

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **India: Justice -- the victim in Gujarat**

Nearly three years after violence erupted in the state of Gujarat in Western India those responsible continue to walk free. The violence left over 2,000 people, mostly Muslims, dead. Several hundred girls and women were stripped naked, raped or gang-raped, had their wombs slashed and were thrown into fires, some while still alive.

A new report from Amnesty International *India: Justice, the victim -- Gujarat state fails to protect women from violence* examines how officials of the state government, led by the Bharatiya Janata Party (BJP), claimed that a fire on a train on 27 February 2002 was planned and caused by Muslims. It then took no steps to prevent or stop the widespread and systematic attacks by Hindu mobs on members of the Muslim minority which followed, and indeed many party and state officials were seen to participate. In many cases, these human rights abuses constitute crimes against humanity. The central government (until May 2004 also led by the BJP) failed to censure the government of Gujarat during and after the violence. Now both governments must take effective steps to bring justice, truth and reparations to the victims.

"The Gujarat state government has grossly failed to protect Muslims, especially women and girls, during the violence," said Amnesty International. "The fact that it still refuses to admit failings and express regret -- despite evidence from many respected local observers -- is a further insult to the victims."

Bilqis Yakoob Rasool, herself a victim of gang-rape who lost 14 family members reported: *"They started molesting the girls and tore off their clothes. Our naked girls were raped in front of the crowd. They killed Shamin's baby who was two days old. They killed my maternal uncle and my father's sister and her husband too. After raping the women they killed all of them... They killed my baby too. They threw her in the air and she hit a rock. After raping me, one of the men kept a foot on my neck and hit me."*

A litany of institutional failures added to the suffering of women like Bilqis Yakoob Rasool and prevented justice being done against their assailants. During the attacks, police stood by or even joined in the violence. When victims tried to file complaints, police often did not record them properly and failed to carry out investigations. In Bilqis Yakoob Rasool's case, police closed the investigation, stating they could not find out who the rapists and murderers were despite the fact that she had named them earlier. Doctors often did not complete medical records accurately.

Existing rape laws were too narrow to cover the wide range of abuses women suffered. Judges

and prosecutors in many cases failed to protect witnesses from threats, sided with the accused and acquitted them.

"Little has been done to prevent such violence happening again," said Amnesty International. "The Gujarat state government must urgently make institutional changes, including gender-sensitization training for police, judges, and prosecutors. Those who deliberately hampered the prosecution of offenders should be held to account. If the state takes no measures to remedy its failings, the victims will find it much more difficult to overcome their ordeal and regain a sense of safety."

Some survivors bravely tackled these obstacles to fight for justice. Bilquis Yakoob Rasool is one of them. Another is Zahira Sheikh, who witnessed her relatives and neighbours being burned to death in the family enterprise, the Best Bakery. Both cases highlight glaring failures at all levels, including police, the courts and the government.

Indian human rights campaigners, national human rights organisations, national media and the Supreme Court have supported victims of violence and contributed to restoring hope at this late stage to some victims. In August 2004, the Supreme Court ordered that over 2,000 complaints closed by police and some 200 cases which ended in acquittals of the accused be reviewed with a view to possible remedial action.

For many victims, justice -- if it comes at all -- will come too late. "Many women were burned alive after they'd been raped, leaving no trace of the crimes against them," said Amnesty International. "Scores of other women never filed rape complaints -- they were either prevented or were too afraid or ashamed to do so. These are the forgotten victims of the violence."

The report was shared with the governments of India and Gujarat prior to publication. Both governments provided detailed comments which are reflected in the report. To see the report, please go to: <http://web.amnesty.org/library/index/engasa200012005>

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