pathan and Suhel Tirmizi have received a number of threats. The three are involved in protecting witnesses, including Zahira Sheikh and Sehruneesa Sheikh, who have provided testimony against those accused of taking part in communal violence in the state of Gujarat in February and March 2002.

All three human rights defenders have received threats by telephone from anonymous callers, warning them that their lives would be in danger if they continue to work on behalf of the victims of communal violence, particularly those affected in the Best Bakery case, in which 14 people were killed. Rais Khan Azeekhan Pathan has received threats in person from unidentified individuals. On 29 August, while he was escorting witnesses to a hearing of the Commission of Inquiry into the violence in Gujarat, in the city of Ahmedabad, Rais Khan Azeekhan Pathan was reportedly surrounded and physically threatened by a group of supporters of right-wing Hindu political groups.

Teesta Setalvad is secretary of the non-governmental organization Citizens for Justice and Peace and is based in Mumbai. Rais Khan Azeekhan Pathan is the full-time coordinator of the same group based in Ahmedabad in Gujarat. The two have personally been instrumental in providing protection and rehabilitation to Zahira Sheikh and her family, and seeking justice for the victims of the communal violence. Suhel Tirmizi is a lawyer in Gujarat, who has worked on behalf of the victims of many communal violence cases, including the Best Bakery case.

Despite repeated requests for police protection made to the Government of Gujarat during August 2003 by the human rights defenders, there has been no response. On 1 September, the three defenders filed an application in the Supreme Court of India requesting protection. Amnesty International is concerned for their safety, and that of other human rights defenders involved in similar cases.

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 the 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 of India, 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. The petitions are currently being considered by the Supreme Court.

The Government of Gujarat has reacted angrily to what it sees as attempts to interfere in the criminal justice process in Gujarat and to tarnish the state's image by both the NHRC and non-governmental organizations.

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

- expressing concern for the safety of human rights defenders Teesta Setalvad, Rais Khan Azeekhan Pathan and Suhel Tirmizi, who have reportedly been threatened while carrying out their legitimate and peaceful human rights work on behalf of the victims of communal violence in Gujarat;
- urging the Government of India to take immediate action to ensure the safety and protection of Teesta Setalvad, Rais Khan Azeekhan Pathan and Suhel Tirmizi and other human rights defenders involved in ensuring justice for these victims;
- 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;
- expressing concern about the failure of the Government of Gujarat to provide protection to human rights defenders despite repeated appeals;
- 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:

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

Telegram: Deputy Prime Minister, New Delhi, India

Fax: + 91 11 309 4221

Salutation: Dear Deputy Prime Minister

COPIES TO:

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

Fax: + 91 79 322 2101

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 14 October 2003.