

Feb. 24, 2006:

Mumbai Judge Abhay Thipsay's verdict in the Best Bakery case — life sentence for 9 of the 17 accused, clean chit to CJP secretary, Teesta Setalvad and perjury notices to all members of the Zahira Sheikh family — are a resounding vindication of our legal action for justice.

March 8, 2006:

Supreme Court: "The Best Bakery case is a unique one where the role of the Trial Court has been showcased. Courts are not mere tape recorders. Their primary duty is to serve the interests of truth and administration of justice. This is a classic case of evidence being tampered with and witnesses being won over."

Zahira Sheikh sentenced to a year's simple imprisonment plus Rs.50,000 fine.

'We trust CJP more than VHP'

Disillusioned with VHP, Sabarmati Express carnage survivors, their kin trust in the CJP

BY PALAK NANDI

Ahmedabad, February 26: Almost four years to the day when the Sabarmati Express went up in flames, hope has been rekindled in Ramol. The area, which lost 10 residents in the carnage, now - after the Best Bakery verdict - hopes that justice will be done. And soon.

Post-Godhra, Ramol had put all its hopes in the Vishwa Hindu Parishad (VHP), believing that the organisation would help them - survivors as well as victims' kin - get justice. Disillusioned after a while, they have now turned to an NGO to bring their case to an end. The NGO in question? Citizens for Justice and Peace.

Ramol was a VHP stronghold till February 2002. Almost every family in Jantanagar was associated with the Parishad. Therefore, it was no big surprise when 38 people from this area, including several women, decided to go to Ayodhya. Then Godhra happened. The S-6 coach of Sabarmati Express caught fire in Godhra on February 27, 2002, killing 58 people. Most of them were *kar sevaks* returning from Ayodhya in Uttar Pradesh, and 10 of them belonged to Jantanagar.

The VHP promised to support families of the dead *kar sevaks*, but failed to do anything much. Having received little support from the Parishad, the victims turned to organisations like Aman Samuday and Citizens for Justice and Peace. Today, residents of Ramol have no compunction in saying that they trust CJP more than the VHP. After seeing the NGO work with people of the minority community who were victimised during post-Godhra riots, residents now believe that only the NGO can help them get justice.

Khusbu Rawal, who lost her grandmother in the train carnage and her father in the post-Godhra riots, says it was her grandfather Dr Girish Rawal who approached the CJP in 2003. "He had lost all hopes of getting justice through the VHP and the State Government. So, he decided to meet CJP members," says 20-year-old Khusbu, who has taken up the fight after her grandfather's demise.

Soon, others were convinced that CJP's fight against injustice wasn't community-specific. "The VHP forgot us but the NGO kept in touch and helped us whenever we faced any problems," says 19-year-old Shefali Panchal, whose mother died on the train. Prakash Choudagar, who lost his wife in the train carnage, says: "We trusted the VHP and burnt our fingers. Now, we are backing the NGO. The CJP has demanded a CBI probe into the Godhra incident, and it also wants the case transferred to another state."

One of the few survivors, Renuka Pandya says, "It's ironical that we are being supported by the minority community when our own people deserted us. The law finally caught up with the guilty in the Best Bakery case. We are hopeful of getting justice, too." The last time that VHP activists were spotted in the area was in 2003, says Shefali. "They wanted to stop us from taking the case to the Supreme Court. They also asked us not to support the NGO. By that time, however, CJP had won our trust," she adds.

When contacted over the phone, Teesta Setalvad said it was the fear of administration that kept the Hindus away for a while. "But even they want justice. Ours is a fight for a fair trial. So we are helping them," she says, adding that the next hearing in the Supreme Court is scheduled for March 28. Residents said Setalvad visits the area regularly, meeting people whenever she happens to be in town.

(Courtesy: *The Indian Express*).

RESPONSE

'Admirable Teesta'

I am delighted to get the news of the Best Bakery verdict and the convictions, but also of course of the complete vindication of the admirable Teesta! I am so delighted.

(*Amartya Sen*, Nobel Prize Winner).

Witness Protection

Since Gujarat, especially, there have been renewed calls for a comprehensive law on witness protection, but nothing has come of it.

(*VN Khare*, former Chief Justice, Supreme Court of India, in the *Outlook*, March 13, 2006. It was Justice Khare who while hearing the special leave petition in the Best Bakery case had pronounced that a government incapable of performing its '*raj dharma*' was unfit to rule).

'Justice triumphs'

For modern day Neros, a reminder from the court: you have to pay for your fiddling.

The verdict is a ringing endorsement of the role played by sections of the media, civil society, organisations and individuals, especially Teesta Setalvad of *Communalism Combat* who, unfazed by vicious propaganda, stayed the course.

(*The Indian Express*, editorial, Feb 25, 2006).

'Just a start'

Very few triumphs are absolutely unequivocal. It is understandable that right-thinking Indians would hail the Best Bakery convictions as a triumph of justice... Best Bakery is only just the beginning of a process of investigation, exposure and punishment that is likely to reveal truths which could undermine some of the fundamental premises of a modern secular democracy.

(*The Telegraph*, editorial, Feb 26, 2006).

'Peace of Justice'

The important, and vital, point is that justice survived the malfeasance of the system; perhaps that is the only point. The courts were assisted by the dedication and sheer, determined obstinacy of civil society leaders like Teesta Setalvad, who refused to be defeated by the acquittal of the accused by a court in Gujarat, and went to the Supreme Court... Thank God for Teesta Setalvad and the Supreme Court. And thank God for a free media too... We will see if media has the tenacity of a Teesta Setalvad or not.

(*MJ Akbar*, editor-in-chief, *The Asian Age*, Feb 26, 2006).



Milestones (April 2002-February 2006)

CJP's activities in the last 4 years have been focused on legal interventions to ensure justice for the victims and punishment for the perpetrators of the Gujarat genocide.

Success Stories/Action So Far:

Feb. 2006: Best Bakery Case – CJP Vindicated

Mumbai Judge Abhay Thipsay's verdict in the Best Bakery case - life sentence for 9 of the 17 accused, clean chit to Teesta Setalvad and perjury notices to all members of the Zahira Sheikh family - are a resounding vindication of CJP's legal initiative for justice. It was CJP's and Zahira Sheikh's petition in the SC alongside the NHRC's that led to the historic judgement (April 2004) directing retrial of the case outside Gujarat. More importantly, the apex court declared its intention of keeping a constant eye on the entire process of investigation and prosecution in the lower courts to ensure justice for the survivors and victims of violence. In yet another unprecedented ruling, the apex court directed Gujarat DGP (August 2004) to review the over 2,000 incidents of violence that had earlier been closed.

Oct. 31, 2005: 'Light more diyas this Diwali'

In co-operation with Sabrang Communications and others, CJP organised an inter-faith meeting in Juhu to condemn the Delhi bomb blasts that killed and maimed innocents on the eve of Diwali, Eid festivities. With a resounding 'No To Violence', the speakers appealed to ALL Indians to "light more diyas this Diwali" as a fitting response to the 'forces of darkness'.

Oct. 2004: Guilty cop shunted out of CBI

A petition filed by the CJP in the SC (April 2004) challenging the NDA government's mala fide promotion and transfer of former Ahmedabad Police Commissioner, PC Pandey results in the Union government shunting him out of the CBI.

Aug. 2004: Compensation to victims of terror in J&K

CJP's intervention ensures prompt compensation from the J&K government to the Mumbai-based Chandrakant Shah and Nirav Vakharia whose family members were killed or seriously injured in the bomb blast in a hotel in Pahalgam, Kashmir, in June 2004.

Oct. 2003: Godhra victims' kin, too, repose faith in CJP

Disillusioned with the VHP, Sabarmati Express carnage survivors, their kin, seek CJP's help (October 2003) in securing justice to them. In response to a CJP plea for reinvestigation and transfer, the Supreme Court stays the Godhra trial.

Nov. 2002: 'Modi chief author and architect of genocide'

The 3-volume report, *Crime Against Humanity*, released by the CJP-initiated Concerned Citizens Tribunal (November 2002) remains the most incisive document on the genocidal violence in Gujarat.

April 2002: Reluctant CM spends extra crores on relief

Petition in Gujarat High Court results in the highly reluctant state government having to spend additional crores on adequate relief to 1.7 lakh destitute victims of the carnage.

CJP's Pending Cases

March 24, 2006: The Pandharwada Mass Graves case

The Pandharwada mass graves case has emerged as the latest in the long list of scandals related to the Gujarat genocide. One of the major instances of carnage took place in the village of Pandharwada in Panchmahals district where over 70 persons were killed on March 1-2, 2002. For over two years the families of those killed had been hunting for the remains of their lost ones, with no help from the police. On December 27, 2005, in the fourth such search off the ravines of the Paanam river near Lunawada village, in the presence of CJP's field coordinator, Rais Khan, remains of what appears to have been 21 bodies from this massacre were found.

Prompt action by CJP through its secretary, Teesta Setalvad, led the Gujarat High Court to pass an order giving the CBI jurisdiction to supervise the DNA sampling of the remains since the survivors had lost all faith in the Gujarat police. A stung Gujarat state retaliated by filing an FIR against both the victims' kin and CJP members. Anticipatory bail had again to be sought. We continue to battle it out in the Gujarat High Court as we have unearthed records to show that it was not a burial, simply a callous dumping of bodies (unlike what the state makes out). The Gujarat police and administration have to explain why the victims of violence were denied a dignified burial inside the *kabrastan* (cemetery) in Lunawada. They also need to explain why they turned a deaf ear to repeated pleas by the kin of the deceased to help them locate their 'missing' ones.

March 28, 2006: Plea for CBI Probe of Major Massacres

After nearly four years, CJP's petition for reinvestigation into the major massacres, including Godhra, Gulberg Society, Naroda Gaon and Patiya, Sardarpura and Ode comes up for final hearing in the Supreme Court of India in the last week of this month. Linked to our plea is the NHRC's demand for transfer of all these cases out of Gujarat. CJP has filed affidavits of eye-witnesses and survivors that point to continuing intimidation and suppression of evidence in the state of Gujarat. The affidavits had prompted the SC to stay all these trials (November 2003).

June 2006: Challenging Hate Speech

The role that hate speech and hate writing played in the build-up to the carnage was highlighted in both 'Genocide-Gujarat 2002' (*Communalism Combat*, March-April 2002) and also in the Concerned Citizens Report - *Crime Against Humanity, Gujarat 2002*. The vitriol spewed by the chief minister of Gujarat, Narendra Modi and by the VHP's Ashol Singhal, even after the bloodbath, was taken up by the CJP way back in 2002. The case is expected to come up soon in the SC.

June 2006: Compensation case

The detailed public interest petition (PIL) demanding fair compensation for the victims of the Gujarat genocide is pending since July 2003. CJP has conducted detailed district-wise surveys. The SC has passed an order directing that the CJP be allowed to suggest an alternative to the compensation scheme formulated by the state. We have forwarded an alternate scheme suggesting that victims of sexual violence and those injured without incurring permanent disability also be adequately and fairly compensated.

January 30, 2006: Light a Diya/Candle for Gandhiji's Gujarat

CJP along with 50 organisations led a peace march for Peace and Justice through the streets of Ahmedabad on Martyr's Day.

'A tortuous quest for justice'

Without the active intervention of social activists, media personnel, the National Human Rights Commission and the Supreme Court, those responsible for burning to death 14 persons in a Vadodara bakery during the post-Godhra anti-Muslim pogrom in Gujarat in 2002 would have walked free from the law... Significantly, the judge found that Ms. Sheikh and her immediate family members had deliberately given false evidence against social activist Teesta Setalvad, who had been in the forefront of the campaign for justice in the case.

(*The Hindu*, editorial, Feb 27, 2006)

'Get to the Truth'

There are indications that the Best Bakery retrial is having a cascade effect... The prospect of justice, albeit delayed... is a welcome shot in the arm for a beleaguered legal system.

(*The Times of India*, editorial, Feb 27, 2006).

'Justice reanimated'

Perhaps by working out ways to institutionalise the precedent set by the Best Bakery case, the nation can create a system when justice will neither be delayed nor denied to anyone, regardless of caste, creed or wealth.

(*The Hindustan Times*, editorial, Feb 25, 2006).

'Faith Restored'

My faith in justice is restored. I live to see the day when the killers of my husband are also brought to justice.

(**Zakia Jaffri**, wife of former Congress MP from Ahmedabad, Ehsan Jaffri, who was killed in a most brutal fashion along with over 70 others in the Gulberg Society massacre).

Gujarat, Never Again!

Citizens for Justice and Peace (CJP) was formed by a group of citizens from Mumbai on April 1, 2002. CJP's objectives include:

- ✓ To combat all kinds of bigotry and intolerance.
- ✓ To build public opinion on the need for justice as an essential step towards reconciliation and peace.
- ✓ To check threats to Indian Democracy and the Rule of Law, whether by governments or political parties or others.

JOIN US NOW!

For its proposed activities in the coming year, CJP would need around Rs. 3 lakh per month, even though top lawyers in the country have been handling our cases *pro bono* and for which we are very grateful.

We are also grateful to all those individuals who responded promptly to this appeal in the previous issue of this newsletter and became members of 'Friends of CJP'. We urge you, too, to fill in the Response Form attached to this newsletter, become a member of 'Friends of CJP' and help CJP realise the dream of becoming an organisation of citizens, financed entirely by citizens.

We promise to keep you regularly informed about the CJP's activities through this newsletter.

For any further information, comments, suggestions, please write to Javed Anand on the address below, send an email (javedanand@gmail.com or cjp02in@yahoo.com), SMS or call on the landline numbers given below or his mobile (09870402556). We look forward to regular feedbacks from you.

CJP WEBSITE

For detailed information on CJP's activities till date, the entire report, *Crime Against Humanity*, of the Concerned Citizens Tribunal set up by us and regular updates, please visit our website: <http://www.sabrang.com> or www.cjponline.org

Founding Members/Trustees, CJP:

Alyque Padamsee, (Communications/Advertising/Theatre)

Anil Dharkar, (Columnist, Writer)

Arvind Krishnaswamy, *Treasurer* (Corporate Executive)

Fr. Cedric Prakash, (Human rights activist)

Cyrus Guzder, (CMD, AFL)

Gulam Mohammed Peshimam, (Businessman)

Nandan Maluste, (Corporate Executive)

Iftikhar M. Kadri, *Vice-President* (Senior Architect)

Javed Akhtar, (Poet, Lyricist)

Javed Anand, (*Communalism Combat*)

Kawal MS (Titoo) Ahluwalia, (ORG-Marg)

Teesta Setalvad, *Secretary* (*Communalism Combat*)

Vijay Tendulkar, *President* (Playwright)

Rais Khan A. Pathan, *Field Co-ordinator, Gujarat*

NO FOREIGN DONATIONS

Citizens For Justice & Peace is a Trust registered under The Bombay Public Trusts Act, 1950 with Registration No. F-25826/(Mumbai).

Donations to Citizens For Justice & Peace are exempt from Income Tax under Section 80-G of the Income Tax Act, 1961.

CJP does not accept contributions from any foreign sources. We depend entirely on contributions from Indian citizens and organisations.

BREAK-UP OF EXPENDITURE ON OBJECTS OF THE TRUST:

	2002-2003	% of total	2003-2004	% of total	2004-2005	% of total
Tribunal Expenses	8,71,220.30	41.29%	Nil	0%	Nil	0%
Legal Aid Expenses	8,24,379.11	39.07%	18,76,128.00	88.30%	23,39,178.54	98%
Rehabilitation	2,26,161.00	10.72%	2,21,623.50	10.43%	Nil	0%
Medical Relief	21,378.00	1.01%	7,000.00	0.33%	Nil	0%
Educational Assistance	1,66,850.00	7.91%	20,079.00	0.94%	41,522.00	2%
Total Exps. On Objects	21,09,988.41	100.00%	21,24,830.50	100.00%	23,80,700.54	100.00%

BREAK-UP OF TOTAL EXPENDITURE:

Expenditure On Objects	21,09,988.41	91.57%	21,24,830.50	96.54%	23,80,700.54	93.85%
Establishment Expenditure	91,495.83	3.97%	57,743.55	2.62%	80,325.47	3.16%
Audit Fees/Contribution	52,317.00	2.27%	18,427.00	0.84%	41,540.00	1.63%
Surplus During Year	50,284.76	2.19%	Deficit		34,046.01	1.36%
Total Exps. During Year	23,04,086.00	100%	22,01,001.50	100%	25,36,612.02	100%

From the audited accounts of CJP for the years ended March 31, 2003, 2004 & 2005. Our auditors: Haribhakti & Co., Mumbai.