

AMNESTY INTERNATIONAL

Public Statement

AI Index: ASA 20/019/2002 (Public)
News Service No: 183
16 October 2002

India: Hate speeches on the violence in Gujarat must be stopped

Amnesty International is alarmed at repeated inflammatory statements made by Ashok Singhal, the international working president of the Vishwa Hindu Parishad (VHP, a nationalist Hindu organization), about the violence against the Muslim population in Gujarat earlier this year, in which more than 2,000 people were killed. The organization fears for the safety of many thousands of vulnerable people, should further violence be incited by the reported statements.

Ashok Singhal is reported to have said on 11 October 2002 that "what happened in Gujarat will happen in the whole of the country", while on 3 September he reportedly termed the recent massacres in Gujarat a "successful experiment which will be repeated all over the country".

Promoting enmity between different groups on grounds of religion is a recognized criminal offence under Indian law. Amnesty International calls on the competent authorities to give a clear signal that it will not be tolerated any more. Investigations to establish Ashok Singhal's responsibilities in relation to the reported statements should be initiated as a matter of urgency and appropriate action, including possible prosecution, should be taken accordingly. Amnesty International wrote to the relevant Indian authorities on 16 September 2002, drawing attention to Ashok Singhal's statement of 3 September, but has not been notified of any investigation initiated since then.

The National Human Rights Commission (NHRC) noted the need to take firm action on provocative statements which have the potential to incite communal tensions and violence. In its "Final Order on Gujarat dated 31st May, 2002", the NHRC states that it "had urged that these [statements] be examined and acted upon, the burden of proof being shifted to such persons to explain or contradict their statements."

Provocative statements by VHP office bearers and by elected representatives in the state of Gujarat in the immediate aftermath of the killing of 59 Hindus on a train in Godhra in February 2002 are widely believed to have been interpreted by VHP sympathizers and other individuals as a call to violence, which led to widespread killings throughout the state earlier this year.

Background

Effective protection of the rights of minorities throughout the state of Gujarat and the country is provided by Indian statutory law. The Indian Penal Code (IPC) prescribes criminal prosecution for "wantonly giving provocation with intent to cause riot" (section 153); "promoting enmity between different groups on grounds of religion" (section 153A); "imputations, assertions prejudicial to national integration" (section 153B); "uttering words with deliberate intent to wound the religious feelings of any person" (section 298); "statements conducing to public mischief" (section 505 (1), b and c); and "statements creating or

promoting enmity, hatred or ill-will between classes (section 505(2)). Section 108 of the Code of Criminal Procedure, in addition, allows an Executive Magistrate to initiate action against a person violating section 153A or 153B of the IPC. Amnesty International believes that Ashok Singhal's statements, as reported, may constitute a criminal offence under Indian law.

The "Guidelines to promote communal harmony" issued by the Ministry of Home Affairs in October 1997 point at the precise responsibility of the state machinery to deal with potentially inflammatory statements in the context of communal tension. Guideline 15 states that "effective will needs to be displayed by the district authorities in the management of such situations so that ugly incidents do not occur. Provisions in section 153A, 153B, 295 to 298 and 505 of IPC and any other Law should be freely used to deal with individuals promoting communal enmity".

Article 20 of the International Covenant on Civil and Political Rights, which India ratified in 1979, affirms that "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law".

According to press reports Ashok Singhal, while speaking at a function at the Shivala Bhaian temple in Amritsar on 3 September 2002, said: "Godhra happened on February 27 and the next day, 50 lakh (500,000) Hindus were on the streets. We were successful in our experiment of raising Hindu consciousness, which will be repeated all over the country now." He reportedly spoke also of how whole villages had been "emptied of Islam" and how whole communities of Muslims had been dispatched to refugee camps, presenting this as "a victory for Hindu society". A national newspaper subsequently reported that on 11 October, during a press conference, Ashok Singhal stated that "what happened in Gujarat will happen in the whole of the country. Hindus were not born to be cut like carrots and radishes, and that the Hindukaran (Hindu conscience) of the people of Gujarat was the direct result of the 'jehadi' mentality of Muslims".

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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