

# AMNESTY INTERNATIONAL PRESS RELEASE

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## India: Best Bakery case - concerns for justice

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The circumstances surrounding the acquittal on 27 June of the 21 people accused of the murder of 14 people at the Best Bakery in Baroda on 1 March 2002 have confirmed Amnesty International's worst fears about the lack of government commitment to ensuring justice to victims of the communal violence in Gujarat, the organization said today.

Key witnesses yesterday indicated that they lied in court due to death threats, as a result of which the court acquitted the accused for lack of evidence. Fourteen people were killed at the Best Bakery, many of them burned to death. Key witnesses included the wife and daughter of the bakery owner who subsequently testified to police, the National Human Rights Commission and others that a mob of around 500 people armed with petrol bombs had attacked the bakery. Several local people were identified by witnesses as having taken part in the incident and chargesheets were filed.

"Statements made by key witnesses in the past few days clearly accuse Bharatiya Janata Party (BJP) politicians and other interested parties of threatening and harassing them into withdrawing their testimony. With numerous cases due to come to trial, this situation is unacceptable" Amnesty International stressed.

Amnesty International is today mobilising its worldwide membership to call on the Government of India to take immediate action to ensure the safety and protection of witnesses in this and other pending cases. The government should further order an independent and impartial investigation into the allegations of witnesses that they received threats to withdraw their testimony. Prompt action should be taken against those found to have threatened witnesses.

"Once these steps are taken, it would be possible to carry out a re-trial of the Best Bakery case and commence other trials," the organization said. "Until then however, the ability of the criminal justice system in Gujarat to provide justice must be in doubt."

The organization welcomes the National Human Rights Commission's (NHRC) intervention in the case. However, it is extremely concerned that to date the Government of Gujarat has ignored the NHRC's comprehensive recommendations made in the aftermath of the violence - including that cases should be investigated by the Central Bureau of Investigation and that witnesses should be provided with security. It

is urging the federal government to urgently review the recommendations made by the NHRC and to take action to ensure their implementation.

"At the time of the violence in Gujarat, India dismissed international expressions of concern as "interference", arguing that India's criminal justice system and other institutions, including the NHRC, would be able to adequately address the situation in Gujarat. Those statements today appear hollow," the organization emphasised.

"Unless effective measures are taken by the authorities to ensure the impartiality of the investigation and prosecution processes, justice will not be assured", the organization concluded.

### **Background**

Following an attack on a train in Godhra, Gujarat, on 27 February 2002 in which 59 Hindus were killed, violence of unprecedented brutality targeting the Muslim community spread in the state and continued in the next three months, leaving more than 2000 people killed. The state government, administration and police took insufficient action to protect civilians and widespread reports at the time implicated police officers and members of Hindu nationalist groups, including the ruling BJP, in violence against Muslims.

In many cases of post Godhra violence police have recorded complaints in a highly defective manner, witnesses' statements as well as corroborative evidence have not been thoroughly collected and responsibilities of eminent suspects have not been investigated by police. The Best Bakery case was seen by human rights organizations in India as a test case given the strong evidence against the accused.

### **Public Document**

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