

# Gujarat Chief Minister interrogated about his role in 2002 anti-Muslim pogrom

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Narendra Modi, the Gujarat Chief Minister and a leading figure in India's official opposition Bharatiya Janata Party (BJP), was interrogated for nine hours late last month about his role in the 2002 anti-Muslim pogrom in the west Indian state.

The interrogation was conducted by a Special Investigation Team (SIT), which was established by India's Supreme Court in March 2008 after repeated complaints that Gujarat's authorities—the government, police and judiciary—were protecting those responsible for the pogrom.

The SIT is charged with probing the wave of riots and killings that convulsed Gujarat in February-March 2002 after Modi, then as now the chief minister, and other BJP leaders publicly blamed the state's Muslim minority for a train fire at Godhra that killed some 60 people, most of them Hindu communal activists.

The pogrom resulted in the deaths of more than 1,500 people, almost all of them Muslims, and rendered more than a hundred thousand others homeless. To this day, tens of thousands of Muslims, who have been unable to return to their homes, are forced to reside in refugee camps without adequate water, sewage, or electricity.

Initially Modi refused to be questioned by the SIT, arguing that a summons it issued him in mid-March had no legal force. But on March 27, more than eight years after the pogrom, he did submit to two rounds of questioning.

According to some news reports, Modi is the first sitting chief minister of an Indian state to be questioned in a criminal case, let alone to be questioned for possible involvement in mass murder.

Following Modi's interrogation, SIT head R.K. Raghavan said that the chief minister's answers constituted a "major step in unraveling mysteries." He reserved, however, the right to recall Modi for further questioning.

The SIT claims that it is not in a legal position to reveal anything about what Modi said, but has promised to meet an April 30 deadline for filing a report with the Supreme Court on what, if any, new criminal charges should be laid in

respect to the ten cases that it is investigating.

Modi, who has been frequently lauded by Indian CEOs for his readiness to act on their behalf, claimed that his appearance before the SIT was "a fitting reply to my detractors." This was a reference to the controversy provoked by his initial refusal to abide by the SIT summons.

There is no question that Modi bears both political and criminal responsibility for the pogrom. He and his government incited violence—by proclaiming, prior to any investigation, that the Godhra fire was an act of arson; by suggesting Muslims were collectively responsible for it; and by supporting a statewide "protest" strike against the Godhra deaths. There is also much evidence to show that the BJP state government and the BJP-led national government allowed the pogrom to proceed. Police, when not actively aiding the Hindu communal mobs, stood down.

In all likelihood, much of the SIT's interrogation of Modi concerned a criminal complaint filed by Ms. Zakia Jaffrey, the widow of Ehsan Jaffrey, a former Congress Party Member of Parliament who was killed during the 2002 pogrom.

Zakia Jaffrey's complaint, which charged the Gujarat authorities with criminal complicity in her husband's death, led directly to the Supreme Court's decision to establish the SIT.

In her complaint, Ms. Jaffrey drew especial attention to Modi's role. She alleged that shortly before her husband was killed, he contacted the Chief Minister to plead with him to dispatch security forces to suppress a mob that was attacking the Gulberg Society, the housing colony in Ahmadabad in which they lived. But the Chief Minister refused to intervene and even mocked Jaffrey as he desperately endeavored to save his own life and that of his neighbours.

In the aftermath of the 2002 pogrom, 39 Muslims from the Gulberg Society colony, including Ehsan Jaffrey, were listed as killed and another thirty classified as missing. The authorities have now classified all of the thirty missing as dead, bringing the death toll at the Gulberg Society to 69.

The SIT has itself been dogged by repeated charges from human rights activists of lapses, bias, and of exhibiting a less than forceful attitude towards the investigation.

Shivanand Jha, one of the top SIT members and the Surat Police Commissioner, was actually named by Jaffrey in her original complaint about state-government complicity in the murder of her husband. Jha has also come under severe criticism for the haste with which he dismissed as evidence tape recordings collected by the news magazine *Teelka*. On these tapes, various leaders of BJP-aligned Hindu supremacist organizations can be heard boasting about their role in organizing the pogrom and the support they enjoyed from Modi's government. (See: "Magazine exposé shows BJP state government organized 2002 pogrom")

A second SIT member, Geetha Johri, was reprimanded by the Supreme Court for her inaction in a case in which the Gujarat police were shown to have summarily executed a Muslim couple in 2007 and then covered it up by presenting the deaths as a terrorist/criminal "encounter killing."

Last week the Supreme Court instructed the SIT to temporarily exclude Jha and Johri from its work, pending a final ruling on a petition to have them permanently removed from the SIT.

Arguing that the SIT cannot be trusted to conduct an impartial probe given the large presence of Gujarat police officials in its ranks, the Centre for Peace and Justice, an NGO that has been advocating on behalf of the victims of the Gujarat pogrom, has petitioned the Supreme Court to transfer authority over its cases to the central government-controlled CBI or Central Bureau of Investigation.

Despite the passage of 8 years, numerous investigations and a state commission of inquiry, no senior police or government official, or for that matter prominent leader of a Hindu communal organization, has been convicted for their role in inciting or facilitating the Gujarat pogrom. Nor has there been more than a pittance paid in restitution to any of the pogrom's victims.

Not surprisingly, the Nanavati Commission, which was constituted by Modi's government, provided a clean chit to the Chief Minister. This commission hardly added to its doubtful credibility when it ruled the Godhra train fire a "pre-planned conspiracy," directly contradicting the verdict of the Banerjee commission, constituted by the Indian Railway Ministry in 2005. After a painstaking forensic investigation, the Banerjee commission had concluded that the Godhra fire started accidentally.

Damning evidence of the central role that the BJP played in facilitating the massacre has come from none other than K.R. Narayanan, the President of India during the Gujarat anti-Muslim massacre. In 2005 he let it be known that he

had implored then Prime Minister Atal Bihari Vajpayee, who headed a BJP-led coalition government, to deploy the Indian army in Gujarat to suppress the anti-Muslim pogrom. However the BJP leader, who, with the support of much of the corporate media, had cultivated an image as a statesman, ignored his pleas. Said Narayanan, "It was a conspiracy between the state and the central government that was responsible for the Gujarat violence."

After it became known that the SIT had summoned Modi for questioning, various leaders of the Congress Party, India's premier bourgeois party and the dominant partner in its current governing coalition, called on Modi to resign. But the Congress Party has had at best an ambivalent attitude toward the Gujarat massacre. In the 2002 state election, in which Modi projected himself as a Hindu nationalist strongman, the Congress sought votes by running on a program that even the media dubbed as a *Hindutva* or Hindu nationalism-lite. In the most recent state elections, the Congress aligned with several BJP defectors who held prominent positions in Modi's government in 2002 and as such were implicated in the anti-Muslim pogrom.

For its part, the BJP responded to the Congress leaders' calls for Modi to resign by pointing to the role of leading Congress politicians in fomenting an anti-Sikh pogrom in 1984 following the assassination of Congress Prime Minister Indira Gandhi.

Three times in the past quarter century, India has been convulsed by horrific communal pogroms—the 1984 anti-Sikh riots, the wave of anti-Muslim violence across north India triggered by the Dec. 1992 razing of the Babri Masjid (mosque) in Ayodhya, and the 2002 Gujarat pogrom.

In each case the Indian state—governments, police and judiciary—have manifestly failed to bring those responsible to account. Indeed, there have been only a tiny number of successful prosecutions and invariably those jailed have been goons and henchman, not the communal leaders, politicians and police authorities who incited and facilitated the mass violence.



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