

## HOW HAS THE GUJARAT MASSACRE AFFECTED MINORITY WOMEN ?

### *THE SURVIVORS SPEAK*

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Fact-finding  
by

a Women's Panel

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Sponsored by  
**Citizen's Initiative, Ahmedabad**

April 16, 2002

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(This report may be quoted, in whole or in part, with due acknowledgement)

## Acknowledgements

The fact-finding team would like to acknowledge the following individuals in Gujarat, who gave generously of their time and insights at a time of continuing trauma for the people of Gujarat and the entire country:

Gagan Sethi, Martin Macwan, Trupti Shah, Renu Khanna, Sejal Dand, Jhanvi Andheria, Neeta Hardikar, Stalin. K, Mehmuda and Naseem from Sahrwaru, Bahercharbhai Patel (for guiding us to remote rural relief camps) Achyut Yagnik, Ila Behn Pathak, Annie Prasad, and Valjibhai Patel (for sending us translations from the Gujarati vernacular press)

We also thank the many local activists and coordinators of relief camps who found time to sit with us despite the urgency of the task they had at hand.

Above all, a salute to the women - survivors all, who had the will to live, and the courage to speak of the unspeakable.

## Contents

|   |    |
|---|----|
| Introduction .....  | 6  |
| Section I: Sexual Violence Against Women .....            | 8  |
| □ Testimonies of Sexual Violence                          |    |
| □ Sexual Violence and the Media                           |    |
| Section II: Women's Experiences of the State .....        | 18 |
| □ Political Complicity                                    |    |
| □ Role of the Police                                      |    |
| □ Women's Testimonies of the Role of the State            |    |
| Section III: In the Wake of Violence .....                | 27 |
| □ Visiting the Camps                                      |    |
| □ Ghettoisation: The Rural Experience                     |    |
| □ Economic Destitution                                    |    |
| □ New Rural Divides                                       |    |
| □ VHP and Bajrang Dal : Women's experiences               |    |
| □ Small Rays of Hope                                      |    |
| □ State Response: Peace Committees                        |    |
| Section IV: Violations of International Instruments ..... | 40 |
| Section V: Conclusions and Recommendations .....          | 47 |
| Annexures : .....   | 50 |

(PLEASE NOTE: THE PAGINATION ON THIS MICROSOFT WORD VERSION OF THE REPORT DOES NOT MATCH THE PAGINATION ON THE PRINTED VERSION)

## Annexures

### Section I: Sexual Violence Against Women

Annexure 1.1: Testimony of Sexual Violence

Annexure 1.2: Testimony of Sexual Violence

Annexure 1.3: Testimony of Sexual Violence

Annexure 1.4: Testimony of Sexual Violence

Annexure 1.5: Testimony of Sexual Violence

Annexure 1.6: Excerpts from two largest Gujarat Newspapers: Sandesh and Gujarat Samachar

### Section II: Women's Experiences of the State

Annexure 2.1: A meeting with Maya Kodnani, BJP MLA from Naroda Patiya

Annexure 2.2: A meeting with Sarpanch Nathibehn, Laxmipura Village, Sabarkantha

Annexure 2.3: A meeting with Sarpanch Keshubhai Patel, Chithroda Village

***Gujarat ke firaq se hai khaar khaar dil  
Betaab hai seenay mane atish bahar dil  
Marham nahin hai iske zakhm ka jahan mane  
Shamshir e hijr se jo hua hai figar dil***

*(My heart is thorn-filled with longing for Gujarat  
Restless, frantic, flame-wrapped in the spring  
On earth there exists no balm for its wound  
My heart split asunder by the dagger of separation)*

Vali Gujarati  
Sufi saint-poet  
Born in Ahmedabad circa 1650  
Died in Ahmedabad 1707  
Tomb razed February 28, 2002

*"I always swerve a bit to the side to avoid driving over the spot where the mazaar stood. It wouldn't feel right to go over it. I know other drivers do the same."*

Driver Shankar, while driving past the freshly tarred patch of road where Vali Gujarati's mazaar had been for three hundred years. - March 30 2002.

# Introduction

A six-member team of women from Delhi, Bangalore, Tamil Nadu and Ahmedabad undertook a five-day fact-finding mission from March 27 – March 31, 2002, to assess the impact of the continuing violence on minority women in Gujarat.

Other fact-finding teams have also visited Gujarat post-Godhra. However, given the particular targeting of women in this carnage, there was an urgent need for a sectoral investigation into how women in particular have been affected. The objective of the fact-finding was to determine the nature and extent of the crimes against women; find evidence of the role played by the police and other state institutions in protecting women; determine ‘new elements’ in the current spate of violence that distinguish it from previous rounds of communal violence in Gujarat; determine the role of organisations like the VHP and Bajrang Dal in both - the build-up to the current carnage as well as in actually unleashing the violence.

The team visited seven relief camps in both rural and urban areas (Ahmedabad, Kheda, Vadodra, Sabarkantha and Panchmahals districts) and spoke to a large number of women survivors. Ensuring that women’s voices are heard was a matter of priority for the entire team. The team also spoke to intellectuals, activists, members of the media, administration, and leaders from the BJP, including MLA Maya Kodnani, accused in an FIR in the Naroda Patia massacre. The fact-finding was conducted under conditions of continuing violence and curfew in many parts of the State.

We have been shaken and numbed by the scale and brutality of the violence that is still continuing in Gujarat. Despite reading news reports, we were unprepared for what we saw and heard; for fear in the eyes and anguish in the words of ordinary women whose basic human right to live a life of dignity has been snatched away from them.

## Main Findings:

- The pattern of violence does not indicate “spontaneous” action. There was pre-planning, organization, and precision in the targeting.
- There is compelling evidence of sexual violence against women. These crimes against women have been grossly underreported and the exact extent of these crimes – in rural and urban areas - demands further investigation. Among the women surviving in relief camps, are many who have suffered the most bestial forms of sexual violence – including rape, gang rape, mass rape, stripping, insertion of objects into their body, stripping, molestations. A majority of rape victims have been burnt alive.
- There is evidence of State and Police complicity in perpetuating crimes against women. No effort was made to protect women. No Mahila Police was deployed. State and Police complicity in these crimes is continuing, as women survivors continue to be denied the right to file FIRs. There is no existing institutional mechanism in Gujarat through which women can seek justice.
- The impact on women has been physical, economic and psychological. On all three fronts there is no evidence of State efforts to help them.
- The state of the relief camps, as mothers struggle to keep their children alive in the most appalling physical conditions, is indicative of the continued abdication of the State’s responsibilities.
- Rural women have been affected by communal violence on this scale for the first time. There is a need for further investigation into the role played by particular castes/communities in rural Gujarat in unleashing violence.
- There is evidence that the current carnage was preceded by an escalation of tension and build-up by the VHP and the Bajrang Dal.
- There is an alarming trend towards ghettoisation of the Muslim community in rural areas for the first time.
- Sections of the Gujarati vernacular press played a dangerous and criminal role in promoting the violence, particularly in provoking sexual violence against women.

## Section I

### SEXUAL VIOLENCE AGAINST WOMEN

The fact-finding team found compelling evidence of the most extreme form of sexual violence against women during the first few days of the carnage - in Ahmedabad on February 28th and March 1st and in rural areas up to March 3, 2002. The testimonies point to brutal and depraved forms of violence. The violence against minorities was pre-planned, organized and targeted. In every instance of large scale mob violence against the community in general, there was a regular pattern of violence against women. Given the fact that the data on crimes against women has not been systematically collected, it is impossible to ascertain the extent of the outrage. We believe, however, that crimes against women have been grossly under-reported. **For instance, in Panchmahals district only one rape FIR has been filed, though we heard of many other cases.** There has been a complete invisibilisation of the issue of sexual violence in the media<sup>[1]</sup>.

The situation is compounded by the apathy of law-enforcement agencies and the indifference of political representatives. In our interview with Maya Kodnani, BJP MLA from Naroda Patia<sup>[2]</sup>, where several brutal gang rapes and rapes of minor girls have been reported (see testimonies below) we found that she was indifferent, complacent and even bemused. When questioned about the reported rapes she said - *Accha, kya ye sach hai? Suna hai. Ek police wale ne mujhe bataya ki aise hua hai par usne dekha nahin.* (Is this true? One policeman mentioned this to me but he had not seen anything) She had not taken the trouble to investigate further, and clearly indicated no intent to do so.

Given the gravity of the situation, it is incomprehensible that until the writing of this report the National Commission for Women, mandated as the apex body for protection of women’s rights guaranteed under the Constitution of India, had not visited the State. This indicates a complete institutional breakdown as far as issues such

as violence against women are concerned. As the District Collector of Panchmahals, clearly told us - 'Maintaining Law and order is my primary concern. It is not possible for me to look into cases of sexual violence. If something is brought to my notice (like the Bilkees case, see below) I can take action, but nothing more than that. NGOs should take on this job. I would welcome their involvement.'

During our visits to the camps, we were besieged with detailed testimonies from rape victims themselves and from eyewitnesses - both activists and family members who witnessed the crime. For instance, in the short time we spent at Halol camp (Panchmahals district) we were able to get information about four incidents of rape. The fact-finding team also saw video footage where women spoke of witnessing rapes. In the film we saw slogans like - *Muslims Quit India - or we will f\*\*\* your mothers* - written on the walls of charred houses.

We reproduce below some of the testimonies that we were able to record.

## A. TESTIMONIES OF SEXUAL VIOLENCE

### WITNESSING MASS RAPE (INCLUDING MINOR GIRLS)

NARODA PATIA, AHMEDABAD, FEBRUARY 28, 2002<sup>[3]</sup>

"The mob started chasing us with burning tyres after we were forced to leave Gangotri society. It was then that they raped many girls. We saw about 8-10 rapes. We saw them strip 16-year-old Mehrunissa. They were stripping themselves and beckoning to the girls. Then they raped them right there on the road. We saw a girl's vagina being slit open. Then they were burnt. Now there is no evidence."

*Source: Kulsum Bibi, Shah e Alam Camp, March 27, 2002*

"I saw Farzana being raped by Guddu Chara. Farzana was about 13 years old. She was a resident of Hussain Nagar. They put a *saria* (rod) in Farzana's stomach. She was later burnt. 12 year old Noorjahan was also raped. The rapists were Guddu, Suresh and Naresh Chara and Haria. I also saw Bhawani Singh, who works in the State Transport Department kill 5 men and a boy."

*Source: Azharuddin, 13 years. He witnessed the rapes while hiding on the terrace of Gangotri Society. The Chara basti is located just behind Jawan Nagar.*

The mob, which came from Chara Nagar and Kuber Nagar, started burning people at around 6 in the evening. The mob stripped all the girls of the locality, including my 22-year-old daughter, and raped them. My daughter was engaged to be married. 7 members of my family were burnt including my wife (aged 40), my sons (aged 18, 14 and 7) and my daughters (aged 2, 4 and 22). My eldest daughter, who later died in the civil hospital, told me that those who raped her were wearing shorts. They hit her on the head and then burnt her. She died of 80% burn injuries.

*Source: Abdul Usman, Testimony recorded by Citizens Initiative*

### SULTANI, A RAPE SURVIVOR, SPEAKS

VILLAGE ERAL, KALOL TALUKA, PANCHMAHALS DISTRICT, FEBRUARY 28th, 2002<sup>[4]</sup>

On the afternoon of February 28<sup>th</sup> to escape the violent mob, about 40 of us got on to a tempo, wanting to escape to Kalol. My husband Feroze was driving the tempo. Just outside Kalol a Maruti car was blocking the road. A mob was lying in wait. Feroze had to swerve. The tempo overturned. As we got out they started attacking us. People started running in all directions. Some of us ran towards the river. I fell behind as I was carrying my son, Faizan. The men caught me from behind and threw me on the ground. Faizan fell from my arms and started crying. My clothes were stripped off by the men and I was left stark naked. One by one the men raped me. All the while I could hear my son crying. I lost count after 3. They then cut my foot with a sharp weapon and left me there in that state.

*Source: Sultani, Kalol Camp, Panchmahals District, March 30, 2002*

#### *Additional facts about the case:*

- We had heard about Sultani's case from her relatives in Halol camp. The details and sequence of events of both testimonies matched.
- Sultani has not undergone a medical examination. Her leg had been swollen for three weeks as a result of the injury inflicted by a sharp weapon, but it is healing now.
- No FIR has been filed though a written statement has been submitted to the DSP. In her statement she names some men from the mob (Jitu Shah, PDS Shop owner of Delol village; Ashok Patel alias Don Dadhi of Rammath village)
- When we spoke with her and her sister-in-law they both said they were feeling numb and lost, as they did not know where to go from the Camp. She categorically stated that they could not go back to her village. She was terribly worried about the future especially her children's. Sultani has still not been told that her husband had died in the attack. She believes he is missing.

### A MOTHER'S ACCOUNT OF HER DAUGHTER'S RAPE

VILLAGE ERAL, KALOL TALUKA, PANCHMAHALS DISTRICT. MARCH 3, 2002<sup>[5]</sup>

My father-in-law, a retired schoolteacher, refused to leave the village with the other Muslim families who fled to Kalol on February 28<sup>th</sup>. He believed no one would harm us. From the 28<sup>th</sup> about 13 members of my family sought refuge in various people's houses and the fields. On Sunday afternoon (March 3rd) the hut we were hiding in was attacked. We ran in different directions and hid in the field. But the mob found some of us and started attacking. I could hear various members of my family shouting for mercy as they were attacked. I recognized two people from my village - Gano Baria and Sunil - pulling away my daughter Shabana. She screamed, telling the men to get off her and leave her alone. The screams and cries of Ruqaiya, Suhana, Shabana, begging for their *izzat* could clearly be heard. My mind was seething with fear and fury. I could do nothing to help my daughter from being assaulted sexually and tortured to death. My daughter was like a flower, still to experience life. Why did they have to do this to her? What kind of men are these? The monsters tore my beloved daughter to pieces. After a while, the mob was saying "cut them to pieces, leave no evidence." I saw fires being lit. After some time the mob started leaving. And it became quiet.

*Source: Medina Mustafa Ismail Sheikh, Kalol camp, Panchmahals district, March 30, 2002*

#### *Additional facts about the case:*

- Medina's testimony has been corroborated by the other two living witnesses - Mehboob and Khushboo. Khushboo in her testimony also recounted how her grandfather (Medina's father-in-law) and Huriben were killed. She also narrated how Ruqaiya's pajamas were taken off and then one by one the men started "poking her in the lower part with their body".
- We saw a copy of Medina's FIR, where the police has charged 5 persons with murder under section 302. Charges of rape have not been included. The FIR uses the colloquial phrase 'bura kaam' rather than the specific term 'rape'. We were also given the case report prepared by the camp leaders. The names of some of the accused are mentioned in the FIR.

**GANG RAPE OF 25 YEAR OLD ZARINA: A HUSBAND'S ACCOUNT**  
 HUSSAIN NAGAR, NARODA PATIA, AHMEDABAD. FEBRUARY 28, 2002

It started at 9 am on February 28<sup>th</sup>. That's when the mobs arrived, shouting - *Mian Bhai nikalo* (Bring out the Muslims). Many of them were wearing *kesari chaddis* (saffron shorts or underwear) The mob included boys from the neighbouring buildings – Gopinath Society and Gangotri Society. I ran out of my house with the entire family – mother, father, sister, sister's daughter, my wife Zarina, my brother, my sister-in-law, and my niece...there were 11 of us. We all ran towards the Police chowki. The Police said, 'Go towards Gopinath and Gangotri'. In the melee, I was separated from my wife. What happened to her, she told me later. She tried to escape the mobs by leaping over a wall. But found herself in a cul-de-sac. They gang-raped her, and cut one arm. She was found naked. She was kept in the civil hospital for many days. Now she is recovering with her mother near the Khanpur darwaza.  
*Source: Naimuddin Ibrahim Sheikh, 30 year old husband of Zarina. Shah-e-Alam Camp, March 27, 2002. His family migrated from Gulbarga in Karnataka in 1971. He was born in Naroda. Naimuddin's testimony was corroborated by Mumtaz, who was among the women who found Zarina naked in the maidan.*

**RAPE OF 13 YEAR OLD YASMIN**  
 VILLAGE DELOL, PANCHMAHALS DISTRICT. MARCH 1, 2002

The extended families of Mohammad Bhai and Bhuri Behn – about 20 people - were chased by the mob to the river. Javed and another boy who managed to escape and hide behind a bush saw the mob kill Mohammad Bhai and rape Yasmin. They were about to kill the mother of the other boy who was hiding with him. So he screamed and ran out from behind the bush and was caught. He was made to walk around the dead bodies that were burnt (as if around a pyre) and he was then pushed into the fire.  
*Source: Women from Delol at Halol Camp, Panchmahals district, March 30, 2002. Javed, Mohammad Bhai's nephew, had come to Delol to help his uncle. He had narrated this to several of the women from Delol. Javed has returned to his village, Desar.*

**STRIPPING AND BRUTALISING OF AN ENTIRE FAMILY, LIMKHEDA VILLAGE.**  
 DHEROL STATION, HALOL TALUKA, PANCHMAHALS DISTRICT. FEBRUARY 28, 2002

35 year old Haseena Bibi Yasin Khan Pathan along with her entire extended family of 17 people ran from Limkheda on the morning of February 28<sup>th</sup>. At 7 am they caught the train from Limkheda Station, disembarked at Dherol Station at 10 am. That's when they encountered the mob. Every one ran helter-skelter and the family got separated. Haseena, her husband, and young daughter managed to run towards Halol. Two children, Farzana (10 years old) and Sikandar (7 years old) escaped into the fields. Four boys – Ayub, (age 12), Mushtaq, (age 12), Mohsin, (age 10), and Shiraz (age 7) managed to hide behind bushes, and witnessed what happened. There was a large crowd. They were wearing pant-shirt and brandishing swords. According to Ayub, the mob caught his sister Afsana and cousins Zebu, Noorjehan, Sitara, Akbar, Rehana, Yusuf, Imran, Khatun (Aunt) and Zareef (brother). They were all stripped naked and made to run towards a nearby canal. That's the last Ayub saw of them. The bodies turned up charred near the canal the following day. He doesn't recognize the mob. No FIR has been lodged.  
*Source: Ayub, Halol Camp, Panchmahals district. The first part of the testimony is corroborated by his mother, Haseena Bibi.*

**ACTIVISTS' EXPERIENCES OF DEALING WITH RAPE SURVIVORS**  
 SHAH-E-ALAM RELIEF CAMP, AHMEDABAD.

Naseem and Mahmooda, from nearby Millat Nagar, work with Sahrwaru, a voluntary organization. They are presently working at the Shah Alam camp. They testified that many women arrived stark naked at the camp. Men took off their shirts to cover the women's nakedness. Some could barely walk because of torn genitals as a result of gang rapes. While talking to them we met Zubeida Apa, an elderly woman who has witnessed girls being gang raped. Her trauma was writ large on her face. We did not dare to rake up her pain by asking her more questions. We were told about Najma Bano who was brought to the camp unconscious, her body covered with bites and nail marks. She was bleeding profusely. Pieces of wood, which had been shoved up her vagina were extricated by the women who dressed her wounds. Najma Bano herself was too traumatized to recount her own story. She says she does not remember anything, except being chased by the men from Gangotri Society. Accounts like these require further follow-up.  
*Source: Naseem and Mahmooda, Millat Nagar*

**The following testimonies have been taken from documentation supplied to the fact-finding team by Citizens Initiative, Ahmedabad:**

**MASS RAPE AND MURDER**

NARODA PATIA. FEBRUARY 28, 2002<sup>[6]</sup>

By now it was 6.30 in the evening. The mob caught my husband and hit him on his head twice with the sword. Then they threw petrol in his eyes and then burned him. My sister-in-law was stripped and raped. She had a three-month old baby in her lap. They threw petrol on her and the child was taken from her lap and thrown in the fire. My brother-in-law was also struck on the head with the sword and thrown in the fire. We were at the time hiding on the terrace of a building. My mother-in-law was unable to climb the stairs so she was on the ground floor with her four-year-old grandson. She told them to take away whatever money she had but to spare the children. They took away all the money and jewelry, then burnt the children with petrol. My mother-in-law was raped too. I witnessed all this. Unmarried girls from my street were stripped, raped and burnt. A 14-year-old girl was killed by piercing an iron rod into her stomach. The mayhem ended at 2.30 am. Then the ambulance came and I sat in it along with bodies of my husband and children. I have injury marks on my both my thighs and left hand, which were caused by the police beating. My husband (48 % burns), my daughter (95 % burns) both died in the hospital after three days. The police was on the spot but they were helping the mob. We fell at their feet but they said they were ordered from above not to help. Since the telephone wires were snapped we could not inform the fire brigade.

*Source: Jannat Sheikh, testimony to Citizens Initiative.*

**BILKEES: ACCOUNT OF A RAPE SURVIVOR**  
 RANDHIKPUR VILLAGE, DISTRICT DAHOD<sup>[7]</sup>. MARCH 3, 2002

Twenty-one year old Bilkees was five months pregnant. When Muslim houses in her village were attacked on February 28<sup>th</sup>, by a mob comprising upper caste people from her own village and some outsiders, she and several of her family members fled. For two days they ran from village to village. At a mosque near Kuajher, her cousin Shamim, delivered a baby. But there was no respite for them. They had to leave immediately, including Shamim who could barely walk, carrying her newborn baby.

On March 3<sup>rd</sup> we had started moving towards Panivela village, which was in a remote and hilly area. Suddenly we heard the sound of a vehicle. A truck came with people from our own village and outsiders too. We realised that they had not come to help us. They stopped us and then the madness started. They pulled my baby from my arms and threw her away. The other women and I were taken aside and raped. I was raped by three men. I was screaming all the time. They beat me and then left me for dead. When I regained consciousness I found I was alone. All around me were the dead bodies of my family, my baby girl, the newborn baby, their bodies were covered with the rocks and boulders used to kill them. I lay there the whole night and most of the next day. I do not know when I was conscious and when unconscious. Later I was found by a police squad from Limkheda police station. I was taken to the hospital and then brought to the Godhra Camp.

*Testimony to AIDWA and Anandi*

**Additional facts about the case:**

- Her FIR has been filed and a medical examination done on the insistence of the District collector, Jayanti Ravi, even though six-days had passed. Rape has been confirmed.
- She has named the people who killed her family members and those who raped her: Sailesh Bhatt, Mithesh Bhatt, Vijay Maurya, Pradeep Maurya, Lala Vakil, Lala Doctor, Naresh Maurya, Jaswant Nai and Govind Nai (the last three gang-raped her)
- Initially all her family members were missing. Her father and husband have been traced to another camp at Dahod and her brother, Saeed, is with her in Godhra.

### A META-NARRATIVE OF BESTIALITY

“But what they did to my sister-in-law’s sister Kausar Bano was horrific and heinous. She was 9 months pregnant. They cut open her belly, took out her foetus with a sword and threw it into a blazing fire. Then they burnt her as well.”

Source: Saira Bamu, Naroda Patia (recorded at the Shah-e-Alam Camp on March 27<sup>th</sup>, 2002).

During our fact-finding mission, we were to hear this story many times. We read about it in other fact-finding reports. We were told about it by many survivors at the Shah-e-Alam camp. Sometimes the details would vary – the foetus was dashed to the ground, the foetus was slaughtered with a sword, the foetus was swung on the point of the sword and then thrown into a fire. Each teller of the story owned it. It was as if it was their own story. Were these simply the fevered imaginings of traumatized minds? We think not. Kausar’s story has come to embody the numerous experiences of evil that were felt by the Muslims of Naroda Patia on February 28, 2002. In all instances where extreme violence is experienced collectively, meta-narratives are constructed. Each victim is part of the narrative; their experience subsumed by the collective experience. Kausar is that collective experience – a meta-narrative of bestiality; a meta-narrative of helpless victimhood. There are a thousand Kausars.

*Members of the fact-finding team have seen photographic evidence of the burnt bodies of a mother and a foetus lying on the mother’s belly, as if torn from the uterus and left on the gash. We do not know if that was Kausar Bano.*

## B. SEXUAL VIOLENCE AND THE MEDIA

In many ways women have been the central characters in the Gujarat carnage, and their bodies the battleground. The Gujarati vernacular press has been the agent provocateur. The story starts with Godhra, where out of the 58 Hindus burnt, 26 were women and 14 children. But to really arouse the passions of the Hindu mob, death is not enough. Far worse than death is the rape of Hindu women – for it is in and on the bodies of these women that the *izzat* (honour) of the community is vested. So on February 28<sup>th</sup>, Sandesh, a leading Gujarati Daily, in addition to reporting the Godhra tragedy in provocative language, also ran a story on Page 1 saying the following: “10-15 Hindu women were dragged away by a fanatic mob from the railway compartment”. The same story was repeated on Page 16 with the heading “Mob dragged away 8-10 women into the slums”. The story was entirely false. The Police denied the incident, and other newspapers, including the Times of India could not find confirmation of this news. A day later, on March 1, 2002 Sandesh carried a follow-up to this false story on Page 16 with the heading – “Out of kidnapped young ladies from Sabarmati Express, dead bodies of two women recovered – breasts of women were cut off.”<sup>[8]</sup> Violation of Hindu honour was now compounded by extreme sexual violence and bestiality. Both the abduction and the cutting of breasts were lies – totally baseless stories, which were denied by the Police. The fact-finding team was told that later Sandesh did publish a small retraction, buried in some corner of its pages. But the damage had been done. The murder and rape of Hindu women, emblazoned in banner headlines across the vernacular press became the excuse, the emotional rallying point, the justification for brutalizing Muslim women and children in ways not ever seen in earlier communal carnages. *Unhonne hamari auraton aur bachchon par hamla kiya hai. Badla to lena tha* (they have attacked our women and children we had to take revenge) – goes the sentiment of the angry Hindu. The newspaper literally became a weapon of war. According to a series of eyewitness accounts from Naroda Patia, the worst affected area in Ahmedabad, the mobs who attacked Muslim shops, homes, and brutalized Muslim women and children, were brandishing in their hands not only swords and stones, but copies of the Sandesh with the Godhra attack as the banner headline, shouting “khoon ka badla khoon” (blood for blood).

This one false story about the rape and brutalizing of Hindu women has spread like wildfire across Gujarat, almost assuming proportions of folklore. It now rests easily in the annals of undisputed common knowledge, and cannot be dislodged. Where ever the fact-finding team went, we heard some version of this story, spreading through word of mouth, through the channels of overworked rumour mills – sometimes it was 10 Hindu women raped, sometimes it was 6 Hindu women – but the essential contours remained the same. In one place we heard details like “The Muslims took the Hindu women to their madrasa and gang-raped them there.” Because the madrasa is the site of learning, raping women there projects the perpetrators as truly bestial men to whom nothing is sacred. In another village, “Hindu women” had been replaced by “Adivasi women” and this was given as the justification for Adivasi participation in the attacks on Muslims.

When the fact-finding team met Aziz Tankarvi, editor of Gujarat Today, known to represent the Muslim voice’ He said clearly. “Murder ho jata hai, chot lagti hai, to aadmi chup sahan kar leta hai, lekin agar maa, behen, beti ke saath ziyadti hoti hai to voh jawaab dega, badla lega.” (When someone is murdered you are hurt. But man can bear it quietly; it is when your mothers and daughters are violated, then he definitely responds, takes revenge). The fact that rape is perceived in this manner (as violating the honour of men, and not the integrity of women) is problematic in and of itself. What is particularly heinous is the fact that the Sandesh newspaper should fabricate stories of sexual violence, and use images of brutalized women’s bodies as a weapon of war; in terrible ways deliberately designed to provoke real violence against women from the Muslim community. What provocative lies a la Sandesh do, is to provide justification for the carnage – both in the minds of the mobs who carry out the violence, and in the minds of the general “Hindu” public which may be far removed from the site of the violence.

Ironically while false stories about the rape of Hindu women have done the rounds, there has been virtual silence in the media, including in the English language papers, about the real stories of sexual violence against Muslim women. Barring Gujarat Today, none of the Gujarati vernacular papers has carried stories about the brutal, bestial ways in which Muslim women were raped and burnt. Even Gujarat Today, despite being sympathetic to the Muslim experience, could only supply us with one clipping where the brutal experience of rape has been written about. The Times of India, since the beginning of the carnage, until April 1, 2002, carried only one story about rape. The excuse was March 8<sup>th</sup>, International Women’s Day (TOI, 9/3/02, “Women’s Day Means Nothing for Rape Riot Victims”). When members of the fact-finding team spoke to senior journalists in Ahmedabad, their explanation was that rape stories are provocative, and that in the early days of the violence, they had to play a socially responsible role, and not incite more violence. But in the weeks that followed, the Press has continued to do self-censorship about rape stories.<sup>[9]</sup>

We find that, yet again Muslim women are being victimized twice over. They have suffered the most unimaginable forms of sexual abuse during the Gujarat carnage. And yet, there is no one willing to tell their stories to the world. Women’s bodies have been employed as weapons in this war – either through grotesque image-making or as the site through which to dishonour men, and yet women are being asked to bear all this silently. Women do not want more communal violence. But peace cannot be bought at the expense of the truth, or at the expense of women’s right to tell the world what they have suffered in Gujarat.

*SCARS ON THE MIND*

Saira age 12, Afsana, age 11, Naina, age 12, Anju, age 12, Rukhsat, age 9, Nilofer, age 10, Nilofer, age 9, Hena, age 11

They're all survivors from the horrors of Naroda Patia in Ahmedabad where more than 80 people were burnt alive and many women raped and maimed in what is probably the worst carnage in the current spiral of violence. The girls are young and making sense of what they have seen and heard seems impossible. But they have been scarred for life, their trust in Hindus shattered. They speak of 'evil Hindus'. The Hindu who burnt our home. The Hindu who didn't let us escape.

Some of them have seen with their eyes things no child should see. Others have only heard things. But they are still things no child should hear. "Hinduon ne bura kaam kiya" (Hindus have done 'bad things' – a euphemism for rape), they tell us, as their eyes shift uneasily. They look at each other as if seeking silent affirmation of what none of them really comprehended.

Or, did they?

"Balatkaar" (Rape) – they know this word. "Mein bataoon Didi" (Shall I tell you?), volunteers a nine year old, "Balatkaar ka matlab jab aurat ko nanga karte hain aur phir use jala deta hain." (Rape is when a woman is stripped naked and then burnt) And then looks fixedly at the floor. Only a child can tell it like it is. For this is what happened again and again in Naroda Patia – women were stripped, raped and burnt. Burning has now become an essential part of the meaning of rape.

Hindus hate us, they say.

Why?

Because we celebrate all their festivals – we play Holi, we love patakas at Diwali, but the Hindus can't celebrate our festivals. That's why they're jealous. So jealous that this year they did not even let us take out Tazia processions (in fact the decision to not allow tazia processions on the 10<sup>th</sup> of Moharram was taken by the Muslim community itself, for fear of violence).

These girls became friends only in the camp, although they all grew up and lived in Naroda Patia. Now they will probably share a life-long unspoken bond of victim-hood. But they are children still. Resilient. Survivors. Their eyes still bright and curious. They even giggle occasionally, as they follow us around Shah-e-Alam, scampering easily over human beings scattered like debris around the relief camp. But will they ever forget? Will Naina, who once had scores of Hindu friends, have them again? Will she trust again?

Venue: Shah-e-Alam Relief Camp, Ahmedabad

Date: March 27, 2002

## Section II

### WOMEN'S EXPERIENCES OF THE STATE

#### A. POLITICAL COMPLICITY

"*Arre ye Narendra Modi ne hi sab kuch kiya. Hamara zindagi barbaad kiya.*" (That Narendra Modi, he did all this. He is the one who has ruined our lives) This is how the Muslim women of Gujarat see their Chief Minister - as the man who has ruined their lives forever. "Sarkar" (Government)? "What sarkar, they ask?" In the words of countless women who have been devastated by the continuing violence, the State of Gujarat had simply disappeared when they needed it most. The State – including elected representatives, the political executive, the administration, and the police – abdicated its responsibility to protect **all** its citizens. Far worse, it actively connived in the maiming, raping, and butchering of hundreds of women and children of Gujarat. More than five weeks after the post-Godhra carnage began, no effort is being made to ensure punishment of the guilty. FIRs are not being lodged, compensation not given. The relief camps are running only through the efforts of the Muslim community, with occasional help from the government. Narendra Modi visited the Shah-e-Alam relief camp (among the largest, housing over 10,000 refugees) for the first time when he accompanied the PM on April 4<sup>th</sup>, 2002.

**MAYA KODNANI, BJP MLA**

The fact-finding team met Maya Kodnani, the BJP MLA from Naroda Patia, one of the worst affected areas in Ahmedabad. She has also been named in an FIR as having participated in the Naroda Patia carnage on February 28<sup>th</sup>, 2002.

- She showed no remorse at the State abdicating responsibility. There was nothing the State could do, she says. “There was a natural *ghrina* (hatred) and *aakrosh* (anger) in the heart of every Hindu and we could not control it.”
- Maya Kodnani’s estimates of the size of the mobs that attacked Naroda Patia (50,000 to 1 lakh) far exceed the largest estimates given by eyewitnesses to the mob violence. Her claim, therefore, that the Police were “utterly helpless” in the face of this flood of anger, appeared untenable.
- Maya Kodnani found time to visit Ahmedabad Station to receive bodies of the Godhra victims, who are not her constituents. But not once in over a month has she found time to visit the Muslim relief camps, where thousands of her constituents are strewn around like human debris.
- Ms. Kodnani denies even knowing where all her Muslim constituents have fled.
- She also denies any knowledge about the large number of rapes having occurred at Naroda Patia during the mayhem.
- She admitted that only 16 people were arrested in the Naroda Patia incidents, out of which only 5 or 6 remain in jail, while the rest have been released on bail.
- Maya Kodnani claims that this kind of communal violence is part of *Gujarat ki prakruti* and *Gujarat ki taasir*. It is a natural part of life, and should be accepted as such.
- She dismissed the FIR lodged against her as being false merely because it was filed 18 days after the violence. She claimed that Doordarshan had footage proving that she was elsewhere at the time.

*(A detailed account of the conversation with Maya Kodnani is attached in Annexure 2.1)*

**NATHIBEHN: MAHILA SARPANCH**

Another case of State participation in the violence was provided by **Laxmipura Village** in Khed Brahma Taluka of Sabarkantha District. The fact-finding team visited this village because it had a **Mahila Sarpanch, Nathibehn**, whose husband and son have been identified as leading the mobs who torched Muslim homes on the evening of February 27<sup>th</sup>, 2002.

- Ø Nathibehn was clearly only a puppet Sarpanch. The de-facto Sarpanch was her husband Jitu Bhai Patel.
- Ø Jitu Bhai Patel and his son Ramesh Patel (both members of the local VHP unit) justified the torching of Muslim homes, saying Godhra was the beginning and that Muslims always start everything, never the Hindus. They also claimed that Muslims from almost every village in Gujarat had gone to participate in the Godhra ‘murders’.
- Ø The entire family – Nathibehn, Jitu Bhai, and Ramesh expressed a great deal of hatred for Muslims, and said that Muslims could only live in the village if they followed village tradition i.e. shaved their beards, stopped wearing caps etc.
- Ø Sarpanch Nathibehn denied knowing the whereabouts of the Muslims who have been forced to flee Laxmipura.

*(A detailed account of the discussions in Laxmipura is attached as Annexure 2.2)*

**KESHUBHAI PATEL, SARPANCH**

While there are examples of elected representatives actively participating or condoning violence against Muslims, blaming it on an “unstoppable flood of Hindu anger”, the fact-finding team also found evidence that where State actors chose to protect Muslims, they managed to do so successfully. **Chithroda Village** in Khed Brahma Taluka provides an example. Here the **Sarpanch Keshubhai Patel** claims that he got anonymous phone calls from mob leaders trying to assess the level of support inside the village for their entry. He refused to allow the mobs to enter his village, or harm the 40 odd Muslim families in any way.

*(A detailed account of the discussion with Sarpanch Keshubhai Patel is attached as Annexure 2.3).*

**The fact-finding team was convinced that mob violence was unleashed only in those areas where the mobs were sure of getting full support from local leaders and the state machinery.**

**B. ROLE OF THE POLICE**

This time round in Gujarat, far more than in previous episodes of communal violence, women have been fair game. Forced out of burning homes, running for their lives on violent streets, they have been targeted not only by rampaging mobs hell bent on hurting every Muslim woman, man and child in sight, but far worse, by the Police, whose job it was to protect them. Just as the mobs sought revenge on behalf of Hindu women (refer previous section on Sexual Violence) so too it appears did the Police. This we have on the word of Gujarat’s Chief Minister – ‘Police are human beings as well’, he said, shortly after the carnage began, ‘and not inured to the sentiments of society’. Everywhere the fact-finding team went, women narrated graphic, first-hand tales of police complicity.

- Several accounts speak of policemen actively aiding, abetting, and in some cases leading the mobs. Video footage seen by the fact-finding team showed slogan’s like, *Yeh andar ki baat hai, Police hamare saath hai* (The inside story is that the police is on our side) – written boldly on the walls of gutted Muslim homes.
- A pattern that was often repeated was that the Police would open fire at the Muslims rather than at the mob, which was attacking them.
- In other cases, the police turned a deaf ear to cries of help, or simply told women, in so many words, that they did not have ‘orders from above’ to help them. Women and children were repeatedly turned away from Police chowkis and stations and told to fend for themselves.
- At best, the Police would take a crowd of frightened Muslims and dump them in safer Muslim majority areas. The message was clear – ‘Protecting Muslims is not our responsibility; Other Muslims can look after them’. Muslims were no longer citizens of the state.
- In no instance did the fact-finding team hear of Mahila Police being deployed in areas where women were being brutalized.
- In a vast majority of the cases, FIRs have not been lodged. Several accounts say that the Police simply refuse to lodge the FIR, saying, ‘you don’t have enough evidence, there is no case’.
- Victims of sexual violence do not even have the confidence to approach the Police, let alone walk the long path to evidence gathering, and getting justice. In the words of one Muslim woman, “Yeh to Hinduon ki Police hai” (‘This is a Hindu Police’).
- Muslim women surviving in relief camps across the state are not the only ones who dread the Police. Outside the camps, in several Muslim dominated areas in Ahmedabad, they live in forced imprisonment and constant terror of another kind. Curfew has been imposed in these areas, including Millat Nagar, visited by the fact-finding team. Under the guise of ‘combing operations’ the Police are picking up young Muslim boys at random. Mothers live in constant fear.
- In order to protect their men, women are being forced to venture out of their homes for daily chores, and encountering the Police. The fact-finding team heard specific accounts of continuing police atrocities - of women being severely beaten or killed in Police firing.

However, even in its worst moment, there remained in Gujarat isolated pockets of calm where the police and the administration stood firm, giving the lie to the theory that the post-Godhra carnage was an unstoppable case of spontaneous communal combustion. For example, no casualties have been reported from Panchmahals District since March 5<sup>th</sup>, including in Godhra town where the spiral of violence first started and which has a long history of communal tension. The fact-finding team believes that this is in large part due to the sincere efforts of the District Collector Jayanti Ravi in ensuring that law and order is maintained.

## WOMEN'S TESTIMONIES OF THE ROLE OF THE STATE

**Shabnam, Resident of Vatva, Ahmedabad**

**Date of incident: March 1, 2002**

Shabnam, 23, recounted the events of the afternoon of March 1: "The mob arrived, armed with trishuls and swords, shouting - *Miya ne maro, Miya ne kato*. (Kill the Muslims!). Some of them started pelting stones. We were 50 odd people, they were a few thousand. As we ran for our lives, the police blocked our escape, chasing us in the direction of the mob '*Chalo maar do saalo ko*' (Kill the bastards!), they shouted. This is the first time this has happened here. Where can we go? What is to become of us?"

*(Qutb-e-Alam Dargah Relief Camp, Vatva, Ahmedabad. March 27, 2002)*

**Saira Bano, Resident of Khed Brahma town, Sabarkantha.**

**Date of Incident: February 28, 2002**

It was 9:30 in the morning when the attack started. A large crowd came at us. They were all our neighbours. I recognize each one of them – I know the castes: Bhatt, Vaghri, Prajapat. We ran to the Police Station. The Police gave us shelter, but said that they could not protect us for long. They put us in *dabba gaadis* (police box-cars) and packed us off into the care of local Muslim leaders in Vadali. That's how we landed up at the relief camp.

*(Vadali Relief Camp, March 28<sup>th</sup>, 2002)*

**Kulsum Bibi and Jannat Bibi, Residents of Jawan Nagar, Naroda Patia, Ahmedabad.**

**Date of incident: February 28, 2002**

The day began like any other. We were all drinking tea when we heard that the (local) masjid had been attacked. The men and boys went out to see what was happening. They were confronted by a crowd of several thousands, armed with trishuls and swords. Some of the swords had Bajrang Dal written on it. They were wearing khakhi shorts. Some were carrying petrol. This we now know they had got from nearby Bipin Auto. The owner is a Bajrang Dal *agyaan* (leader). The trucks that had brought these men were stacked with gas cylinders...Suddenly the police fired. Some of our men were killed in the firing. The women and children started fleeing. Our colony is sandwiched between the State Reserve Police (SRP) Colony, the State Transport workshop and the Hindu housing societies- Gopinath and Gangotri. We all rushed towards the SRP Colony. We were not allowed inside. We begged but the gates remained shut. We kept running back and forth like caged animals. Then there was a lathi charge. Many of us got hit. We heard the police say things like - *yeh aap logon ka aakhri din hai* - (this is your last day).

*(Shah-e-Alam Relief camp, Ahmedabad. March 27, 2002)*

**Saira Bano, Resident Navapura, Vatva, Ahmedabad**

The maidan was full of thousands of trishul and sword wielding men. I have never seen so many people. Everyone was panicking. We lost all hope when the police came with the crowd. When we pleaded with the police that they were meant to protect everyone, they told us- "*Tum lad lo. Jini takat hain mukabala kar lo*". (You fight them with whatever strength you have.)

*(Qutb-e-Alam Relief Camp, Vatva, Ahmedabad. March 27, 2002)*

**Saira Bano, Resident Hussain Nagar, Naroda Patia, Ahmedabad**

**Date of Incident: February 28, 2002**

Saira used to live in Hussain Nagar Chali in Naroda Patia. She is now at the camp with her 3 children. "I heard girls screaming. I saw a naked girl running with 25 men chasing her. The sweet shop owner was distributing sweets to the rioters. The police fired on the Muslims rather than the mob". She said that women were beaten with sticks. She saw her husband being killed in the police firing. She was hiding on the terrace of someone's house. "At least I saw him die. There are many women here who don't know what has happened to their husbands. Are they widows or not? Should they mourn or not?"

*(Shah-e-Alam Relief Camp, Ahmedabad. March 27, 2002)*

**Nagori Bibi, Resident Khed Brahma near State Transport bus stand, Sabarkantha District.**

**Date of incident: February 28, 2002**

The tension escalated and the mob (which she estimated as being over 2000) started throwing stones. By about 12 noon about 50 -60 people were taking refuge in her house. 25 of these people belonged to her extended family. Her brother-in-law then phoned the police to be told - "We neither have the time nor the staff. We can't come". They then phoned Amanullah Khan the local Muslim leader and also a member of the Congress. It was only after he put pressure on the police that they came.

*(Vadali Relief Camp, Sabarkantha. March 28, 2002)*

**Shamshad Bibi, Resident Khed Brahma (near dargah), Sabarkantha.**

**Date of incident: February 28, 2002.**

On February 27<sup>th</sup> when my sons went to the dargah they heard rumours that a *dhamal* (incident) was about to take place. There were other rumours of impending tension. 4 families slept at the dargah that night. In fact 2 policemen were posted outside. "Now when I look back the police had come around asking questions about the Muslim residents, like how much cattle we possessed." One policeman asked – "Mutton vutton milega kya?" Nothing happened that night. I was cooking lunch the next day when the mobs came shouting - *Maro, Maro* (Kill Kill!) They were carrying trishuls. We ran. We had to cross the river, which is dry. Finally we reached the dargah. I found many other Muslims there. About 300 to 400 of us were cramped into a room. Then they came and set fire to the dargah wall. The police was around but did not stop the crowd. In fact we could hear them shouting *looto!* All we could do was pray. The police squad finally came and took us to the Police Station. We could hear them talking on the wireless – *sab tod diya, phod diya*. (everything is broken, destroyed) Then suddenly we were told - *chale jao nahin to police station ko jala denge*. (Go from here or they will burn down the police station)

*(Vadali Relief Camp. Sabarkantha. March 28, 2002)*

**Farzana: Resident of Vatva, Ahmedabad (Story narrated by her sister-in-law Naim)**

**Date of Incident: March 20, 2002.**

Farzana, 25, lived behind the Dargah. She was shot dead by the police on the 20<sup>th</sup> of March. Her family members said: "First, we heard a commotion outside. Then we noticed a pall of smoke. As we came out into the courtyard to check what was happening, the police fired indiscriminately, killing Farzana. There were no men around as they had all gone to read the *namaaz*". Among the policemen identified by the residents of the area are SP KC Patel, PSI Baluch, PSI Siddiq Sheikh and PI Singh. "The Hindu mobs were gathering near Ashopalo housing society, some distance away. *Par Police ne wahan nahin, hamare par hi attack kar diya*. (But instead of going there, the Police came here and started firing). In the same shooting spree a young man Sikandar, 20, was killed. Six others, including Mumtaz Bano, were wounded. She is a polio victim. Her neighbours are bewildered. "Why shoot at a handicapped girl? Poor thing had one bad leg, now she has two damaged legs." Farzana's older sister, Shahnaz Bano, was lathi charged when she came out to save her sister. Shahnaz is angry and bitter. "How can they enter our homes and kill us. We only ask for one thing - *insaaf*"

We saw the bullet holes in the wall and the memorial they had made for Farzana. A crumpled dupatta marks the spot in the courtyard where Farzana first fell. An aluminium pot covers the spot where she died.

*(Vatva, Ahmedabad. March 27, 2002)*

**Naseem and Ameena, Residents of Bahar Colony (an upper middle class colony) Vadodora**

**Date of Incident: March 17, 2002**

When the fact-finding team arrived there shortly before noon, the road was deserted since the area was under curfew. Only women were allowed to venture out in the day. On the main road we were met by one of the residents, Naseem. She told us of the events of March 17.

The mob came at 11 PM but could not enter the colony because of police patrolling. Then they returned at 3 PM the next day. First, they blasted a godown. Then they began to burn the few 'jhonpar pattis' (slum dwellings) nearby. These were owned by some Hindu families who had already been evacuated. Suddenly police jeeps were seen. 200-300 women tried to stop the police jeeps. It is alleged that the police just went ahead saying '*Ab to yahan aisa chalay ga!*' (From now on, this is the way it will go here). Then they returned and started firing during which one bystander was shot. Since the women were outside on the road, the police started beating them with lathis to herd them inside. Amina Haroon Memon was one such woman.

Amina took us aside, removed her shalwar and showed the laceration mark from the police danda. "They hit me even as I was trying to get back inside my house. And such filthy gaalis. We went out to call the police because if our boys would have gone they would have forcibly taken them away. Even if I die it does not matter. I am forty plus. But not the young boys, they have a life ahead. The people who come they have 'sadhan' (arms) we have nothing."

(Vadodra. March 28, 2002)

#### Testimonies of Continuing Fear, Ajwa Road, Vadodara

This is a Muslim area consisting of several 8 or 9 storey buildings. We went into the house of Daud Shaikh where about 20 women had collected. First they told us about the Best Bakery massacre which has been recorded in detail by Sahiyar, an NGO working in Vadodara. Maimuna Shaikh told us that they were running a Chinese fast food business but everything is at a standstill for the past month. Maimuna's daughter-in-law Farhana, an outspoken young woman, spoke to us about the daily harassment. "The mobs come on motorcycles. We can't recognize them because of the helmets. They threaten us. At night they clang the thalis, clang the electricity poles, whistle. We have not slept for one month, so acute is the tension. When the 'tola' (mob) comes the Police are at the vanguard. Maimuna's young son was picked up by the Police. Zehra, who was 3 months pregnant had gone out with the women to plead with the Police not to take him away. She showed us the spot where she was hit with a Police danda (stick).

(Vadodara, March 28<sup>th</sup>, 2002)

#### Testimonies of women whose young sons have been picked up in combing operations, Millat Nagar, Ahmedabad.

There is curfew in the area. As a result, daily wage earners, small shop owners, vendors, tailors, butchers have all been unemployed for over a month. Adding to this forced imprisonment, and virtual destitution is the atmosphere of terror – because the Police have started 'combing operations' in Muslim dominated areas, picking up young Muslim boys at random. So acute is this fear of the Police that even for small tasks to be done outside the home women venture out more rather than men. No one knows why and under what charge these young men are being arrested.

The fact-finding team met 5 mothers in Millat Nagar, in the offices of Sahrwaru, an NGO, which has been working in the area for several years. Their sons were picked up by the police during a combing operation on March 21<sup>st</sup>, 2002- Bugo Bibi's son Akeel Khan, age 22; Badla Bibi's son, Arif, age 20; Noorjehan's son Saleem, age 25; Abida's son Imran, age 18; Ammu Bibi's son, Feroz Khan, age 20. The families do not know what the charges are. All that the distraught mothers can say is "Combing mein le gaye mere bete ko" (They took away my son in combing). They weep all the time, dying a thousand deaths a day not knowing if their son's are alive or not. Every day they come to the Sahrwaru office trying to find ways to get a bail hearing for their sons. Life, said one, means - "Na din ko neend, na raat ko. Na rozi, na roti, na chain". ( No sleep during the day or night. No income, no food, no peace) That's life in Gujarat today if you are the mother of a young Muslim boy.

(Sahrwaru Office, Millat Nagar, March 27<sup>th</sup>, 2002)

#### A COMMON MAN'S IMPRESSION

Shankar our driver for one day felt that the attacks on Muslims were justified because of Godhra. However, he was equally clear that it had all been possible because the Government and Police had been on the side of the Hindus and that it was an organized attack. "Hindu sarkar hain to Hinduon ki madad karenge." (It is a Hindu government so naturally they will help the Hindus). On the role of the police he said - "Police ko jaan bujh kar shaant jagah mein bhej diya." (They knowingly deployed the police in the relatively peaceful areas). On the behaviour of the police - "jahan tola tha vahan police bachke nikle." (Where there were mobs the police carefully avoided those areas).

Shankar, Resident of Chamunda bridge area, Ahmedabad

#### A MEETING WITH POLICE SUB-INSPECTOR PATIL, INCHARGE OF KALOL POLICE STATION, KALOL TALUKA, PANCHMAHALS DISTRICT, MARCH 30, 2002

*PSI Patil and DySP Parmar had both been named by Muslims in Kalol as having led the mobs who burnt and looted. Jamadar Uday Singh, Badge # 1272 was identified as having started burning a Muslim owned vehicle. Kalol has one of the highest death tolls in Panchmahals (26 dead: 23 Muslims and 3 Hindus). The taluka has also reported extreme brutality against women (Ref: Sultani's testimony in Section 1 on Sexual Violence).*

As the interview progressed, PSI Patil's initially confident attitude was replaced by suspicion and defensiveness. He was also joined by other policemen, including a policewoman. She said that during this period she was always in the office and had not been assigned "field duty". PSI Patil denied playing any role in the violence. And to prove his impartiality he kept mentioning an incident where he saved 15 Muslims from a crowd of over 4000 near Jethral station. He also justified the high death toll by stating that the situation could not be controlled as it was a natural reaction to Godhra. 4 karsevaks who died on the Sabarmati express were from Kalol taluka, from nearby Bhadroli village. Among the dead were a mother and child. This image had a deep impact on the people and they reacted. The extent of outpouring was such that the police could have done nothing. They had not anticipated this therefore there was inadequate "bandobast".

When told that many victims claim they are being refused the right to lodge FIRs, he hotly denied this, and said, proudly that Kalol Station had lodged 13 FIRs. We asked for details of these FIRs. Closer examination revealed that only 6 FIRs had been lodged by victims. 7 FIRs had been lodged by the State with Patil himself as the complainant. The State FIRs were an eyewash – since the accused in each FIR was simply written as 'tola' (mob). Obviously not a single arrest has been made in these State FIRs. We examined the other 6 FIRs:

1. Complainant: Medina Bibi, Eral. Out of the 39 named as accused, only 13 have been arrested
2. Complainant: Arvind Bhai Parmar. Out of 5 Muslims accused, all have been arrested.
3. Complainant: Ilyas. No arrests
4. Complainant: Ahmed Haji Mohammed: Out of 10 named as accused, none have been

arrested.

5. Complainant: Shiraz Abdul: 4 arrests
6. Musa Bhai Sheikh: Out of 2 accused, none have been arrested.

One Muslim died and 3-4 were injured when the Police fired to control a volatile situation that arose when 3 Hindus were stabbed on the 27 of February. The firing was done by Dy SP Parmar, who many testified as having seen leading the mobs. However, when the firing was against large Hindu mobs there were no deaths. We asked PSI Patil how was it possible that when firing at a large mob, the Police did not manage to injure even a single person? He smiled and said *Yeh to chance ki baat hai* (It's all a matter of chance).

There is a clearly a long road ahead to justice, rehabilitation and recovery for the victims of Gujarat. The fact-finding team tried to meet Mr. Kumaraswami, who is in charge of the Human Rights Cell in the office of the DG Police. Although too busy to meet the team because of the PM's impending visit, he agreed to a phone interview. He was asked to comment on the charge made by almost every victim met by the team that the Police was aiding, abetting and colluding with the looting and marauding mobs – what action was being taken on these charges? What action was the Human Rights Cell proposing on the evidence of several cases of rape? What, according to him, should have been the role of the Mahila Police, in preventing sexual violence?. Mr. Kumaraswami's responses were that he was simply a part of the DG's office, working as a bridge between the NHRC and the DG. His office merely laid down the policy about women police, and about other human rights aspects. Since he was not a field officer he did not have answers for the rest of the questions.

The fact-finding team was concerned that with the total collapse of the State machinery in Gujarat, there was no alternative institutional mechanism in Gujarat through which women could seek justice. Gujarat does not have a State Commission for Women, and until the writing of this report, the National Commission for Women had chosen not to visit the State.

## Section III

### IN THE WAKE OF VIOLENCE

The violence in Gujarat has left in its wake deprivation, despondency, and desperation. Islands of survivors huddle together across the state in miserable relief camps, in both urban and rural areas. They have become a truly ghettoised people, in body and mind. Betrayed by neighbours and friends, left for dead by the State, they trust only each other. Ghettoisation, once only an urban scourge, is now the rural future as well. Sudden economic destitution is hitting women hard - those who have lost the family income earner, look at their children with despair and fear for their future. Single women and widows, who had acquired economic independence, now rely on community patriarchs for survival. Their life savings are burnt. Meanwhile VHP/Bajrang Dal workers roam the countryside, free from fear of punishment. Women activists who need to be out there, helping rape survivors, speaking to widows, giving relief, lodging FIRs, work under constant threat to their lives. And a discredited Government speaks of setting up Peace Committees.

#### A. VISITING THE CAMPS

There are over a 100,000 refugees in Gujarat today, among them many women and children. The fact-finding team visited 7 relief camps in both urban and rural areas.

| Relief Camp         | No. of Women | No. of Men   | No. of Children | Total*        |
|---------------------|--------------|--------------|-----------------|---------------|
| Shah-e-Alam (Urban) | 2744         | 3008         | 4755            | 10,537        |
| Qutb-e-Alam (Urban) | 378          | 355          | 495             | 1228          |
| Ramayan (Rural)     | 128          | 142          | 153             | 423           |
| Memdabad (Rural)    | 500 (approx) | 500 (approx) | 500 (approx)    | 1500 (approx) |
| Vadali (Rural)      | 620          | 560          | 597             | 1777          |
| Halol (Rural)       | 449          | 444          | 177             | 1070          |
| Kalol (Rural)       | 674          | 667          | 910             | 2500          |

- These figures are changing everyday, as people leave to seek sanctuary with relatives, or as new people, particularly in rural areas, finally make their way to the camp.

#### FIRST IMPRESSIONS

The **Shah-e-Alam Camp** is located in the Shah Alam Dargah. It is approached through an ancient gate which opens into a large courtyard type clearing. Near the entrance there are twenty-two toilets for 2200 families or 8000-10,000 inmates. The thick stench is nauseating. As we enter and remove our sandals the flagstones burn the soles of our feet. On the left there is a large room, which serves as an office cum meeting place. People are milling all around. Women, men, children of all ages are scattered across the floor of the Dargah. The muezzin calls them to prayer. Not many respond. They are a company of broken people.

The **Vadali Camp** is no more than a large open maidan with a cloth shamiana strung overhead. It provides little protection from the heat. The sides are open. When we visited, several hundred women were sitting huddled together in small groups. The maidan is in front of a now defunct cinema hall – the Veena Cinema. At night over 600 women, and nearly 600 children crowd into the premises of the cinema to sleep. The men sleep outside. The toilets are inadequate and the entire compound is slowly becoming a large latrine. They have been living like this for over a month. The only

politician to visit is a local Congress leader – he came once. We are the first women visitors.

## B. GHETTOIZATION: THE RURAL EXPERIENCE

“Yudh ho gaya hai” (war has broken out) – said a woman in Panchmahals, witnessing communal carnage in rural Gujarat for the first time. In urban areas like Ahmedabad, Muslim ghettos had already been created for a variety of reasons – Juhapura, Naroda Patia – all Muslim areas. This time round rural ghettos are being born. Muslims are flocking in from the countryside to the nearest urban settlements, swelling the numbers in the Muslim majority areas.

### A Community Betrayed

Women testified to feeling an acute sense of betrayal. They feel betrayed by neighbours, friends, people they have lived with, celebrated festivals with, done business with. These people, along with mobs from the outside, looted, killed and burned their homes and families. How do you re-build that trust?

- I asked my neighbour Hira Bai for some water. I was told “Aaj to pani nahin aaj to marna hai.” (No water today, today is for dying) **Zahida Bano, Naroda Patia, Ahmedabad**
- “How can we go back the violence is still continuing. Our house was not burnt earlier. It was burnt 4 days ago.” She was clear that the violence was master minded by Dinesh Bhai the deputy Sarpanch. According to her testimony, at around 5pm on February 28<sup>th</sup> Dinesh came and told several of them that nothing would happen. Then they burnt many Muslim houses that night.” **Ava Bi, Mudeti village.**
- Of course I can recognize them. I saw them everyday. I grew up with them. Now with my work I know everybody here. What could I tell them - don't kill me, you've seen me everyday of my life.” **Saira, Vadali camp, works with Centre for Social Justice**

### Rural Relief Camps: Muslims should look after other Muslims

The process of ghettoisation has begun with the rural relief camps. Camps have sprung up wherever people ran to safety, and they invariably ran towards Muslim dominated areas. The idea of “safety in numbers” was never so acutely experienced. In each case, it has been local Muslim community leaders who have provided shelter, made arrangements to feed and house hundreds and thousands of people. In some cases food rations are being supplied by the Government. But hardly any Government officials or elected representatives have visited. The message is clear: **Muslims are not the responsibility of the State. Muslims should look after other Muslims.**

**The Vadali Relief Camp** (Sabarkantha District), for example, is being run by the *Muslim Paanch Jamaat*. This includes leaders from five Muslim communities: Pathan, Lohar, Memon, Mansuri, and Sipahi. The overall camp coordinator is Amanullah Khan, a local Congress leader, referred to as *Chacha* (Uncle) by the camp residents. Amanullah Chacha was responsible for making phone calls to the Khed Brahma Police Station and ensuring that many stranded Muslims were transported to the safety of the camp. The maidan where the camp is located adjoins a large Mansuri settlement in Vadali. The presence of large numbers of Muslims in the neighbourhood is reassuring for the camp residents. Many Mansuri refugees have even found temporary shelter through an extended kinship network in the Mansuri settlement itself. The Vadali Camp is providing shelter to a rural population spread across large distances – and including many villages in Khed Brahma, Vadali, Bhiloda, Modasa, Vijaynagar, Idar, and even Arad (in Banaskantha District) among others.

Kinship networks have been instrumental in operationalising many rural relief camps. Take the **Ramayan Relief Camp** (Sabarkantha District), for example. Ramayan (along with its twin village Mahabharat) is a Muslim majority gram panchayat, with a Muslim Sarpanch – Sattar Bhai Jamal Bhai. Nearly 500 refugees have gathered here from a radius of up to 50 kms, mostly relatives from neighbouring villages. The camp itself is unlike Vadali. Here the refugees have taken shelter in the homes of extended kin members. It is only for meals that they gather in a large hall and are fed from a common kitchen. Until 10 or 12 years ago, the village was called Pratapgarh. Then the villagers saw the TV serials – Ramayan and Mahabharat. They loved the Hindu epics so much that they decided to re-christen their village. One wonders if they would they ever do the same again?

**The Kalol Relief Camp** is being run by leaders from the Muslim Ghachi community. When the trouble first started Muslims from surrounding villages started flooding the Muslim dominated mohallah (neighbourhood) in Kalol town. From March 1<sup>st</sup> to March 7<sup>th</sup> the *galis* (narrow lanes) of the entire mohalla had turned into a relief camp. The refugees simply lived out in the open for seven days without any shelter - a scared flock, seeking safety in “Muslim” surroundings. Some refugees found place in the madrasa, inside the masjid, and some in homes. The camp coordinators claim that it was only by putting pressure on Congress leaders Amarsingh Chaudhary and Ahmed Patel, that they managed to get Government permission to use a large maidan in town. Today the maidan houses over 2500. The Government supplies rice, wheat, sugar, and oil. A Government mobile ambulance visits the camp once a day.

Unlike urban camps, particularly **Shah-e-Alam Camp** in Ahmedabad, which has been visited by many, **most rural camps have had few, if any, visits by outsiders.** Many are located in remote areas, a long, dusty drive away from big towns and cities. Visits by outsiders especially from the majority community have been rare. One woman in Halol camp, which had not had any visitors, said, *Bahar ke log bhi hamare bare mein soch rahe hain hame nahin malum tha. Ab to hum ek kone mein ho gaye hain, sab ke nazron ke bahar.* (We didn't know that people outside are even aware of our existence. We have been shunted in a corner now, removed from the eyes from the world)

What is most striking in rural relief camps is the need for the refugees to speak. **Women, in particular, have not had a chance to share their experiences with anyone.** There is desperation in the way they respond to a sympathetic ear, and reach out towards an outstretched hand.

### Long Journey to Safety

In order to reach the sanctuary of these Muslim majority areas in rural Gujarat, people have been forced to take refuge in jungles, forests, and fields for days on end, as they inch their way gradually towards safety. In Halol camp (Panchmahals) for example, one woman had come to the camp only on the day the fact-finding team visited, after hiding in fields for 24 days.

#### Testimonies from Panchmahals District:

- Fatima Bibi, who was visiting her sister in Eral village said she hid in the forests for 4 days. She ran out of her home to escape the mob on the 1<sup>st</sup> and reached Halol camp on the 5<sup>th</sup>.
- Kulsum Bibi also from Eral, where there are about 40 -45 Muslim families, had walked several kilometres and some had spent several days hiding in forests and fields, without food and water.
- Mumtaz, of Ranjit Nagar, reached the camp on the 29<sup>th</sup>, after walking several hundred kms and 24 days after she had left her village. She and her family, which included her husband, her in-laws and 3 children, fled their home when the mob arrived on the 28<sup>th</sup>. They first hid in nearby fields for two days and then kept on moving from village to village in search of a safe haven. They kept moving as everywhere they reached there was tension. They could see fires. (Mumtaz's feet were swollen and full of blisters).

### Cultural Oppression

The pressure to conform culturally in order to survive has become part of the fear psychosis of women. The fact-finding team heard many testimonies where rural Muslim women had to adopt “Hindu” attire - shun their salwar kameez in favour of sarees; and wear bindis in order to escape to safety<sup>[10]</sup>. Wearing a bindi or not wearing one - such a small gesture and yet so large when seen against the firelight of over 200 burning mosques and dargahs across the length and breadth of Gujarat<sup>[11]</sup>.

The Malav hospital refused to provide protection. Ranjitpur is not far from Halol but as things were already tense we could not take the direct route. As a result we kept moving further and further away from Halol. Finally we disguised ourselves as “Hindus”- My mother-in-law and I wore sarees and bindis. We changed our names. My husband became Ramlal, my mother-in-law Sharda, my father-in-law was Amrit bhai, and my children were Ramesh, Raju and Suneeta.  
*Mumtaz, of Ranjit Nagar, now a refugee in Halol Camp. March 30, 2002.*

### Point of No Return

Most people met by the fact-finding team stated clearly that they were unwilling to return to their villages. The scattered positioning of Muslim homes in the villages makes them feel insecure, particularly since most refugees come from villages where they are a tiny minority, vulnerable to attack at any time. Futile attempts to return since the carnage began, have only strengthened their conviction that they can only make a future for themselves in Muslim majority areas.

### Responses from Ramayan Camp

- In the beginning there were 625 residents in the camp. About 35 attempted to return home but most have now come back to the camp. The Goral Gaon Sarpanch came with about 10 people to call the Muslims back. But once they reached the village seeing the atmosphere there he himself asked them to return - “ Ab aap 7-8 din ke liye chale jao. Phir vapas ana” (Perhaps you should go away for another 7-8 days, and then return).
- Suraiya, wife of Samad, was also emphatic that they could not go back. She said that when people have tried to go back they have been told in no uncertain terms - do not come back. We do not want Muslims here. She said, “jab vapas gaye kisi ne bola hi nahin.” (When we went back, no one in the village even spoke to us).

### Responses from Vadali Camp

- From Idar, Bilora, Arad and Vijaynagar, the sarpanches came and took people back, assuring us - that everything was calm. And we could return home. In Banaskantha about 600 Muslims went back with their Hindu Sarpanches. Some came back during Holi fearing tension. Some will return after that. **Amanullah Khan.**
- Daskha behn, the Sarpanch of Goral sent her husband, Jashubhai to bring back some of the Muslims. Mansouri Bhai returned but on the 19<sup>th</sup> of March a crowd of about 2000 came and beat him up. Two durbars fired shots in the air, which frightened the mob. They saved my life but I lost everything - a tractor, three shops, goods worth 3 lakhs. Now I stand here on the road with nothing. **Mansouri Bhai**
- “What can we think. If we go back we will be killed. We are terrified. They have warned us. We don’t expect anything from Narendra Modi. The only way we will survive is if we all live together. It is when we are dispersed and living in small numbers that we are attacked. If the government gives us land somewhere we will relocate. In fact we are thinking of asking the government to give us some land near Khed Brahma.” **Mansouri Bhai # 2.**

### Fear and Muslim Women

The impact of fear on Muslim women can already be seen. With the entire community under threat, women in particular are paying the price – with their freedom and mobility. Mothers fear for the safety of daughters. Husbands fear for wives. And the first response to fear is the imposition of restrictions. As Muslim communities ghettoise, there is danger of further ghettoization of women within the home. With entire families forced to migrate, the education of girls is suffering. Clearly when lives are in danger, this is not a priority. **Ila Pathak**, a leading social worker in Ahmedabad told members of the fact-finding team, that her experience with forced migration indicated that mothers are often found to be more educated than daughters for precisely this reason. Gains of emancipation are being slowly eroded. Muslim women’s voices are already being stifled. One can see this in the camps. Community patriarchs are in charge, and one sees no signs of women being part of the decision-making. But then this is an hour of crisis for the community as a whole. Some might call it churlish to raise issues of emancipation at a time like this. Women’s issues will have to wait for more peaceful times?

Rizwana is 26 years old. An advocate, she lives in Vatva with her parents. She has experienced animosity many times while attending court. A couple of years ago there was a stabbing incident - one of the girls in court remarked, “Tum log to bahut stabbing karte hon. Seekhe honge.” (“You people do a lot of stabbing, You must have learnt it”) An action by one individual would be attributed to the entire community. The Indo-Pak cricket matches would always become points of tension – “Kuch bhi ho to Pakistan ka zikr karte hain” (“No matter happens, they always raise the issue of Pakistan”) Eight percent of the advocates in the court are Muslim. Once it so happened that at one particular meeting most of the advocates who attended were Muslims. A Senior Advocate walked into the room and remarked, “Yeh to Pakistan ka court lag raha hai.” (“This is looking like a Pakistani court”) I used to feel “Hum to Hindustani Hain- please humko aisa mat bolo.” (We are Indian. Please don’t say things like this to us)

She hasn’t been to the city civil court where she practices since February 27<sup>th</sup>, 2002. ‘I normally I go by scooter. I could go, but if I don’t come back then what is the point. They haven’t spared women and children this time. Women are not going to be allowed to roam about freely for a long time.’

What was she feeling? Anger, helplessness and desire for *badla* (revenge)? She looked startled by the word *badla*. ‘Our people are *laachaar* (broken). They are not being able to do anything’. ‘Agar badla ka saval tha to kab ka le chuke hote.’ (If it was a question of revenge we would have taken it long ago). ‘Ab to woh din yaad hain jab hum “free” the. Scooter le kar kahin bhi chale jate the. Ab to quaid ho gaye hain apne hi shaher mein. Badla nahin, logon ko phir se jeena hain’ (Now I can only think wistfully of the time when I was free. I would hop on my scooter and go wherever I pleased. Now we are prisoners in our own city. People don’t need revenge. They need to live again).

*Rizwana. Vatva, Ahmedabad, March 27<sup>th</sup>, 2002*

## C. ECONOMIC DESTITUTION

The economic targeting of Muslims in the current violence in Gujarat is unprecedented. A drive down any street in an affected area will confirm this. Muslims businesses in both urban and rural areas have been systematically destroyed. Scores of women that the fact-finding team met have lost everything overnight; everything except the clothes on their back. Shops were burnt and homes looted of everything. Many women kept repeating long lists of the possessions they had lost. Some insisted that we write down everything. The psychological impact of this sudden destitution has been brutal.

### INNOCENCE IN THE TIME OF WAR

Adivasis took away everything, says Shaheen, in a soft voice, looking shyly at the floor, as if embarrassed at complaining to a stranger. She’s little. Sonu, her parents call her. Only 7 years old. And she can’t understand why her loss is less important than others’. Resentment is barely concealed in her innocent eyes. Because the looters who attacked her village, snatched away her most prized possessions – her toys. “Ek cycle thi” (I had a cycle), she says. But lest we don’t appreciate the full extent of her loss, she quickly adds “Doosri cycle bhi thi” (I also had another cycle). Now she’s unstoppable. In barely audible tones, the list starts pouring out of her mouth – “Ek kursi, ek vimaan. Ek choolah bhi tha. Chooleh pe roti banate the. Gudiya bhi thi”. (One chair, one aeroplane, one stove. I used to make rotis on my stove. I also had a doll) Are Hindus bad, we ask? Yes, she nods, followed by a quick “No”. She thinks of Anita and Kamal, her friends in the village school in Atasumba. They are Hindus. She misses them.

*Ramayan Camp. March 28, 2002*

### Creation of Female Headed Households and Destitution of Single Women

An immediate impact of the violence is the creation of female-headed households. In many cases entire families have been killed. Women testified to having witnessed several members of their family dying. They were dealing not only with the trauma of this loss, but facing a future with their life's savings and livelihood sources destroyed. For those who were already surviving as single women (including widows) before the violence, the future is equally bleak. Having struggled to gain economic solvency, they are back to being destitute.

#### Ayesha Bibi, Shah e Alam Camp, Ahmedabad. March 27, 2002

They killed my husband. He was a rickshaw puller. My brother was shot. They tear-gassed us. I have four children.

#### Juleha Bi, Shah e Alam Camp, Ahmedabad. March 27, 2002

She too witnessed her husband's death. "He was burnt in front of the Police line. If the police had taken them inside this would never have happened. In earlier riots nothing happened because the SRP helped. I have 6 children to be bring up on my own."

#### Mumtaz, Ramayan Camp, Sabarkantha district. March 28, 2002

My husband Karim Bhai died 12 years ago. I have one son. He is 12 years old. I work as a domestic servant to support myself and feed my son. On Friday around 7.30 pm the mob came. They were about 150 people. All with their faces covered. 'Our' Muslims had 56 houses and 7 shops. All of us ran for our lives. The durbars hid us in their houses and gave us food. In the morning they told us "You'd better run for safety somewhere else." From the durbar's houses we could see everything. First they looted everything. Then they burnt our houses and shops. Where can I go from here?"

#### Kulsum, Ramayan Camp, Sabarkantha district. March 28, 2002

My husband left me five years ago. I had a small *galla* (stall/shop) selling a variety of things – *saag bhaji* (vegetables) and bangles. I was managing on my income. Then came the attack on my village Munai, which has only 15 Muslim homes. The Patels and Adivasis destroyed everything. My neighbours (Rajputs) prevented my house from being burnt, and they even hid me for a while, but my *galla* was burnt. I have come to the camp along with my husband's older brother and his wife who also lived in Munai. I have 3 children to support.

## D. NEW RURAL DIVIDES

The rural experience of the communal carnage has been only marginally different from the urban story. The mobs have been smaller than generally reported in big cities—sometimes as small as 50, and the largest - 500 to 1000 strong. In one incident the attackers arrived in 8-10 tractors. A common factor in both urban and rural testimonies heard by the fact-finding team is, that in a majority of cases the victims recognise the attackers – they have been people from the village, usually accompanied by a mob from the outside. What is new this time is the large-scale involvement of Adivasis in the attacks on Muslims.

Dherol Village with about 5000 residents has a mixed population. The Muslims are Ghachi, Memon, Pathan and the Hindus are Harijans, Darbars, Thakeras, Adivasis, and Darjis, among others. Kachi Patels live in the Dherol Kampa (a hamlet). 45 year old Kanija Ghachi has a small "gehoon, shakkar, chai ki dukaan" (a small provision store) which she runs about 8 kms away from the village. According to her, the first round of violence started a year and a half ago. A Bajrang Dal rally went berserk and attacked the masjid. The main people behind the rally were the Kachi Patels from the Kampa. They want to break our masjid and build a mandir in its place, she says. At that time also Kanija ran from the village. This time it's the same story. Again the Kachi Patels. The man to blame is Dhanji Bhai Patel, a Kachi. He told the Adivasis – kill Muslims, we'll give you money. Kanija heard this from Kalabhai Damor and Parthabhai Damor (father and son) – the Damors are also Adivasis. That's how they know the inside story - that Dhanjibhai is enticing Adivasis. This time in the violence they brought in Adivasis from other villages as well to attack us – from Jher, Khaariberi, Beria. "Patel ne unko aage kiya. Daru pilaya. Khana khilaya. Khush rakho. Aur bola – maar do saalon ko" (The Patels put the Adivasis in front. Fed them booze and food. Kept them happy, and said kill the bastards – meaning Muslims).

"All the Muslim homes are burnt. No Hindu came to help us. Where there are Patels, no Hindu comes to help."

**Kanija Ghachi. Resident of Dherol Village.  
Vadali Relief Camp. March 28, 2002.**

Several testimonies in **Sabarkantha district** named Kachi Patels as the community that instigated violence. Some people maintained that in villages where there was no Kachi Patel community there has been no violence. They said that this time the objective of the Kachi Patels was to economically destroy the Muslim shops and small businesses and take them over. According to Camp residents, the Bajrang Dal actively recruits members from this community. Many people in their testimonies stated that this time the "Adivasis were merely used" (*unke mohtaj banaya*) by the Patels.

The Patels have used the Adivasis. For 2 years there have been no rains, so the Adivasis are economically in a bad shape. But they have gained little from the looting. The Kachi Patels looted the fridges, washing machines, TVs and simply blamed it on the Adivasis. A few days ago some Adivasis leaders, Kalji Bhai Kataria and Anil Bhai Joshiara called a meeting to address this issue of Adivasi involvement. They demanded a police combing operation in the area. "Those Patels are using our name" they declared. "Search all the houses and see where the looted TVs and refrigerators are hidden - Adivasi houses or Patel houses? The Adivasis were simply given alcohol and told "go loot the Muslim houses. Kill them, burn everything." Everything valuable from looting is sitting in the Patels' houses."

**Samad Luhar, Ramayan camp, March 28<sup>th</sup>, 2002.**

The fact-finding team spoke on the phone with Anil Joshiara, an Adivasi leader (mentioned in Samad's testimony above). He confirmed that he had demanded police combing operations to prove that Adivasis have gained little from the looting except a bad name. He claimed that the Adivasis who were involved in the violence were only misguided youth.

## E. VHP AND BAJRANG DAL: WOMEN'S EXPERIENCES

In testimony after testimony, people identified by name members of the Bajrang Dal and Vishwa Hindu Parishad involved in inciting and committing violence. The fact-finding team spoke with women activists and victims in the camps about their views on the growing polarization between the Hindu and Muslim communities. Both sets of people linked it to the aggressive agenda of the Sangh Parivar - particularly the Bajrang Dal, Vishwa Hindu Parishad and, in some cases, the Shiv Sena. In the rural context, women directly linked a rise in tension with the establishment of local units of the Bajrang Dal and the VHP. They spoke of meetings organized by these groups, and the arms they distributed at these meetings. Many believe that the tension has really escalated in the last six months. For instance Jayanti Ravi, Collector Panchmahals confirmed that in October - November 2001, (near the time of Navratri), there had been tension in the area. Around that time several activities like Ramdhun and trishul distribution programme had been organized. Women activists have been directly threatened by these organizations.

## ACCOUNTS OF WOMEN ACTIVISTS

### Sahiyar Stree Sangathan, Vadodara

Activists from the Sangathan told the fact-finding team about the pattern of indoctrination by the Sangh Parivar. Whenever they find that an area is relatively peaceful, they begin organizing meetings to instigate the residents. They make a practice of sending bangles wrapped in red cloth to areas, which have remained peaceful despite having some Muslim homes. The message is clear; shaming them for their 'femininity', implying that they are gutless for allowing Muslim houses to remain intact. (Many other people we spoke with also referred to this practice of sending bangles). In areas like Bhavnagar and Surendranagar, for example, bangles were placed in a prominent central place. Neighbourhood meetings are then organised with the insistence that representatives from all nearby colonies should attend. The message given is

that they should 'do something' in terms of destroying Muslims, 'even if you get arrested we will take care of you'. At these meetings cell phone numbers are given for people to collect 'sadhan', meaning weapons such as talwars and knives for 'self defence'. The gist of the anti-Muslim message that is imparted is as follows:

- The government has been pampering the very people – Muslims - who have done 'atyachar' on us. For instance, the government sends them for Haj.
- In actual fact, it is the Hindus who are oppressed and exploited.
- Population wise they will soon out-number us.
- In madrasas, they preach 'aatank' (terrorism)
- They are anti-India, pro-Pakistan. During cricket matches they cheer for the Pakistan team

### A Women's Organization, Panchmahals

A women's organization that works in Panchmahals and Saurashtra said that the VHP has accused them of converting people to Christianity even though there is not a single Christian in their team. In fact, they have registered a case against us, one activist said. The four founding members of our organization are Hindu but our organization is secular. The VHP does not like our work because we have been able to mobilize poor, tribal women and these women have not been drawn into their network. We are worried about the safety of our women activists who travel around on lonely roads on scooters. The VHP employs goons to threaten and attack women. They've tasted blood having raped, killed, burnt and looted and go around absolutely scot free with no fear of punishment.

## ACCOUNTS FROM THE RELIEF CAMPS

### Qutb-e-Alam Dargah Camp, Vatva, Ahmedabad

- Every time there is a cricket match with Pakistan there is tension. But we have been feeling the tension for the past six months to a year, as the Bajrang Dal has become strong here. *Raat ko nare lagate hain, lathi lekar practice karte hain. Inka leader Mahesh Patel hai. Inhone sab kuch karaya.* (They shout slogans at night, they practice with their sticks. Their leader is Mahesh Patel. He was responsible for all the violence).  
**Saira**
- The Bajrang Dal has regular meetings at night. Their membership is mainly young boys. For the past 6 months they have been regularly stoning our houses, usually after their meeting, when they are in an excited mood. (We were taken to see some of these houses) We used to feel that we should just put up with it, because we have to live here. *Par kya phaida hua. 6 maheene tak sahan kara. Ab yeh kara.* (But we gained nothing. We bore it for 6 months and we have now had to suffer this violence).  
**Azizunissa and Bilkis Bano**

### Vadali Relief Camp, Khed Brahma, Sabarkantha

Several of the women in the group mentioned there had been an escalation in tension between the two communities over the past few months. They all talked of an incident around Shab-e barat, 3- 4 months ago, when there had been stone throwing.

- In the last 2- 3 years there have been about three incidents . In the last few months we have noticed the Bajrang Dal getting more aggressive. Jatin Bavchi Shastri used to go around saying, "We do not want Muslims here." About 4-5 months ago at the time of shabbe baarat, a mob of about 40 had surrounded our house and there had been stone throwing. We never used to pay much attention to these incidents. We had become quite used to them. Besides these incidents we had a decent relationship with the Hindus. I never knew they had so much hatred towards us or where it came from. When I think of what has happened ... 50 years of earning reduced to the clothes I have on now... *yaad karte hain to kaleja phat ta hain.* (When I think of what has happened, my heart breaks).  
**Imam bibi Kamaluddin Luhar**
- We could see trouble coming. Some time ago, they complained about our namaaz. They said it was disturbing. Then the police advised us to use the loudspeaker only three times a day. We thought, O.K. why invite trouble. We cut out the loudspeaker for all 5 namaaz readings. But the men kept on insulting us. Picking on us, starting quarrels. On Feb. 28<sup>th</sup>, they told us "You'd better keep lots of milk in your house. We are coming for chai." When they came we sensed there would be trouble. The Patels came and sat down to drink chai. Then the mobs with the Adivasis came. The Patels said "Get out or they'll kill you." They burnt the house. They were carrying petrol, kerosene and tyres. Our businesses are finished. Our houses burnt. Where can we go? When we go to see our houses, they say "We'll cut you up. The Bajrang Dal gives them trishuls and talwars. The Deputy Sarpanch Dinesh Kumar Narpat bhai Desai has a 12 bore gun. The DySP Solanki saab is a VHP leader he will not take action at all or help us."  
**Sattar Bhai**

## F. SMALL RAYS OF HOPE

Everywhere the fact-finding team went, we heard cases of ordinary Hindus and Adivasis protecting Muslims. This was also true of urban areas. These were small but significant moments in our fact-finding mission – signs of humanity and compassion in the otherwise overwhelming narrative of hate.

**Krishan Nagar**, a semi slum cluster in Vadodara is inhabited by poor Hindu and equally poor Muslim families. The fact-finding team visited the home of Shri Pillai who is responsible for saving the lives of 500 Muslims of the area by hiding them in his house. He and his wife heard of the impending attack by the mob while they were at a Muslim barat (Hindus and Muslims were attending each others' functions). Apprehending trouble, Pillai along with his 3 brothers, started quietly to bring Muslim families into his house. Between all the brothers they kept them for 24 hours, fed them and left them in safety at the Qureshi Jamatkhana.

In **Sabarkantha** and **Panchmahals** many women and children received help from members of the Adivasi community when they were hiding from mobs in the forest.

I ran into the jungle with my children and wandered there for 6 days. On the 7<sup>th</sup> day the Damors (Adivasis) found us, and took us in for two days. They fed the entire group of refugees from Dherol. There were 13 of us they saved.

**Kanija Ghachi. Resident of Dherol Village. Vadali Camp. March 28<sup>th</sup>, 2002**

My sister Farzana and brother Sikandar had escaped into the fields. I watched the mob strip and beat my extended family along with my cousins Mushtaq, Mohsin, and Shiraz from behind some bushes. Then as we also ran towards the fields, a Kaka (a Baria man) pointed us in the direction of the *makka khet* (maize field) that my brother and sister had run into. When night fell, Sikandar and Shiraz started crying from hunger and thirst. We saw a torchlight. Kaka and his wife had come to get us. They kept us and fed us for 7 days. Kaka also went and spoke to local sarpanches and leaders. He located my mother who had escaped to Halol. That's how we came here.

**Ayub, 12 years, Resident of Limkheda Village. Halol Camp. March 30, 2002. (for more details of this testimony refer Section I: Sexual Violence Against Women)**

Most of this help was given in the form of temporary shelter, food, and assistance with escaping. Clearly many of those giving refuge also feared the mobs, and did not want to take on the permanent responsibility of the fleeing Muslims.

Fatima (Halol Camp) reported that when they ran out of their homes on Feb.28<sup>th</sup> they had taken refuge in a Baria's home. But the mob followed them there and the next morning they were asked to leave. Similarly Halima Yusuf Bhai, was washing clothes when she saw a mob of nearly 1000 people approaching. She ran and took shelter in the home of a Baria, whom she did not know very well. There she found others. She later found out that his name was Manu bhai Baria. He escorted them to the tempo on which nearly 40 of them went to Halol. Kulsum bibi and nearly 50 others were given refuge by Rohit bhai Suthar. All of them spent the night in his attic.

## G. STATE RESPONSE: Are Peace Committees the Solution?

One of the strategies proposed by the State Government to deal with the aftermath of violence in rural areas, is to set up Peace Committees that will engage in confidence building measures. According to Jayanti Ravi, District Collector, Panchmahals, the Government was focussing on "motivating people to return home." When told that not a single person whom the fact-finding team met considered "return" a real possibility, she said the government's task was to "convince the minority community that what

has happened is an aberration. Not everyone in the majority community is against them” The strategy is to hold meetings in villages with community leaders, form peace committees and gradually get the refugees to go back. The District Collector’s office is drawing up lists of villages and community leaders from both communities who can play a catalyst role. No peace committees have been set up yet.

## Section IV

### VIOLATION OF INTERNATIONAL INSTRUMENTS

The fact-finding team found that that the State had failed in its foremost responsibility of implementing International Human Rights norms and instruments as they relate to violence per se, especially violence against women. These include, among others, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment, Convention on the Prevention and Punishment of the Crime of Genocide. The question that the team asked itself was whether prima facie what happened in Gujarat post-Godhra could be deemed a crime against International Law?

At the outset we recall that in its report on Gujarat, the National Human Rights Commission in its preliminary comments stated the following about Section 12(f) of its Statute:

*(i) The Statute of the Commission, as contained in the Protection of Human Rights Act, 1993, requires the Commission under the provisions of Section 12, to perform all or any of the following functions, namely: (f) Study treaties and other international instruments on human rights and make recommendations for their effective implementation;*

The above is an overarching provision. It obliges the State to ensure the implementation of the instruments which it has signed and ratified from time to time.

#### Universal Declaration of Human Rights

Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

- **The Opening Declaration** of the UDHR closely resembles the Preamble of the Indian Constitution. **Article 2** of UDHR on non discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status is reflected in Indian Constitution **Article 15** which requires ‘Prohibition of discrimination on grounds of religion, race, caste, sex, place of birth, or any of them’. **Article 3** of UDHR – ‘Everyone has the right to life, liberty and security of person’ corresponds with **Article 6** of the Constitution ‘Every human being has the inherent right to life. The right shall be protected by law. No one shall be arbitrarily deprived of life’. **Articles 7 and 18** of UDHR are comparable to **Articles 14 and 15** of the Constitution. Both these sets of articles deal respectively with a) equality before law and entitlement to protection against any discrimination and, b) with freedom of religion, thought and conscience.
- In addition to the above there are **Articles 5 and 25** of UDHR, which assume special significance in the Gujarat context. **Article 5** states ‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment’. And **Article 25** states ‘Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection’.

#### Our Observation:

*Examining the facts, documenting testimonies, we have arrived at the preliminary conclusion that the role of the State in the events of Gujarat since February 28th 2002 has violated not only this Declaration it has also violated the very provisions of the Constitution of India, which has been closely patterned on the above.*

#### International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49. India acceded on April 10, 1979

##### Article 2

- Each State, party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- Each State, party to the present Covenant undertakes:
  - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, **notwithstanding that the violation has been committed by persons acting in an official capacity;**
  - (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
  - (c) To ensure that the competent authorities shall enforce such remedies when granted.

##### Article 3

- The States party to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

##### Article 7

- **No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.**

##### Article 8

- Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

##### Article 20

- Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

#### Our Observation:

*The events of Naroda-Patia, to use only one of several examples which have been detailed in the first three chapters of the Report, are seen by us as a gross violation of the above undertakings of the Indian government.*

## **Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief.**

Proclaimed by General Assembly resolution 36/55 of 25 November, 1981

### **Article 2**

- No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.

### **Article 4**

- All States shall take effective measures to prevent and eliminate discrimination on account of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political social and cultural life.
- All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

### **Our Observation:**

*The evidence gathered by this fact-finding team, in conjunction with evidence presented before the NHRC, independent media reports, as well as the results of other fact-finding missions, clearly prove that the events in Gujarat post February 28th, 2002, were an example of discrimination based on religious belief.*

## **Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities**

Adopted by General Assembly resolution 47/135 of 18 December 1992

### **Article 1**

- States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.

### **Article 2**

- Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.

### **Article 4**

- States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.

### **Our Observation:**

*Testimony after testimony attests to the gross violation of this Covenant. In examining physical evidence in the five districts we covered, we found that the deliberate manner in which Minorities have been targeted and evidence of the preparedness with which the post-Godhra attack was mounted is violative of the State's undertaking to protect minorities.*

## **Declaration on the Elimination of Violence Against Women**

General Assembly resolution 48/104 of 20 December 1993

### **Article 2**

- Violence against women shall be understood to encompass, but not be limited to, the following:

**Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse,** sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution. Physical, sexual or psychological violence perpetrated or condoned by the State, wherever it occurs.

### **Article 3**

- Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia:

- (a) **the right to life**
- (b) the right to equality
- (c) **the right to liberty and security of person**
- (d) **the right to equal protection under the law**
- (e) the right to be free from all forms of discrimination
- (f) the right to the highest standard attainable of physical and mental health
- (g) **the right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment**

### **Article 4**

- **States should condemn violence against women and should not invoke any custom, tradition, or religious considerations to avoid their obligations with respect to its elimination.** States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:
- Work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counseling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.
- **Adopt measures directed towards the elimination of violence against women who are especially vulnerable to violence.**

### **Our Observation:**

*From testimonies of women in the refugee camps, detailing the form of physical violation by the marauders while the police remained benign observers or actively colluded with them and the inability of the police to show FIRs to support their claim to have done their duty, makes us conclude that there has been a grave violation of the Declaration on the Elimination of Violence Against Women.*

## **Convention on the Rights of the Child**

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in

accordance with article 49. India acceded to the convention on 11 December 1982.

#### Article 2

- States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

#### Article 6

- **States Parties recognize that every child has the inherent right to life.**
- States Parties shall ensure to the maximum extent possible **the survival** and development of the child.

#### Article 14

- States Parties shall respect the right of the child to freedom of thought, conscience and religion.

#### Article 37

- States Parties shall ensure that:
  - (a) No child shall be subjected to torture or other cruel, inhuman or **degrading treatment or punishment**.

#### Article 39

- States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

#### Our Observation:

*The spiral of carefully orchestrated violence that was let loose in Gujarat post-Godhra deprived innocent children, born and unborn, of their right to life-in a violation of this Convention.*

### Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987, in accordance with Article 27 (1) India signed the convention on 14 October, 1997.

#### Article 16

- Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of **cruel, inhuman or degrading treatment or punishment** which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the **consent or acquiescence of a public official or other person acting in an official capacity**. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment.

#### Our Observation:

*The complicity and collusion of law enforcement agencies during the first 72 hours, and the continuing violence as reported to us by the victims and corroborated by innumerable evidence gathered from majority community amounts to a blatant violation of the above Convention.*

### Convention On The Prevention And Punishment Of The Crime Of Genocide

Adopted by Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948. India signed in 1949 and ratified in 1959.

The Contracting Parties, Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime

Recognizing that at all periods of history genocide has inflicted great losses on humanity; and Being convinced that, in order to liberate mankind from such an odious scourge, international

Hereby agree as hereinafter provided.

#### Article 1.

- The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law, which they undertake to prevent and to

#### Article 2.

- In the present Convention, genocide means any of the following acts **committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group**, as
  - (a) **Killing members of the group;**
  - (b) **Causing serious bodily or mental harm to members of the group;**
  - (c) **Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;**
  - (d) Imposing measures intended to prevent births within the group;
  - (e) Forcibly transferring children of the group to another group.

#### Article 3.

- The following acts shall be punishable:
  - (a) **Genocide;**
  - (b) **Conspiracy to commit genocide;**
  - (c) **Direct and public incitement to commit genocide;**
  - (d) **Attempt to commit genocide;**
  - (e) **Complicity in genocide.**

#### Article 4.

- Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, **whether they are constitutionally responsible rulers, public officials or priv:**

#### Article 5.

- The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention

#### Article 6.

- Persons charged with genocide or any of the other acts enumerated in Article 3 shall be tried by a competent **tribunal of the State** in the territory of which the act was committed

**Article 8.**

- Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the

**Article 9.**

- Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the **responsibility of a State**

**Our Observation:**

*Based on evidence gathered by this fact-finding team, we feel that the pattern of killing in Gujarat post-Godhra clearly indicates genocide - acts intended to destroy one particular group*

## Section V

### CONCLUSIONS AND RECOMMENDATIONS

**Things fall apart; the centre cannot hold;  
Mere anarchy is loosed upon the world  
The blood-dimmed tide is loosed and everywhere  
The ceremony of innocence is drowned;  
The best lack all conviction, while the worst  
Are full of passionate intensity  
W.B.Yeats 'The Second Coming'**

Conclusions of the fact-finding team stem on the one hand from eyewitness accounts, interviews, research and data collection during our visit to 5 districts of Gujarat from March 27-31 2002, and on the other from India's Constitution, which guarantees all Indian citizens the right to protection of life and personal liberty (Article 21), the prohibition of discrimination on grounds of religion (Article 15) and the equality of all persons before the law (Article 14).

Having unequivocally condemned the Godhra carnage and the barbaric acts of killing and terror wreaked on innocent Muslims by communalized mobs in Ahmedabad and other areas in Gujarat, we aver that what happened post-Godhra in Gujarat was in the nature of a pogrom in its essential design and has the makings of a larger agenda for the subjugation, crushing and elimination of religious minorities. While nothing can justify or rationalize inhuman acts such as the burning of the bogie near Godhra railway station, it is clear that the intelligence of the State Government failed in its responsibility to forewarn. Not only that. Its aforesaid failure enabled communal elements to take hold of the state. Our findings reveal that the post - Godhra carnage did not happen as a spontaneous reaction to burning one bogie of the Sabarmati Express but that it was a calculated response, the culmination of a hate campaign carried on for more than a decade to promote the Hindutva ideology.

**General Recommendations**

1. Immediate removal of the Chief Minister and imposition of President's rule.
2. Immediate conviction of all those criminals who killed, burnt, maimed and looted ordinary citizens, from the top down, not sparing high executives, senior public servants and police officials.
3. Examination of the role of the State, including the political executive, in planning, abetting, or containing the violence in Gujarat after February 28<sup>th</sup>, 2002. Charges to be framed accordingly and action taken.
4. Immediate setting up of Special Courts, with non-partisan judges from outside Gujarat, for trying the cases on a daily basis and delivering quick justice. The victims to be given state assistance for legal battles.
5. CBI to be assigned for investigation into riots in the worst hit areas such as Godhra, Naroda Patia, Gulbarga Society, and Best Bakery, Vadodra.
6. Set up an independent commission headed by a sitting Supreme Court Judge to enquire into both phases of violence - Godhra and post - Godhra.

**Recommendations pertaining to women**

1. The issue of sexual violence is grossly under reported, especially in rural areas. Testimonies from all the affected areas need to be recorded on an urgent basis to understand the nature and extent of crimes committed against women. This task must be done immediately as many of the victims may soon start leaving the camps.
2. FIRs need to be lodged immediately. A special task force, comprised of people from outside Gujarat, to be set up immediately for taking cognizance of the context in which sexual violence has taken place and commence the task of filing FIRs. It should first examine the status of the existing FIRs. The task force should consist of people with legal expertise, women police personnel, women's rights activists, and women leaders from the Muslim community and be headed by a senior woman IAS officer. A time limit should be set within which justice will be dispensed for cases of sexual violence.
3. For cases of rape, medical examinations should not be treated as the basic evidence. Given the testimonies that many women were fleeing for several days and did not have access to medical facilities, medical examinations should not be asked for at all.
4. The extraordinary circumstances under which crimes against women have been committed, and the evidence that the State machinery was not accessible to victims in terms of seeking justice, there is a need to make the 'normal', technical requirements of a legal process contingent upon these factors. In cases where women are unable to lodge FIRs, their testimonies alone should be treated as the basis for further legal action.
5. Counselling to be provided immediately, even before registering the cases so that the women are able to give essential information, which they have difficulty speaking about. People with expertise in trauma counselling need to be identified and assigned to this task.
6. Women's rights activists to be enabled to work freely among the survivors and police protection to be provided to them. Their harassers to be charged and brought to book.
7. It is imperative that the appalling sanitary conditions be improved and better health care be provided in the camps. Adequate facilities to address the health needs of pregnant women and the trauma of all the camp residents, particularly women, must be provided.
8. A comprehensive rehabilitation policy for rape victims and for their families (where the women are dead) needs to be announced urgently.
9. Given the Government's negligence and the negligence of the National Commission for Women to make itself available (until the writing of this report), the UN Special Rapporteur on Violence Against Women should be called in for investigation and assessment.

10. Immediate assessment of the number of female-headed households and a rehabilitation package for livelihoods to be prepared by a panel of experts drawn from appropriate disciplines, with adequate support from the Government. Special provisions to be made for orphans and children of widows.
11. In all the relief work, rehabilitation should be treated as a separate issue and not be confused with relief and immediate cash compensation.
12. Evaluate the Government's proposal to setup Peace Committees. In a situation where the Government lies discredited and implicated in the violence it is hardly likely that they would be in a position to undertake confidence-building measures.

### Recommendations pertaining to Police

1. A task force to be set up to investigate police excesses against women and to take immediate action against the officers concerned.
2. All police personnel named in the FIRs to be immediately tried and arrested.
3. Urgent probe into the police firing where deaths have resulted and the accused be brought to book.
4. An end to 'combing' operations, which are exclusive to Muslim areas and are being used to pick up Muslim youth; complete transparency in manner, methods, and charges against those arrested. Given the real fear of prejudicial action by the Police, a Judicial commission to examine all cases where Muslims have been picked up during combing operations after Feb 28<sup>th</sup>, 2002. A system of accountability to be established for those who have 'disappeared' after being picked up by Police.
5. Where there are testimonies of Police refusing to register FIRs, immediate action to be taken against the concerned officers. Absence of the Police to discharge its duties at a time of crisis to be treated as criminal culpability and attract punishment matching that charge, rather than merely attracting internal disciplinary action.

### Recommendations pertaining to UN Conventions

Our preliminary analysis reveals grave violations of human rights norms, laws and treaties, some of which have been outlined in Section IV above. These violations should be tried and treated accordingly. Wherever necessary, the help of human rights groups, women's rights groups and relevant UN Special Rapporteurs should be sought to examine the extent of the violation, and propose action in accordance with procedures provided in the Instruments, and in proportion to the crimes.

## Annexures

### SECTION I:

#### SEXUAL VIOLENCE AGAINST WOMEN

##### Testimonies Of Sexual Violence

#### Annexure 1.1

##### CORROBORATING TESTIMONY FOR MASS RAPE IN NARODA PATIA, AHMEDABAD

###### Rape Of Farzana Bano

**Date of crime: 28<sup>th</sup> February 2002**

**Place: Jawan Nagar, Naroda Patia, Near Noorani Masjid, Ahmedabad.**

**Witness: She and her family survived but this is what she witnessed.**

On one side of Jawan Nagar is the ST (State Transport) workshop and on the other side the Special Reserve Police (SRP) quarters. Gangotrinagar Society has been newly constructed. On the morning of the 28<sup>th</sup>, we were asked to stay indoors as there was tension in the area. When the mobs came we all ran out. Many women and children went to the nearby Society and took shelter on the terrace there. People from the Hindu Housing Society told us to take shelter in their houses. We found that there were only men in there and none of the women and children, who had been sent away for safety. Then they told us to escape towards Naroda. We requested them to allow us escape towards the SRP. The SRP said, '24 hours have been given to beat you up'. The Society people brought us out on the road and told us to go to Naroda. We disagreed knowing that it is a far place. So they started beating us with sticks, hockey sticks and pipes. They accused us that we had come there to riot and asked us to get out. We came out to face a big mob armed with sharp weapons, kerosene and petrol cans. We refused to go towards the mob so they told us that they have been assigned to protect us. All adult males were then beaten, thrown on the ground and burnt. The residents of the Gopinath Society segregated the Muslim girls and made them stand on one side. They were raped and we watched this as some of us were on the terrace.

We were 400-500 people on the terrace. The girls (rape victims) include Ruksana, Kheroon, Noorjahan, and Farzana, four in all. The girls were stripped and then two men held them down by legs and arms. Those who raped were 20-25 in number. The girls screamed so loud that even now when I remember my blood boils.

They were given twenty-four hours time (to beat us). If we were given even two hours time we would have shown them (dealt with them). I know the face of the persons who raped. The rape started at 6.00 in the evening until 9.00 at night. The girls were then burnt. I still remember their loud screams. When Asif Khan, a 25-year-old youth pleaded with the SRP to let us go he was beaten up badly and he managed with difficulty to escape from their clutches. We can identify the SRP men. We can also identify the residents of Gopinath society.

Asif called Nawab Khan in Shah e Alam and Police came in four cars but they were stoned. We felt that some (perpetrators) were dressed as policeman. When the first housing colony was set ablaze, we feel, the fire brigade was stoned and sent back. 11 of our youth died in private gun firing.

#### Annexure 1.2

##### TESTIMONY OF SULTANI FERAZ RASUL SHEIKH (DELOL VILLAGE) WHO WAS GANG RAPED

We lived in Delol village on the Godhra road. On the morning of 28th February 2002 our house was attacked by a mob. The men had painted their faces black and were wearing chaddi-bandi's (shorts - vests). The entire extended family of 33 members ran and hid in the fields. We, children and adults, spent the entire night in the field. The next morning we all made our way to a lime orchard near our village. There we found many other Muslim families hiding. In the afternoon, a tribal woman known to one of the families brought some rotlas to eat, which we fed our children who hadn't eaten for the entire day.

In the afternoon, the mob returned. We saw a huge crowd approaching the field shouting Maro, Kato (beat them, kill them). We all ran back towards our house. My husband Feroze's milk tempo was parked at a neighbour's. Expecting tension he had left it with the Baria (tribal) for safe keeping. We were sitting there terrified when we heard another mob approaching from the opposite direction (from Khadki village). We were now trapped. Our only option was to escape in the milk van. About 40 of us got in and Feroze drove the tempo towards Kalol, which is about 7 kms away. Just before the tempo reached Kalol town near (Lal Darwaja, Ambica society), a Maruti car was blocking the road. A mob had gathered. Feroze swerved losing control of the vehicle. We were forced to get off. We were all screaming with fear, the children were yelling and crying, old men were begging for mercy. We heard the screams of some family members, who were being attacked with sticks and swords. They threw kerosene and started burning people. We could hear the mob screaming "Take off their clothes, let them go naked on the streets". Some of the children fell at the feet of the mob begging to be spared. My sister-in-laws, (Medina, Ruksana, Saira, Shabima, Reshma, and children between the ages of 10 months to 6 years (Shaila, Akila, Shail, Junaid, Faizan Halima, Reshma, Afzal Amirull, Moon, Imtiaz) were with us. We all ran towards the fields. My son Faizan was in my arms and I fell behind. Some people started chasing us and one of the men held me by my hair. I struggled to get free but was soon overpowered. They dragged me to the riverbed, which is dry and pulled me down. Faizan fell from my arms and started crying. My clothes were stripped and I was left stark naked. One by one the men raped me. All the while I could hear my son crying. I lost count after 3. They then cut my foot with a sharp weapon and left me in that state there.

After a while I got up picked up my son and started searching for my clothes. I could only find my top. I pulled it on and ran with my son along the river towards Delol. I didn't go to Kalol, since I don't know the place well. Just as the day was fading I reached the lime orchard where we had hidden the previous day and hid there with my son. I spent the entire night in a daze, and didn't move from there for the next two days. On the second day, Parvatbhai a neighbour saw me. I requested him to bring me a pajama as I had left some clothes in his house when the tension had started. On Sunday night, I finally started walking through the fields towards Kalol. I reached the Laldarwaja, Nava bazaar, in the morning. I collapsed on the street and asked a man in shop to reach me to the Kasba. He fetched the police and they dropped me to the camp.

### Annexure 1.3

#### TESTIMONY OF MEDINA ON THE RAPE OF DAUGHTERS AND OTHERS

I lived in a joint family with my in-laws and children in the village of Eral, Kalol Taluka in Panchmahals district. My father-in-law was a retired schoolteacher and my husband works in the State Transport Service. There are 45 Muslim houses in the village. On the 28th, neighbours came to tell us there was news of widespread rioting and we should leave the village immediately and go to Kalol where there is a larger Muslim community. My father-in-law believed that as he was respected in the village and as we had always lived here, no one would bodily harm us. All the other Muslim families left for Kalol that day.

As the tension escalated 13 members of my family including, Mehboob bhai a relative from Delol village who had sought refuge with us, left the house and hid in the fields. My in-laws hid in an empty house belonging to the Thakor. For 2 days and nights we kept changing our hiding places. My in-laws were asked to vacate the house on Saturday morning. The house owners were apprehensive that their house would be set on fire as people were now aware of where we were taking refuge. Chaganbhai who had given us food and water for two days had given them this information.

On Saturday the 1st, at around 5:00 p.m., a mob of 400-500 men, armed with sharp weapons, petrol and kerosene, first looted then burnt the houses of Muslims. That night no one gave us refuge. They were afraid of being attacked if they were seen helping us.

On Sunday morning we all decided to hide in a labourers hut in the field of Adam Punja. At around 12:00 – 1:00 p.m. that afternoon, the mob attacked the hut. Having nowhere else to run, we ran helter-skelter and hid in the maize field. We lay low and tried not to make a sound. But the mob started searching the field, they found us and started attacking. I could hear various members of my family shouting for mercy as they were attacked. I recognized two people - Gano Baria and Sunil - of our village pulling away my daughter Shabana. She screamed telling the men to get off her and leave her alone. The screams and cries of help of Rukaiya, Suhana, Shabana, begging for their izzat to be protected could be heard clearly. My daughter was screaming in pain asking the men to leave her alone. My mind was seething with fear and fury. I could do nothing to help my daughter from being assaulted sexually and tortured to death. My daughter was like a flower, still to see life. Why did they have to do this to her? What kind of men are these? The monsters tore my beloved daughter to pieces. After a while, the mob was saying "cut them to pieces, leave no evidence." I saw fires being lit. And after some time the mob started leaving. And it became quiet.

As I stumbled out I heard the voices of children crying. I saw the kids huddled together. Khushboo was carrying baby Taufiq whose thumb was bleeding. The mob had found 11 people, tortured and killed 6 people. They left the children alone but cut a thumb of baby Taufiq who was in his mother's arms when they attacked her. Khushboo was a witness to all these events. In her testimony to us she recounted how her grandfather (Medina's father-in-law) and Huriben were killed. She also narrated how Rukaiya's pajamas were taken off and then one by one the men started "poking her in the lower part with their body".

I sat there numbed with the children. Later the police came and I rushed out with the children recounting all I witnessed. I was joined by Mehboob, our relative from Delol who too was hiding somewhere in the field. The police took us away to a safe place in Kalol. Will my family members get justice? Will my daughter's assaulters roam free to do as they please?

### Annexure 1.4

#### TESTIMONY OF JANNAT SHEIKH - RAPE OF A FAMILY

**Date of crime: 28<sup>th</sup> February 2002**

**Place: Kumbhaji Ni Chali, Naroda patiya, Ahmedabad.**

**Witness: This witness has 11 members in the family, of which 8 have been murdered, two after being raped. The remaining three have received serious injuries.**

It was morning and I was cooking. My husband, my three children and I were in my house while my mother-in-law, my brother-in-law and his wife along with their three children were in the adjoining house. A mob of 5000 came and we started running. We were cornered from all the sides. SRP (State Reserve Police) personnel were also chasing us. It was 6.30 in the evening by now. The mob caught hold of my husband and hit him on his head twice with the sword. They threw petrol in his eyes and then burned him. My sister-in-law was stripped and raped. She had three-month baby in her lap. They threw petrol on her and the child from her lap was thrown in the fire. My brother-in-law was hit on the head with the sword and thrown in the fire. We were at that time hiding on the terrace of a building. My mother-in-law was not able to climb the steps so she was on the ground floor with her four-year-old grandson. She told them to take away whatever money she had but to spare the children. They took away all the money and jewelry and burnt the children with petrol. My Mother-in-law was raped too. I witnessed all this. Unmarried girls from my street were stripped, raped and burnt. A 14 year old girl was killed by piercing an iron rod in her stomach. All this ended at 2.30 A.M. The ambulance came on the scene and I sat in it along with bodies of my husband and children. I have injury marks on my both my thighs and left hand that was caused by the police beating. My husband had 48 % burns, my daughter 95 % burns. Both my husband and daughter died in the hospital after three days. The police was on the spot but helping the mob. We fell at their feet but they said they were ordered from above not to help. Since the telephone wires were snapped we could not inform the fire brigade.

### Annexure 1.5

#### BILKEES'S STORY: (SOURCE, AIDWA FACT-FINDING TEAM REPORT)

Bilkees from Randhikpur village (District Dahod) is 21 years old and five months pregnant. We meet her at the Godhra camp. Frail, motionless, drained of all expression she tells her story in a monotone as though she is speaking of someone else.

Muslim houses in her village were attacked by upper caste people from her own village along with outsiders on March 1. She and several of her family members fled. She names them: my baby girl Saleha, my mother, Halima, my sisters, Mumtaz and Munnai, my brothers, Irfan and Aslam, my maternal uncle, Majeed, two of my father's sisters, Sugra and Amina, one of their husbands, Yusuf, Amina's son, and three daughters, Shamim, Mumtaz and Medina and Shamim's son Husain. Shamim she says was nearing her full term. It was difficult for both of them to run.

At first, they escaped to Chundagi village, which was 5 – 6 kms away and took shelter with Bijal Damor, the local MLA. Then they were asked to leave since it was not safe and they walked to Kuajher where they were given shelter in a mosque. Here Shamim with the help of a mid-wife delivered a baby girl. They were asked to leave soon afterwards because mosques were a target of the rampaging mobs. Shamim, barely able to walk, her infant carried by her sister, they somehow managed to reach village Kudra. Here some Adivasi Naikas took pity on Shamim's condition and kept them in their huts. Bilkees remembers: "They were kind to us. Shamim's clothes were dirty. Even though the adivasis were poor they gave her something clean to wear. They let us rest, but then again we had to move but they came with us, escorting us to the next village Chhapadvad. We had started moving towards Panivela village. It was a remote and hilly place. Suddenly we heard the sound of a vehicle. A truck came with people from our own village and outsiders too. They had not come to help us. They stopped us and then the madness started. They pulled my baby from my arms and threw her away. I and the other women were taken aside and raped. I was raped by three men. I was screaming. They beat me and then left me for dead. When I regained consciousness I found I was alone. All around me were the dead bodies of my family, my baby girl, and the newborn baby. They were covered with stones. I lay there the whole night and most of the next day. I do not know when I was conscious and when unconscious. Later I was found by a police squad from Limkheda police station. I was taken to the hospital and then brought here". Following a medical examination, the doctors confirmed that she had been raped.

She has named the people who killed her family members and those who raped her: Sailesh Bhatt, Mithest Bhatt, Vijay Maurya, Pradeep Maurya, Lala Vakil, Lala Doctor, Naresh Maurya, Jaswant Nai and Govind Nai (the last three gang-raped her). Her father and husband have been traced to another camp at Dahod and her brother, Saeed, is with her in Godhra. Her five-month foetus is still alive.

### Annexure 1.6

#### Sexual Violence Against Women Reported in Newspapers.

Excerpts from two of the largest circulation vernacular Gujarati daily newspapers.

Sandesh (Published from Ahmedabad, Vadodara, Surat, Rajkot, and Bhavnagar).

Gujarat Samachar (published from Ahmedabad, Vadodara, Surat, Rajkot and Mumbai).

Sandesh, 28-2-02, Page 1. Story: Heading – 'Religious fanatics kidnapped some 10-15 Hindu women by snatching them from Railway Coach. (2) Ladies ran away to save their lives and miscreants catch them'.

'Along with Karsevaks of Sabarmati Express, children and ladies were massacred and fanatic miscreants dragged away some 10-15 ladies from the compartments which has made the position of Godhra very tense. Talks of massacre and kidnapping of Hindu young ladies created tension in Godhra town. The survivors of the massacre confirmed this incident. Police are not sure about who were the ladies and about the truth of this incident. It cannot be denied that young ladies ran away to save their lives and might have been caught by the miscreants. The in-charge of Karsevaks Kaushik Patel made allegation about the kidnapping of young ladies who have still not been found. Although police authority has not confirmed this but discussion of this incident

made the position tense in Godhra city.’

Sandesh, 28-2-02 page 16 Story: Heading – ‘8-10 ladies dragged away in slums –helpless women were struggling to escape from the grip of Saitans. Report by an eye witness of Bapunagar – repetition of same story.

Sandesh, 1-3-02 Page16 Story continued page 4 Headings’ (1) Two distorted dead bodies of the women, from those women who were kidnapped from Sabarmati Express, found (2) Breasts of both the women were cut’

The news that distorted dead bodies of two kidnapped ladies dragged away from the coach of Sabarmati Express train found near lake of Kalol has not only in Panchmahal district but all over Gujarat inflamed the violence. In a heinous act the breasts of the dead bodies were cut. On seeing the dead bodies it can be known that they were raped many times perhaps innumerable times and they were killed during that time. The keeping of mum by police has added fuel in the burning position. As per talks during the night one more dead body of a lady has been found. Many pilgrims of Sabarmati Express confirmed this. In a very sensitive incident before police can enquire into the matter, dead bodies of the ladies were found. In a very short time this talk spread very quickly in Kalol town and many people gathered to see the dead bodies. According to unofficial news the faces of these ladies were so much distorted that they cannot be known. Seeing the distorted dead bodies and cut breasts panic spread among people and they were very angry. The police is not ready to give any type of information. On the other hand the dead body of third lady has added fuel to the burning position.

Gujarat Samachar – Page 1 Story ‘wicked villains of this mob kidnapped some ten women (behno) whose whereabouts are not yet known

Gujarat Samachar - Page 10- Story heading ‘Some men were saying take all the girls’

(Annexure material and translations provided by Valjibhai Patel, Council for Social Justice, Ahmedabad)

## SECTION 2

### WOMEN’S EXPERIENCES OF THE STATE

#### Annexure 2.1

**A meeting with Maya Kodnani, BJP MLA from Naroda Patia - named as an accused in an FIR in the carnage.**

**March 29, 2002.**

The team met Maya Kodnani, the BJP MLA from Naroda Patia, among the worst hit areas in Ahmedabad. Ms. Kodnani has been named as an accused in an FIR as having participated in the mayhem in Naroda Patia. She showed no remorse at the State’s inability to prevent Naroda Patia. There was nothing the State could do, she says. There was a natural ghrina (hatred) and aakrosh (rage) in the heart of every Hindu and we could not control it. “It was impossible to stop. There were between 50,000 and 1,00,00 people out on the streets. How could the police have stopped them? It was humanly impossible.” The figures Maya Kodnani gives of the mobs – 50,000 to 1 lakh far exceed the largest estimates given by eyewitnesses to the mob violence. “The crowds were so huge that it was impossible to move about in Ahmedabad that day”, she says. She continues to justify “Hindu Aakrosh” by speaking at length about Godhra. When the train from Godhra came in to Ahmedabad carrying bodies of the victims, it was truly horrible, she says. And when these bodies were taken by relatives to their home towns and villages, naturally the anger spread across the state. People began to feel, Terrorism ke khilaaf kuch to action hona chahiye. ISI bhi involved thi. Aur phir Gujarat ki prakruti hi aisi hai. Jab bhi kuch communal hota hai, hamesha phailta hai. (There has to be some action against terrorism. ISI was also involved. And Gujarat’s essential nature is such that whenever there is communal tension it spreads). The team members are shocked by her casual acceptance of the “natural Gujarati inclination towards communal violence” and the ease with which she basically blamed a carnage of this scale on the “essential nature of Gujarat”. The phrases “Gujarat ki Prakruti” and “Gujarat ki Taasir” to explain the communal carnage – were used by Maya Kodnani several times during the discussion. Communal violence, for this BJP MLA, was a natural phenomenon.

Maya Kodnani then proceeded to blame the media, particularly the electronic media for inciting violence - they behave irresponsibly, she says. CNN, for example, did not show images of dead bodies after the attack on the twin towers after September 11<sup>th</sup>, but the Indian electronic media showed everything, that added fuel to Hindu sentiments. Ironically she handed us a VHP publication entitled “Godhra and its Aftermath” which more than capitalized on gory pictures of burnt Godhra victims. And would have helped inflame passions.

When the team members asked her about the press coverage of atrocities against Muslim women, she claimed to have no knowledge of these atrocities, because she has not spoken to a single Muslim woman since the violence began. About cases of rape, she said she had heard something about one rape from a police officer, but she wasn’t sure. As an MLA and a woman to boot, her casual attitude to sexual violence was alarming. While this BJP MLA elected by the people of Naroda, found time to visit Ahmedabad Station to receive the bodies of the Godhra victims (who are not her constituents), she has not found time, for over one month, to visit a single Muslim relief camp where thousands of her constituents are strewn around like human debris. Indeed, she professed ignorance of where her constituents may have fled to.

Maya Kodnani categorically denied that the violence was pre-planned. When the team members asked her how it was possible for a “spontaneous” mob to be carrying dozens of gas cylinders to be used as explosives, she said housewives were voluntarily giving the mobs gas cylinders from their homes- Log apne makanon se nikaal, nikaal kar de rahe the. (People were giving them from their own homes)

The team questioned Maya Kodnani about the numbers arrested in the Naroda Patia carnage. The reply: a total of 16, of which most have got bail. Only 5 or 6 men remain in jail. When asked about the FIR against her she said – ‘The FIR was lodged 18 days after the incident. I was at the Civil Hospital on the 28<sup>th</sup> with the Godhra dead bodies. So I could not have been at Naroda.’

#### Annexure 2.2

**Meeting with Sarpanch Nathibehn, Laxmipura Village, Sabarkantha**

**March 28<sup>th</sup>, 2002**

Laxmipura village, located in Khed Brahma Taluka of Sabarkantha district, had until recently had a population of about 10,000, including a tiny Muslim minority. The Muslims have since fled the village.

The major caste/religious communities in Laxmipura:

Patels: 300 families  
 Harijans: 200 families  
 Thakeras: 200 families  
 Prajapats: 60 families  
 Brahmins: 30 families  
 Mistris: 30 families  
 Muslims: 24 families

The Muslims of Laxmipura were drivers, ferrying passengers in jeeps from Laxmipura to Khedbrahma, some had atta chakkis (flour mills), others ran small shops.

After February 28<sup>th</sup>, Laxmipura has become an entirely Hindu village.

On March 28<sup>th</sup>, 3 members of the team visited Laxmipura to meet Jitu Bhai Patel and Ramesh Patel - both men had been identified by Muslim women in the Vadali relief camp as leading the riotous mobs who burnt and looted their homes. Jitu Bhai is the husband of the current woman sarpanch Nathibehn. Ramesh Patel is their son. Both men are members of the local unit of the Vishwa Hindu Parishad.

The VHP has been mobilizing actively in Laxmipura for the last five or six years. Two young men from the village, we are proudly informed, had even gone to Ayodhya for kar seva. We are also told that virtually every child in Laxmipura is a member of the VHP - Hum sab sage sambandhi hain. (We are all like family).

Nathibehn is clearly a puppet Sarpanch. Soon after we start our conversation with her and several other female members of her household, we are joined by Jitu Bhai, her husband - the de facto sarpanch, and by a swaggering Ramesh, who proceeds to sit-sprawl on the floor with one leg crooked up and one spread wide in a gesture of cocky aggression. His eyes are suspicious and challenging. We proceed tentatively.

Nathibehn speaks little. Most of our questions are answered by the father-son duo. According to them, the root cause of all the trouble are the events at Godhra. Godhra, they claim was a pre-planned, pre-meditated assault on Hindus. Among those who died in the burning compartments was one Bhimji Bhai Patel from the neighbouring village of Derol Kampa. They say it was natural for emotions to rise when Bhimji’s body arrived for his funeral on Feb. 27<sup>th</sup>, in a procession organized by the local VHP. In order to reach Derol Kampa one has to pass through Laxmipura, and when people in Laxmipura saw the charred body they could not control their emotions. To make matters worse (or, better?) the body was put on display for over half an hour in Laxmipura. Some people went on to Derol Kampa for the funeral, others stayed back and torched Muslim homes. It was spontaneous anger. Ramesh keeps contradicting himself. From “I don’t know who did it or how it happened” to, “Yes, some of us stayed back, to express our anger.”

Did you, as Sarpanch, call for help?, we ask Nathibehn.

Jitu Bhai answers, “I called the local PSI, there was no response.”

From 8:30 pm onwards on February 27<sup>th</sup> a 'tola' (mob) of about 300 people, mainly from the Patel community, attacked Muslim homes in Laxmipura. The mob also included some adivasis from outside the village.

Does Nathibehn know where the Muslims have fled to?

No, she says.

Have you seen or spoken to any of them?

No. Some of them have come. They just sneak in, take a look at their (burnt) homes and go back quietly. If they want help they should come to us.

Ramesh Patel justifies the action.

According to him, Godhra was carefully pre-planned. Two Muslims from almost every village in Gujarat went to participate in the Godhra attack (a fascinating piece of anti-Muslim fiction paralleling the kar seva and shila daan strategy of the Hindutva forces: Gaon Gaon Se Aayenge, Mandir Wahin Banayenge). And even though the Muslims from Laxmipura had nothing to do with it, it is quite possible that their fellow Muslims in Khed Brahma were part of the conspiracy. All Muslims were part of this conspiracy, he says. "Otherwise how did Muslims find out about the Godhra incident before we did and start fleeing their homes. They knew, because they did it. Hindus can't take every thing lying down. After killing so many Hindus, now the Muslims in Vadali are saying they will not let us celebrate Holi! Who the hell do they think they are? (On March 28<sup>th</sup> the Gujarat Government had announced a ban on playing Holi with colours, balloons, and bulbs in several parts of the state – this is now being blamed on Muslim aggression/design).

Ramesh and Jitu Bhai Patel continue to tell us what they think of Muslims.

Muslims, they say, are nothing but trouble.

"Apne paas wale ko maarte hain" (They kill those nearest to them).

"Muslims ko bhi is mulk mein rehna hai, to Pakistan ki baat kyon karte hain" (If Muslims have to stay in this country then why do they keep talking about Pakistan).

"Danga jo ho raha hai, Muslimhi kar rahe hain" (The riots that are happening, it is the Muslims who are doing it)

"Bomb blast, parliament par attack. Hamesha woh pehle karte hain. Kabhi Hindu pehle nahin karta" (Bomb blasts, attack on Parliament, they always do it first. It is never the Hindu).

So, can Muslims ever return to Laxmipura?

Yes. They can stay here, but only if they live according to the "reet" (tradition) of the village. "Pehle rehte the gaon ki reet ke hisaab se. Pichle paanch saal mein daadi latkane lage hain, topi pehenne lage hain. Sari nahin pehente." (earlier they used to live according to common tradition. But in the last five years they've started dressing strangely, hanging beards from their faces, and wearing funny caps on their heads. The women have stopped wearing sarees). Ramesh sniggers in disgust and amusement at his description of "the Muslim". He is particularly pleased at his description of the "hanging beard". According to him, this change among the Muslims has occurred because Muslim maulvis have started visiting the village more frequently in the last five years, and changing the attitude of Muslims.

At no stage in the conversation did any member of the team directly confront Ramesh or Jitu Bhai Patel about their role in the violence. At no stage did either Nathibehn, Ramesh, or Jitu Bhai display any signs of guilt, discomfort, remorse, or empathy. Both men have been identified by several Muslims in the relief camps as leading the mobs in Laxmipura on February 27<sup>th</sup>, 2002.

### Annexure 2.3

Meeting with Sarpanch Keshubhai Patel, Chithroda Village

March 28<sup>th</sup>, 2002

Chitroda has a population of around 1200 Hindus and 40 -50 Muslims, most of whom live in one cluster.

Interviewer(I): Was there trouble?

Sarpanch (S): I had a phone call saying the mobs were coming. But I warned them. Manna kiya. We've always had peace here and want it to stay that way.

I : Who phoned you?

S : You know ... (after much persistence) The VHP pracharak. (He did not name the person).

I : What would they say when they called?

S : You know ... we are coming .... Jalane aur lootne ke liye (To burn and loot)

I : When did they call?

S : On the 1<sup>st</sup> and 2<sup>nd</sup>.

I : How come they listened to you when the police failed?

S : This is my village. I told them they will not be allowed to enter. I also told them-. takat ho to aa jao (If you have the strength then come). "He's a strong man and has been sarpanch for many years" others who were listening to the conversation added.

I : Why did the violence take place?

S : It was not right, but then what happened in Godhra was not right either. In our village we are united so nothing happened here.

I : What has been the role of adivasis in the violence and looting?

S : Adivasis were clearly involved in the looting. But there is a difference between the looting and the burning and violence. The adivasis got involved because of a news item that appeared in the Sandesh newspaper. According to the report 10 adivasi girls were picked up by Muslims at the Godhra station after the train was burnt. They were taken to a Madarsa, raped (bura kaam) and then killed. Others in the crowd confirmed hearing this story.

Although Sarpanch Keshubhai protected Muslims he was unwilling to condemn the continuing violence or indeed to blame it on Hindus.

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## FOR PRIVATE CIRCULATION ONLY

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[1] For a discussion on the issue of Sexual Violence and the Media, see Sub-section B.

[2] Further details in Section II on Role of the State

[3] Several people have testified to witnessing these rapes. See Annexure 1.1 for an additional corroborating testimony.

[4] See Annexure 1.2 for detailed testimony

[5] See Annexure 1.3 for detailed testimony

[6] See Annexure 1.4

[7] See Annexure 1.5 for detailed testimony recorded by AIDWA. The testimony was corroborated by Anandi, a women's NGO, who had also spoken to Bilkees at length

[8] For a summary of both the **Sandesh** stories, see Annexure 1.6

[9] Senior journalist in Ahmedabad say they can be accused of rumour mongering if they carry stories about rape, given that a bulk of the victims are either dead, or if alive have neither had medical examinations nor lodged FIRs. Why has it not been possible for these papers to carry stories saying that women on the run from rampaging mobs cannot be expected to undergo medical examinations within 72 hours? When no Muslim victim in Gujarat today can enter a police station confident that he/she will get a hearing or leave with a copy of their FIR, how does a rape victim manage to get an FIR lodged? Why is not possible for the Press to carry these perspectives?

[10] In an interview with the fact-finding team, Ramesh Patel, son of the Sarpanch of Laxmipura, said that Muslims can only live in Laxmipura if they live according to Hindu "reet" (custom). Refer to Annexure 2.2 for details of the discussion in Laxmipura Village.

[11] According to data supplied by the Gujarat Today newspaper, the numbers of mosques, dargahs, kabaristans, and other religious places destroyed in Gujarat is as follows: Mehsana – 17, Sabarkantha – 13, Dahod – 13, Kheda – 14, Anand – 53, Ahmedabad – 56, Baroda – 22, Panchmahals – 19, Rajkot – 4, Surat – 3, Jumgarh – 2, Amreli – 1, Banaskantha – 2, Narmada – 1, Gandhinagar – 5, Bhavnagar - 2