

Champions of the Cause

Joined in common purpose

The first thing that strikes one about the advocates assembled in the Citizens for Justice and Peace (CJP) office on a winter afternoon in February 2012, a mere few days before the 10th anniversary of the Gujarat carnage of 2002, is their sense of purpose. It might be a decade after the fact but to these men and women, justice delayed is not justice deferred. Among this collective are those who are still fighting (only two verdicts are in as of now – the Best Bakery and Sardarpura cases) and to them – so too, more importantly, the people they represent – the luxury of ‘moving on’, glib as it sounds, is not one that is available. Yet.



Advocate Yusuf Shaikh

On this occasion we would like to list, enumerate, acknowledge and revel in their work – past and ongoing – in a bid to highlight that even in the face of immense challenges and odds, there are indeed those who have strived to see justice prevail, strived to see the courts and populace take cognisance of the devastating losses suffered by so many. It is to these unsung heroes we would like to take a moment to doff our collective hats – theirs is the good fight, and these are its many exponents.

Even so, most of them defer to the NGOs – CJP and others – without whom, these advocates say, it would have been impossible to achieve what has been done over the course of these past 10 years. “It has been a herculean effort on the part of the NGOs to keep the morale of the victims from flagging in the face of the constant and inevitable delays which have marked the legal investigations and proceedings surrounding the events of 2002. On their own, without the know-how required to take their cause into the courtroom, these victims would have languished.



Advocate Aslam Baig

Organisations like CJP have made it possible for victims to learn how to reach the doors of the court and make themselves heard, and this in the face of various communal and political forces who’ve constantly tried to overwhelm them and derail this process,” says Advocate Yusuf Shaikh, who worked on the Sardarpura case alongside Aslam Baig and Sameer Mansuri. On what is the next step from here (31 people have been sentenced to life imprisonment in that case), he says, “All our efforts now have to be channelised towards establishing that the carnage of 2002 was the result of an orchestrated, premeditated conspiracy, implicating everyone from top to bottom. This genocide could not have taken place without the complicity of police and state machinery alike.”



Advocate Sameer Mansuri

Advocate SM Vohra, who has been handling the Gulberg Society case alongside Salim Shaikh and Sadik Shaikh, says it has been a long and hard battle for them, seeing as they had to begin by fighting to so much as

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Advocate SM Vohra

make their submission to the court which initially refused to grant them local standing in the case. “Their callousness showed in incidents like this – if a victim who was being deposed broke down while recalling the horrific events that happened at Gulberg in 2002, the court would merely account for this as a “disruption” of proceedings. In this particular case, we’ve also noted on the record, several times, that the SIT is clearly biased against us.” “Did you know,” he adds, “that a fire brigade did not once go to Gulberg to put out the fires that gutted the entire society? Not even as late as four or five days after the incident there?”

All of them concur, on being asked their personal motivations in persisting with these cases, that it is an empirical and moral “duty” that they cannot possibly fail in stepping up to shoulder. “How can we when such a glaring travesty as this is something we live with? Consider this: a lot of the accused booked in our cases have been out on bail right from the word go; people who have been charged with murder, rape, looting. On the other hand, bail wasn’t granted to any of those accused in the Godhra incident. In fact, one of the accused who was suffering from cancer even died in custody. Also, we’re talking here about fighting for people who’ve lost everything, and the state has absolved itself of any and all responsibility to contribute towards their welfare – it has extended nothing towards their rehabilitation,” explains Advocate Shaikh.



Advocate Salim Shaikh

“In the case of Gulberg, the police wouldn’t even accept the names the victims were trying to register complaints against! This is one of the reasons that the reality of what transpired there has never come to light,” adds Advocate Vohra.



Advocate Sadik Shaikh

“What can the next step be, once law and order break down, investigating machineries fail and the minorities suffer such colossal losses? There is a lesson to be learnt from this. If, god forbid, such a situation ever arises again, we have to try and ensure right from the start that the law isn’t shackled by, or under the purview of, the state; the centre needs to step in and demand accountability immediately,” avers Advocate Shaikh.

At this point another voice speaks up in tones so quiet one has to lean in to hear the import of his words. He is Advocate Mohammed Hussain, handling the Naroda Gaon case where there are 86 accused, all of whom are out on bail. This list includes a former minister (Maya Kodnani), two erstwhile corporators and a senior leader of the VHP. “There is a curious delay in this case and trial has been held up for a year now. The SIT-appointed special public prosecutor, Ajay Choksi, has resigned and another hasn’t been appointed since. It is, as I said, a curious situation.”



Advocate Mohammed Hussain

Next, Advocates Irshad Mansuri and Nasir Shaikh talk about the separate incidents in the Odh Gaon case they are fighting in the Anand court. “Despite the fact that a total of 27 people died in the three incidents

which together comprise the Odh massacre, the government to date has given out no death certificates, since only two bodies were ever found. They have however handed out compensation to the kin of the remaining so-called ‘missing’. What exactly are they compensating them for if they refuse to take cognisance of these deaths?” asks Advocate Mansuri. “What this effectively means is that the survivors cannot get their lands transferred in their names. What is even worse is that here, prior to 2002, people lived comfortably alongside each other. The Muslims weren’t ghettoised – in between a cluster of Patel fields, you would find a Muslim’s land and they shared the water that came to their area too. After 2002, this has been compromised – in fact, these practices have come to a grinding halt.”



Advocate Irshad Mansuri

Just like in the Naroda Gaon and Gulberg cases before them, here too the special public prosecutors have resigned, and this while proceedings were at a very crucial point, causing even further delays in the delivery of justice. “Also, here’s another interesting fact: at the time of the incident itself several accused filed for and were given anticipatory bail.”



Advocate Nasir Shaikh

Musing on the changing face of the ‘justice’ meted out in Gujarat, Advocate Shaikh interjects at this point, saying: “It is said that the founder of Ahmedabad, Ahmed Shah Badshah, had his own son-in-law hanged in the Bhadra fort when he discovered that he had been unjust. We’ve fallen a long way since then, for we now live in a state where 10 years on, justice has still to be delivered to those who’ve lost so much.”



Advocate Altaf Jidran

Next, we hear from Advocates Altaf Jidran and Rajemohammed Shaikh handling the Naroda Patiya case, who, after stating the facts of it (there were 98 people butchered there; there are 62 accused, including the infamous Babu Bajrangji and ex-minister Maya Kodnani, of whom 12 are in jail), say: “Tomorrow



Advocate Rajemohammed Shaikh

(February 9, 2012), we begin arguing the case. A total of 327 victims have been examined. This time though, thanks to the extrajudicial ‘confessions’ on tape (referring to *Tebelka’s* sting operation from 2007) of Babu Bajrangji and others, we believe strongly that in this case at least, justice will be served. Thus far we believe that the judge has been fair – no process has been transgressed or tampered with and we are genuinely hopeful of getting several convictions.”

On this note of cautious but unconcealed hope, we leave this motley crew of workers committed to fighting with every ounce of energy and resource available to them, in the belief that late though it is, that elusive spectre known as justice will eventually prevail. We salute their courage and faith even as we join them in sounding the two words that sum up the decade that was: never again.

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Suhel Tirmizi



By the time 2002 came around, with everything in its wake, Suhel Tirmizi had been a practising high court lawyer with a thriving practice in criminal law for over a decade. Described by all the lawyers involved in this long-drawn-out fight for justice as being the ‘bedrock’ of their efforts, Mr Tirmizi is one of the champions of this cause.

“When the carnage and devastation of the 2002 riots left an entire community broken and disinherited in its wake, there were certain expectations about what needed to be done to try and seek legal recourse to justice. NGOs came into Gujarat – some stayed only for a few years but Teesta Setalvad continued with the motive of encouraging the victims in their legal battle. Some of these NGOs contacted us in the legal fraternity to see what could be done. The idea was simple – justice had to be perceived as being done. If the victims of these riots saw the accused get off scot-free or if they weren’t compensated for loss of life and livelihood, they might react. The secular fabric of India would be severely compromised,” says Mr Tirmizi.

He recalls for us an incident typical of the kind of intimidation that the victims have faced in trying to get themselves heard, in trying to so much as get their complaints registered by the police. “The sentiment among the victims has largely been this – the state and police machineries have collapsed. This is exacerbated by incidents such as this one. In 2003 a victim living in the Shah Alam camp post-riots recounted how he was taken by the Naroda police to record his statement a few days after the incident there took place. In the jeep on the way to the station, not only was he jeered and taunted, he was also told in no uncertain terms that should they choose to, the police could implicate him in another case. There would be mobs of 15-20 or more at the station itself, comprising the very people the victims wanted to name as the accused. Most “investigations” and registering of complaints took place like this.”

In addition to the professional “unpopularity” that comes with fighting a fight like this against the powers-that-be, Mr Tirmizi has had to fight discrimination from other quarters as well. “The lived reality of being seen as someone who has dedicated the past decade of his life to work of this nature is this: professionally, people throw brickbats at you and you have to find ways of dealing with that. But the other pressures that are brought to bear upon you and your family, from every quarter, are staggering,” he muses.

And yet there is no doubt in his mind, he says, that this is the only way forward: “I have to fight for these people who have lost so much – about this there can be no doubt. Good days will follow bad ones, and courage comes from knowing that this is undoubtedly the right cause to dedicate all one’s ability towards. I firmly believe that even if the Godhra incident hadn’t occurred on February 27 [2002], what happened on the 28th and in the days and weeks after that would have come to pass anyway. This was a deeply premeditated carnage, not a spontaneous outburst of hostility triggered by the catalyst of Godhra.”

“When my parents were still alive, they encouraged and supported my involvement in this fight in every way possible. They knew that there could be no other way; despite everything that has happened and all that remains to be done, in the end, as long as we ensure that the victims are not denied justice, it will all be worth it,” he concludes.

Aparna Bhat



For Aparna Bhat, who is a part of CJP's Supreme Court panel, non-violence is a non-negotiable creed. Any violation of this basic principle is a gross travesty and it is for this reason, she says, that she extended her know-how and services to this cause for justice, and she's one of the few who've been involved in it, in its entirety, since the very beginning in 2002. "I'm optimistic that despite the fact that it has been 10 years and counting, given the results we've achieved so far, justice will eventually be done. This I cannot doubt for a moment," she says.

Of course, it cannot be and has not been easy. "When there is a collapsing of categories and judicial processes become political, there are bound to be problems and issues will abound. Our judiciary is a conservative one and on the face of it, they often discount the narratives and accounts of the citizens themselves, privileging instead the discourse of 'official' state accounts. This is damaging and in cases like Gujarat in 2002, extremely time-consuming, as the citizens have to set out to not just tell their stories but tell them in a fashion the courts will have to take cognisance of. In addition, the judiciary also needs to ferret out the discrepancies between the state's official narrative and the accounts of the people who lived through these events because the composite picture posited by just the one official account is clearly a distorted one," she explains.

"What we sought therefore was the idea that justice should be delivered but also that it should come better and faster. Over the course of the past decade we've forced a number of major convictions, including in two of the biggest verdicts yet (the Best Bakery and Sardarpura cases), and this despite the fact that even most 'normal' criminal trials tend to go on for at least four to five years. This is why, as I said earlier, I can't help but be optimistic in thinking that delayed as it may be, justice will eventually be done," she reiterates.

On the difficulties faced by her and others working on these cases in a day-to-day reality, Ms Bhat says: "The most we have to contend with here is that the court does not accept what we have to say and this despite various reasons to the contrary. Difficult or trying as this may be, it's people like Suhel (Tirmizi) and others who work in Gujarat who have to face the brunt of these hostilities most. It takes a lot of courage to stay firm and committed in the face of these pressures but we have to believe that ours is the good cause and that's what we're invested in," she concludes.

Sanjay Parikh

Zakiya Jaffri's (widow of Ahsan Jaffri, the Congress MP who was brutally murdered in the massacre at Gulberg Society on February 28, 2002) plaint regarding the involvement of the upper echelons of the Gujarat government and police machinery in some of the worst massacres seen in 2002 has proved to be one of the most contentious fallouts of aforesaid events. Her counsel in this case has been Supreme Court advocate Sanjay Parikh.

"From the police refusing to register Zakiya Jaffri's complaint as an FIR, to her and CJP taking this complaint to the high court which dismissed their writ petition, to them taking it to the Supreme Court which appointed

and commissioned an investigation into it by an amicus curiae (Raju Ramachandran) and the SIT, and from there to the trial court, it has been a long and extremely fraught battle,” says Mr Parikh. “We can only hope that the attitude of the trial court at this point is going to be one which allows us access to the closure report filed by the SIT. Teesta (Setalvad) and Zakiya Jaffri have the right to seek all the documents pertaining to this, as this is a very significant case for all concerned in proving that there was a larger conspiracy at play in the happenings of 2002,” he adds.

“When a case is this high-profile, implicating the very powers-that-be, as you can imagine, lots ‘happens’. Take the Best Bakery case, for example. The court found Zahira Shaikh’s claims against Teesta and others baseless but this takes time and in the meanwhile, aspersions are cast on blameless people. The bottom line has to be this – if somebody, anybody, commits a crime, they need to be brought to book. People shouldn’t get the impression that anyone is above the law. They can and should be questioned in a bid to uncover the truth. In instances like this though, taking the law forward is extremely hard work and a lot of expertise is involved – not to mention courage in the face of the pressures that are brought to bear upon one – but the courts have to look into matters broadly, holistically, and CJP and other organisations have done a fabulous job of making sure that matters are brought to light,” he says.

It has been a long and hard battle thus far but Mr Parikh, just like all the others on this list of people committed to fighting the good fight, hasn’t for a moment considered the possibility that justice won’t eventually be done. “I have great faith in our judiciary and no matter the cost or the time involved, I believe firmly that we’ve achieved a fair amount and while there remains a lot to be done, there isn’t one doubt in my mind that justice will be done,” he concludes, echoing the indomitable faith of his fellow workers.

Kamini Jaiswal

Senior Supreme Court advocate Kamini Jaiswal is no stranger to Gujarat. She’s worked on several Gujarat-related cases in the past and says that when the riots of 2002 came to pass, she felt for the cause implicitly and has been appearing for several of its Supreme Court-related matters from the start. Also, it is Ms Jaiswal who appeared as counsel for Maulana Umerji, alleged to be the ‘brains’ behind the Godhra train incident.

According to her: “I’ve been working on cases pertaining to Gujarat for a long time and it is important to remember that this isn’t the first time that such a thing has happened there. Violence and discrimination appear to be ingrained into the workings of the state machinery and for the minority groups living in the region and the people representing them, it is an extremely hostile atmosphere to live and work in on a daily basis. The powers-that-be have targeted these groups in the past and theirs is a factious regime which is not conducive to maintaining or forging syncretic relationships between communities.”

“It is a vicious regime and when they feel threatened, they come out fighting with no holds barred. It takes genuine courage to continue to fight for what we believe in, in the face of the violence and threats, both covert and obvious, which plague the day-to-day existence of some of our colleagues in Gujarat, such as Suhel Tirmizi, for instance,” she adds.

In terms of whether the odds seem stacked against a true reckoning allowing for those who orchestrated and perpetrated the carnage of 2002 to be brought to justice, Ms Jaiswal says that she has a different take on the matter. “One of the philosophies I espouse wholeheartedly is that of divine justice. I wouldn’t be able to continue to do what I do if it weren’t for this belief that eventually, somehow and in some capacity, justice will be done. I am able to fight what are sometimes seemingly losing or lost causes simply because I am bolstered by the belief that even if the courts let us down – as they sometimes do – ours is undoubtedly the right cause and we are fighting a good and true fight. Our consciences are clear for this reason. Of course, there are corrupt people and one sees this but not getting retribution immediately does not mean we stop fighting. We have to believe that divine justice will eventually be exerted and people will get whatever is their due,” she concludes on a quietly optimistic note.

Ramesh Pukhrambam

Another of those involved with the effort to see that justice is done apropos the victims of the various events which together comprise the Gujarat riots of 2002, right from the very beginning, is Supreme Court advocate Ramesh Pukhrambam. Alongside Aparna Bhat, Mr Pukhrambam has been appearing before the Supreme Court in a number of cases and matters pertaining to these events. “As an advocate, but also just as a prerequisite to being human, it rankles me to think or see that injustices are being perpetrated. The state is meant to prevent this from coming to pass but what happened in Gujarat in 2002 changed things completely, for here it was the state perpetuating this discrimination and injustice upon a minority community living in it. My interest and work has always pertained to human rights so this forms the crux of my decision to get involved in this fight for justice,” he explains.

“Ten years on, but we still have a very long way to go. There is much still to appeal and we have to be prepared for long and winding, not to mention fractious, fights. Suhel (Tirmizi), our colleague working at the Gujarat high court, is probably the most affected and victimised out of the lot of us – we salute his courage in finding the strength to move on and keep fighting for this cause. Of course, over the course of this past decade a lot has also been achieved: the Best Bakery case was moved out of Gujarat and in a lot of other cases of mass carnage which are currently being argued, we think that we’re on track and things seem to be panning out, slowly but surely. Issues such as lack of compensation for some of the victims and so on are still to be dealt with but on the whole the feeling is that we’re finally getting somewhere,” he says.

Mr Pukhrambam adds that another reason for the various delays and waiting games that plague proceedings is that it is a bid on the part of the state machinery to “tire people out” but that this won’t work because what is being fought for is too important to forego for want of patience and seeming setbacks. “I’m optimistic about where we stand at the moment and it is vital that we never give up hope. Sure, more can be achieved yet but it will only come to pass if we’re committed to stay in this for the long haul and work to do whatever needs to be done. We are lawyers and this is how we can play our part, just like the NGOs have played theirs, and everyone else involved in our struggle has done the same, shouldering the cause as best they can,” he concludes.

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Mihir Desai



Advocate Mihir Desai has been involved in the campaign for justice for the victims of the Gujarat massacres of 2002 right from the onset of proceedings. In addition to much else he has done and continues to be involved in, he also appeared for CJP when the Best Bakery case was transferred out of Gujarat and into Maharashtra.

“From the time that, immediately in the aftermath of the riots, Teesta (Setalvad) called a meeting of lawyers in Mumbai to see how we could help with matters pertaining to the riot cases, a number of us have helped in whatever capacity was required of us – whether it was helping file FIRs, drafting petitions or going to Gujarat to file for cancellation of bail applications, joining of more accused to complaints or whatever else was needed. It was obvious that what we witnessed in 2002 was a collapse of government and judicial machineries in Gujarat and that is an extremely scary proposition for a victim seeking justice to be faced with,” says Mr Desai, on the beginnings of his association with this fight.

“From having been involved with cases of this nature in the past, if there was one thing we knew it was that in times bygone we hadn’t used the law as well as we could have or ought to have, which was why a lot of our earlier struggles did not yield perhaps the results they could have. This was something we were clear we could not afford to replicate this time. What we had to do comprised two distinct levels of work. Firstly, we had to take on the street-level mobs – that is, bring to book the actual perpetrators of the violence which blasted across Gujarat in 2002. These perpetrators might be just the foot soldiers of a higher order but we have succeeded in getting a large number of prosecutions as far as these physical perpetrators of violence go. The second level we need to contend with is identifying and then bringing in those behind the scenes who orchestrated the violence played out by those mentioned above. Even here we’ve been somewhat successful, if you compare the results achieved thus far not just in the light of the events of 2002 but compared with similar other occurrences in our history,” he explains, putting things into perspective.

Despite the fact that he acknowledges that there is a long way to go, he still maintains that he is optimistic because “even apart from what we’ve achieved in the courts of law, the lessons of Gujarat 2002 have wider ramifications: we’ve effectively prevented the *sangh parivar*, who was using Gujarat as a laboratory to experiment with the bounds of how far they could carry out their pogrom against the minority communities, from being able to replicate these events elsewhere. The attention we’ve (NGOs, human rights groups, lawyers) been able to draw to the workings of 2002, nationally and internationally, has ensured that this will no longer be an option,” he says. Concurring wholeheartedly, we can only hope his words prove prophetic.

Gautam Patel

“Based as we are in Bombay, at this distance from what transpired in Gujarat, in the initial days following the riots of 2002, we were at sea about what we could do and how we could contribute towards seeking justice for the victims of these events. Teesta (Setalvad) and others called a series of meetings at that point to

explain clearly what the on-ground reality of Gujarat was and how, as concerned citizens, we could help make a difference. The other avenue where specialised help was required, of course, was that of legal work.

With respect to this second proposition, a number of us have been helping out as best we could and I've appeared for RB Sreekumar (former Gujarat director general of police) before the Central Administrative Tribunal. This man has been hounded for standing his ground against the government and the threats/pressure he's been living under is astounding. Luckily, we got a good bench who weren't easily swayed. They weren't pressurised (or if they were, they withstood it really well) and justice was done.

For there to be reconciliation, there needs first to be an acceptance of remorse, of wrongdoing, even if not outright culpability in the legal sense of the word. If this doesn't happen or isn't offered, the other side cannot "forgive and forget", since no forgiveness has been sought. This is precisely why, unlike what happened in South Africa, places like Sri Lanka and Kashmir still suffer from the same lack of closure which is plaguing Gujarat today."