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## INDIA

# The state must ensure redress for the victims. A memorandum to the Government of Gujarat on its duties in the aftermath of the violence

28/3/2002

SUMMARY

AI INDEX: ASA/20/005/2002

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At least 700 people have been killed in the Indian state of Gujarat since violence and rioting broke out on 28 February 2002. On 27 February, 58 Hindus were killed in the town of Godhra in an attack on a train. Mass killings followed the incident in large parts of the state, where the majority of the victims belonged to the Muslim community

In this document Amnesty International reminds all the relevant government authorities in Gujarat that the violence, as well as the circumstances in which it happened, give rise to precise duties for the state with respect to redress for the victims. The organization believes that two areas of concern need to be addressed by the government authorities as a matter of urgency, namely the need to deliver justice to the victims and the protection of the rights of the people displaced by the violence throughout the state.

**KEYWORDS:** CIVIL UNREST1 / DISPLACED PEOPLE1 / IMPUNITY / MASS KILLING /  
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This report summarizes a 12-page document (5633 words), : INDIA The state must ensure redress for the victims. A memorandum to the Government of Gujarat on its duties in the aftermath of the violence. (AI Index: ASA/20/005/2002) issued by Amnesty International in 28/3/2002. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email:  
<http://www.web.amnesty.org/web/news.nsf/thisweek?openview>

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# INDIA

## **The state must ensure redress for the victims. A memorandum to the Government of Gujarat on its duties in the aftermath of the violence**

At least 700 people have been killed in the Indian state of Gujarat since violence and rioting broke out on 28 February 2002<sup>1</sup>. On 27 February, 58 Hindus were killed in the town of Godhra in an attack on a train. Mass killings followed the incident in large parts of the state, where the majority of the victims belonged to the Muslim community.

The violence is reported to have reached levels of brutality unprecedented in the state. Some form of organization and planning of the crimes committed is repeatedly suggested by survivors, eyewitnesses, relief workers, political commentators and members of extremist Hindu organizations themselves. Reports, including the statements of the Chair of the National Human Rights Commission, suggest that both the state administration and the police have taken insufficient action to protect the population of the state during the massacres, and in some cases may have even connived with the attackers.

Although the violence started to abate on 3 March, after the army was called in, isolated attacks and killings continue throughout the state to date.

Amnesty International reminds all the relevant government authorities in Gujarat that the violence, as well as the circumstances in which it happened, give rise to precise responsibilities for the state with respect to redress for the victims. The organization believes that two areas of concern need to be addressed by the government authorities as a matter of urgency, namely the need to deliver justice to the victims and the protection of the rights of the people displaced by the violence throughout the state.

### **1-The need for justice**

Amnesty International believes that if the crimes carried out during the violence in Gujarat are not thoroughly investigated and those suspected of being responsible, together with their accomplices, brought to justice, the circumstances under which they were able to carry out those crimes may remain unchanged and they and others may remain free to repeat them.

In several cases in the past the investigation and prosecution of similar episodes of mass violence have not shown to be considered as a priority by the central or state governments, especially when a section of the government authorities was suspected to have connived with the attackers. Amnesty International believes that the expectation by the perpetrators and their accomplices not to be questioned on their role during the violence may have been one of the causes of the open, systematic and brutal nature of the violence in the Gujarat.

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<sup>1</sup> Several non governmental organizations, however, estimate that the actual number of the victims might be over 2000.

The Constitution of India clearly sets out in Article 32 the right of victims and their families to have access to remedies for the enforcement of fundamental rights when they appear to have been violated, as in the case of the alleged abuses committed during the violence in Gujarat. The Constitution is equally clear, in Article 14, about the fact that "*the State shall not deny to any person equality before the law or equal protection of the laws within the territory of India.*" This suggests that all victims of abuses have the right to seek justice, even when government authorities and police might share responsibility for the perpetration of those crimes.

The obligation of governments to conduct prompt, thorough, effective and impartial investigations into such killings is also established in international human rights standards, including Article 2(3) of the International Covenant on Civil and Political Rights, ratified by India in 1979, and the United National Principles on the Effective Prevention and Investigation of Extra - legal, Arbitrary and Summary Executions.

Amnesty International believes that any official investigation or enquiry into the recent violence in Gujarat should have the following characteristics:

- It should be impartial and not unduly lenient towards the security forces or other state agencies.
- It should be effective, should obtain and consider all relevant evidence and should reach conclusions that are as firm as evidence permits.
- It should be prompt. Undue delays will give rise to fears that the investigation is being blocked or evidence tempered. A time limit should be fixed for the completion of the investigation.
- The methods of the investigation should be made public in advance and described in the report of the investigation.
- Advance notices should be widely publicized inviting members of the public with relevant evidence to submit it to the investigation. Relatives of the victims and anyone else who has relevant information should have an opportunity to present it.
- Relatives should have access to all information relevant to the investigation.
- Anyone called to give testimony should at the outset be informed of the subject and purpose of the inquiry and of their right to legal counsel and other legal rights.
- There should be an opportunity for the effective questioning of witnesses.
- Complainants, witnesses, lawyers and others involved in the investigation should be protected from intimidation and reprisals.
- Officials suspected of responsibility for the crimes investigated should be suspended from active duty during the investigation, as a precaution against the possibility of their perpetrating further such acts and to ensure the integrity of the investigation. They should be removed from any position of control or power over relatives, witnesses and others involved in the investigation while the investigation is in progress. These measures should be without prejudice to the outcome of the investigation, to the careers of the officers concerned or to any eventual judgment regarding their suspected involvement.

- The report of the investigation, or at least the findings and recommendations, should be made public as soon as the investigation is completed. It should state the evidence on which the findings and recommendations are based.
- Once the report has been submitted, the government should respond promptly, stating publicly what steps will be taken as a result. The findings should be acted on. Amnesty International believes that the Government of Gujarat should immediately and publicly state its commitment to act upon the recommendation of any official investigation into the Gujarat violence.
- The pendency of a comprehensive investigation on the violence in Gujarat should not be presented by any executive or judicial officer as a reason to suspend or delay the prosecution in court of individuals having been accused of being involved in the abuses.

The body carrying out the investigation into the violence in Gujarat should have several characteristics:

- It should be independent and separate from those allegedly responsible, or allegedly sharing any form of responsibility with them. Its members and staff, including the investigative staff, should not be associated with any person, governmental entity or political party potentially implicated in the matter.
- It should have the necessary powers and resources to carry out its tasks, such as laboratory facilities, clerical equipment such as typewriters and computers and resources to travel and to hold hearings. It should be able to use the services of legal counsel and experts in such fields as ballistics, pathology and forensic science. It should have adequate investigative, administrative and clerical staff.
- Those carrying out the investigation and their staff should be professionally competent for the required tasks.
- They should be protected against intimidation and reprisals.

The terms of reference of any official investigation into the recent violence in Gujarat should include:

- Both the initial incident which occurred in Godhra and the violence which followed it throughout the state.
- The circumstances and causes of the whole wave of violence in the state.
- The patterns of the violence and abuses as well as individual responsibilities.
- Whether any individual, group or institution, including government authorities and elected representatives, is responsible for fomenting the violence or directly or indirectly provoking it.
- Whether any individual, group or institution, including government authorities and elected representatives, is responsible for the offence of abetting, instigating or otherwise promoting the occurrence of the violence through their public statements.
- The possibility of examining other matters which appear during the enquiry to be relevant to the issues under investigation.

- The adequacy or otherwise of the precautionary and preventive measures taken by the police preceding the aforesaid incidents.
- Whether the steps taken by the police in controlling the violence were adequate and proper and whether any killings resulting from the use of force and firearms by police were unlawful.
- The issuing of recommendations for the criminal prosecution of those responsible.
- Consideration of the institutional changes needed to prevent further occurrence of the same pattern of abuses, including legal changes, changes in administrative practice and procedures, recruitment, training and accountability of personnel.
- Consideration of the means of providing adequate compensation and redress to victims and their families.
- Consideration of the steps which need to be taken by the State Government for providing security for the minority and for their complete rehabilitation.

Amnesty International believes that, in view of the fact that the Government of Gujarat and different state agencies, including Gujarat Police, are suspected of sharing some form of responsibility for the manner in which they dealt with the violence, in this case an inquiry carried out by an agency appointed by the central government would have larger legitimacy.

The organization calls any body or institution mandated to investigate the abuses committed in Gujarat to carry out such an investigation according to the terms of reference and characteristics listed above in this document. Considering the magnitude of the task, the organization believes that extraordinary investigative resources should be assigned to the body carrying it out. Attention should be paid to the fact that the investigative staff used by any institution on this occasion do not belong to Gujarat Police. The attitude of this law enforcement agency during the violence would in fact be the object of the investigation itself.

Amnesty International acknowledges the proactive role taken by the National Human Rights Commission in the aftermath of the violence. On 1 March the NHRC issued a *suo moto* notice to the Government of Gujarat and to the Director General of Police asking them to submit a report on the incidents and the measures taken to contain them. On 21 March the NHRC rejected the Government of Gujarat's preliminary report as "perfunctory" and asked the government to file a more comprehensive one. A panel of the NHRC also visited Gujarat for three days from 20 March in order to take an independent view of the situation in the state. At the end of this tour the Chair of the NHRC publicly expressed the view that police inaction was a factor in the violence that followed the train attack. He criticized the state administration for failing to stem the violence, adding that "*Things could have been better and all that happened could have been averted.*" Amnesty International calls on the NHRC to explore all possible avenues within its mandate to ensure that full light is shed on individual cases of abuses as well as on patterns of violations occurred in Gujarat.

Several non governmental organizations (NGOs) have publicly and repeatedly expressed the view that the judicial commission established by the Government of Gujarat on 6 March under the Commissions of Enquiry Act, 1952, and composed of a retired judge of the Gujarat High Court may fall



short of these requirements. The organizations have expressed concern in particular about the possible pressures a judicial commission appointed by the Government of Gujarat could be subjected to in the present context and that any investigation on the Gujarat violence should be initiated by a body appointed by the Government of India in order for this investigation to meet the necessary standards of impartiality. The record of impartiality of the only member of the aforementioned judicial commission with respect to previous incidents of violence targeting the minority community, as well as the lack of resources assigned to this body, have also been openly questioned by the same organizations.

## **2-Displaced persons have rights**

Amnesty International is concerned that a large number of people have been compelled to flee their homes to escape the massacres. Some of these people, a large majority of whom are Muslims, now live in private accommodation with host families, but most have taken shelter in makeshift camps in the city of Ahmedabad and other parts of the state.

About 20 relief camps are being run in Ahmedabad alone. Official figures estimate that about 50,000 people are living in these camps which are spread across the city. However, some organizations engaged in relief work estimate the number to be as high as 75,000. Larger camps, including those in Aman Chowk and Shah-e-Alam Dargah, house between 8,000 and 9,000 refugees, and smaller ones, such as those in Nagoripatel Ni Challi, Sundaramnagar and Saraspur Pathrewali Masjid, shelter up to 4,000 people. Outside Ahmedabad various community leaders and NGOs report that at least 40,000 people are living in similar conditions in other relief camps situated in cities including Baroda, Rajkot, Godhra, Khera, Mehsana, Chota Udaipur and Kalol, as well as in nearby towns and villages. On 14 March Haren Pandya, the Minister of State for Revenue, placed the official number of the relief camps all over Gujarat at 91.

The population of the camps is reported to be still increasing: the atmosphere of insecurity in the state prevents many casual workers and pavement sellers from carrying out their usual activities, thus depriving them from their means of livelihood. These workers and their families are therefore forced to rely on the camps for food.

Amnesty International believes that it is the responsibility of the Government of Gujarat to ensure the protection of the displaced persons. This duty stems primarily from the India's Constitution, which guarantees all Indian citizens the right to the protection of life and personal liberty (Article 21), the prohibition of discrimination on grounds of religion (Article 15) and the equality of all persons before the law (Article 14). The UN Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) clearly affirm that "*national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction*" (Principle 3.1).

The organization believes that to date the Government of Gujarat has not fulfilled this obligation to ensure the protection of the survivors of the violence, or taken responsibility for the relief and

rehabilitation of the displaced citizens. In many of the camps government authorities are reported to be absent, and relief operations are run by members of the victims' community, with help from NGOs.

### **2.1 The UN Guiding Principles on Internal Displacement**

Amnesty International calls all the relevant government authorities in the state to fulfill, as a matter of urgency, their duties towards the displaced population as outlined in the UN Guiding Principles on Internal Displacement, and in particular the following:

**Internally displaced persons shall be protected against attacks against their camps or settlements (UN Principle 10.2). Internally displaced persons shall be protected in particular against acts of violence intended to spread terror (UN Principle 11.2).**

Amnesty International is concerned that, at present, the safety of the camps does not appear to be adequately ensured by police.

Direct attacks on the camps have been reported. On 18 March, the Odhav camp in Ahmedabad was approached by a group of people who started throwing stones and petrol bombs within its confines. That day, the inhabitants of the camp told the press that similar attacks have taken place several times since the camp was set up on 28 February. They reported that the police failed to intervene during the attacks and that they were therefore left with no option but to call in the army for their protection.

The displaced persons report that they are still living in a state of terror. It has been widely reported that in the Vatwa camps in Ahmedabad audio-cassettes containing the chants 'maro! maro!' (kill! kill!) have been repeatedly played at night on loudspeakers to further terrorize the camp dwellers. Amnesty International believes that this is a sign that the displaced persons are at risk of further violence.

Eyewitnesses reports of the initial violence, and evidence later collected by NGOs and community leaders engaged in relief, suggest that, for the most part, Gujarat Police failed to intervene during the violence, and sometimes even actively connived with the attackers. Amnesty International therefore believes that the protection of the camps would be better ensured by a law enforcement agency different from Gujarat Police.

According to press reports on 20 March an elected representative had written to the Gujarat Home Minister, urging him to immediately move four camps, housing over 10,000 people, out of his constituency of Dariapur-Kazipur. Amnesty International believes that it is the responsibility of all government authorities to ensure that forms of harassment of displaced persons, such as the threat of further displacement, is prevented and firmly dealt with.

**These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria. (UN Principle 4.1)**

All reports state that the violence following the Godhra incident selectively targeted the minority community. In the city of Ahmedabad and throughout the state, homes and shops belonging to Muslims were destroyed, but neighbouring shops were unharmed. There were several reports of some level of involvement of the state machinery (including police, administration and elected representatives) in this discriminatory violence.

Amnesty International is concerned that no measures have been put in place by the government authorities to ensure that this reported discriminatory behaviour is not allowed to continue, after the abatement of the violence, in the way relief and rehabilitation is handled by state officials.

Although the vast majority of the victims of the violence belong to the Muslim community, reports indicate that the few camps in Ahmedabad which are hosting victims from the majority community, for example the one in Kankaria, are receiving more visits from government authorities and more regular rations. Many observers suggest that the lack of action by government authorities in supplying relief for and rehabilitation of the displaced persons is because the majority of displaced persons belong to the minority community.

**At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: essential food and potable water; basic shelter and housing; appropriate clothing; and essential medical services and sanitation (UN Principle 18.2). When necessary, internally displaced persons shall have access to psychological and social services (UN Principle 19.1).**

Amnesty International was concerned to learn that the government only started issuing food rations for the displaced persons around one week after the camps had been set up. During the initial period the task of providing food, as well as shelter, clothes and medical treatment to the victims of the violence had been left entirely to local communities or NGOs. According to reports, rations at present consist exclusively of food, they are completely inadequate for the number of people they are intended for and are of very poor quality. Many camps are either not receiving any rations or are not receiving them regularly. Sanitation facilities are so poor that in some cases there is only one toilet for 500 people. Outbreaks of gastro-enteritis are reportedly common.

Many of the survivors suffer not only from burns and other serious injuries, but also suffer mental trauma. Psychological help and expertise is reportedly unavailable.

Amnesty International believes that it is the duty of government authorities not only to distribute free, good quality and regular rations in the camps, but also to keep a record of the quantities and places of distribution. The organization believes that the work of distribution of the rations could be carried out in coordination with local communities and NGOs.

**Every human being has the right to recognition everywhere as a person before the law (UN Principle 20.1). To give effect to this right for internally displaced persons, the authorities**

concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents (UN Principle 20.2).

It is reported that not all of the displaced persons living in the camps have been systematically identified, listed or recorded by the government authorities. Amnesty International believes that some form of registration, both for those in the camps and other displaced persons living in private accommodation with host families, is crucial to ensure that each displaced person can benefit from protection and humanitarian assistance.

The majority of the camp dwellers were unable, while fleeing their homes, to collect their documents and are now therefore unable to prove their identity and residence. Directives need to be issued by the state government to ensure that new documents and ration cards are issued swiftly and free of cost to those who ask for them. This would ensure the right of all people to equality before the law as guaranteed in Article 14 of the Constitution of India, as well as give proof of residence in the city or village of origin. It will also ensure that the displaced persons can exercise their right to citizenship, as defined by Article 3 of the Constitution. The issuing of proof of residence is also essential for those wishing to exercise their right to vote during the *gram panchayat* elections scheduled to take place on 7 April in a number of villages in the state.

International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced (...) Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance (UN Principle 25.2). All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced (UN Principle 25.3). Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence (UN Principle 26).

Since 3 March a number of local and international NGOs have reportedly tried to enter the walled area of Ahmedabad to bring relief and humanitarian assistance to the victims. However, the police and the city administration in the following two or three days either refused to let them in or failed to provide protection. Several leaders belonging to the minority community are reported to have been harassed, while carrying out relief work, by both the police and other individuals because of their religious identity. Amnesty International believes that clear directives need to be issued by senior police officers to ensure that these incidents do not recur.

Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children

**are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification (UN Principle 17.3).**

It is reportedly difficult for the displaced persons to collect information about their family members or to reach them, as lists of inhabitants of the camps are not available. Community groups and NGOs engaged in relief are, within the limits of their capacities, reportedly assisting the victims in reuniting with their families. To date, government authorities are reportedly not assisting in the task.

Amnesty International believes that government authorities should compile lists of people in the camps and other displaced persons in all parts of the state and make these available to the public. Assistance should be provided, directly by the government or through NGOs and other groups, to victims of displacement so that they can find out the whereabouts of their relatives and make contact with them.

**The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result (UN Principle 16.2).**

It is reported that at least 2,500 persons are currently missing since the violence broke out in Gujarat on 27 February. Amnesty International is concerned to learn that government authorities have completely failed to establish the whereabouts of these people. Dozens of unidentified bodies have been buried in common graves after being left for days.

**Internally displaced persons have the right to move freely in and out of camps or other settlements (UN Principle 14. 2).**

In many camps the survivors are reportedly not allowed to leave or move about freely, even to obtain basic commodities. While the advice by the government authorities not to leave the camps might be reasonable at times of particular tension, to protect the safety of the inhabitants, their freedom of movement should not in other ways be restricted on a collective basis. The right to freedom of movement is clearly upheld in Article 19 of the Indian Constitution.

**Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons (UN Principle 28.1). They have the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk (UN Principle 15, d).**

Amnesty International supports the right of the displaced persons to return to their homes. Areas becoming increasingly exclusive on the basis of the religion identity of their inhabitants are likely to be unstable, as victims of violence who were forcibly expelled from their homes are likely to feel uprooted and to dwell upon a sentiment of injustice.

At the time of the publication of this document the majority of the displaced persons are reported to be still terrified and do not feel safe to return to their homes, if these are still standing. It was reported that on 15 March several families who had been taking shelter in Chartoda Kabrastan, Ahmedabad, went back to what remained of their houses. They rushed back to a relief camp during the night after people shouted intimidating slogans at them.

Amnesty International believes that the Government of Gujarat has still not succeeded in ensuring a safe environment for the return of the displaced persons to their homes. The organization believes that this will not be achieved unless there is a clear political will on the part of government authorities to put an end to the atmosphere of terror generated by the violence; until those who make speeches which incite communal hatred are prosecuted, including when these speeches are made by government officials; until protection is provided by law enforcement agencies to those who express their wish to return to their homes; and until prosecution of those participating in or masterminding the violence is shown to be a clear priority for the authorities. Amnesty International is concerned that displaced persons who wish to return to their homes will feel unsafe if those responsible for attacking them during the violence remain at large, sometimes in positions of authority, in their home communities.

Amnesty International is also concerned to learn that in some villages in Mehsana district, where *gram panchayat* elections are scheduled for 7 April, pressure is placed on Muslims by sections of the majority community to return to their villages to participate in the elections. In villages near the city of Patan those people who are asking the minority to return to vote are reportedly setting conditions that before their return they should withdraw the First Information Reports which were filed against their attackers after the violence. Amnesty International believes that the return of the displaced persons to their homes must only be on a voluntary basis and must not become a matter of pressure and negotiation with any individual, group or institution.

However, Amnesty International believes that in some cases survivors of the violence will not wish to return to their homes because they might not feel safe in the future or simply because their houses and businesses no longer exist. The organization believes that the government authorities must take up the role of facilitators in the relocation of these families. It believes that in this respect the setting of deadlines by government authorities for the return or relocation of the displaced persons - as it is reported to be happening in the case of villages facing *gram panchayat* elections - must be avoided as it goes against the principle of voluntary choice of displaced persons.

Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration (UN Principle 28. 2).

Amnesty International believes that decisions surrounding the rehabilitation of victims of the violence, and in particular their return or relocation, should be taken only after full consultation with them. This will ensure that these choices do not disrupt the economic activities of the survivors and that their impact on the social integration of the families concerned is as small as possible.

To ensure an informed participation of the displaced persons in their rehabilitation, return or relocation, it is the responsibility of the government authorities to circulate among the displaced persons reliable, up-to-date, comprehensive, independent and impartial assessments of the human rights situation in the areas affected by the violence. The availability of this information should be considered as a crucial criterion in establishing whether the return is truly voluntary on the part of the survivors. Amnesty International believes that this task could be more effectively carried out if the government authorities worked in coordination with NGOs and other groups presently active in relief, rehabilitation and investigation throughout Gujarat.

**Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation (UN Principle 29.2).**

Reports by victims, eyewitnesses and relief workers indicate that the violent groups not only killed members of the minority community and targeted their houses, but also attacked businesses, shops and other economic activities held by Muslims or in which Muslims were partners. Many commentators expressed the impression that one of the attackers' aims was to further weaken the minority community by destroying their livelihoods. This is supported by the fact that in the days following the peak of the violence, leaflets were widely distributed in the city of Ahmedabad calling for an economic boycott on the basis of religious identity: *"...a strict economic boycott will throttle these elements! It will break their back-bone! Then it will be difficult for them to live in any corner of this country. Then no Muslim will raise his head before us!"*

Amnesty International believes that unless the state actively facilitates the process of restitution of the victims to the situation they held before the violence occurred, the attackers' objectives will be achieved. Government authorities should provide assistance and protection to all victims during the recovering of their belongings and fully restore their legal rights.

Amnesty International reminds the Government of Gujarat that impartial investigations into the violence and the protection of the rights of those displaced by it would only be the first steps towards

ensuring full redress to the victims of the violence. Full, adequate and effective redress should in Amnesty International's view incorporate the following<sup>2</sup>:

1. *Restitution*: steps should be taken to restore the victim to the situation they were in before the violation occurred, including restoration of their legal rights, social status, family life, place of residence, property and employment;

2. *Compensation*: steps should be taken to compensate for any economically assessable damage resulting from the violations, including physical or mental harm, emotional distress, lost educational opportunities, loss of earnings and legal and/or medical costs;

3. *Rehabilitation*: steps should be taken to ensure medical and psychological care if necessary as well as legal and social services;

4. *Satisfaction and guarantees of non-repetition*: steps should be taken to ensure cessation of continuing violations, public disclosure of the truth behind the violations, an official declaration of responsibility and/or apologies, public acknowledgement of violations, as well as judicial or administrative sanctions, and preventive measures including human rights training.

Until the Government of Gujarat shows a clear political will to move in these directions, brutal human rights violations like the ones referred to here are likely to continue.

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<sup>2</sup> These points are based on the Draft Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Violations of International Human Rights and Humanitarian Law which are currently under discussion at the United Nations.