

Justice Elusive in India Violence

Muslim Says She Testified Falsely Because of Hindus' Threats

By John Lancaster
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BOMBAY, July 9 -- Peering through a concrete trellis, Zahira Sheikh said, she watched a Hindu mob murder 14 relatives, neighbors and employees of her family's bakery during a night of anti-Muslim violence last year.

The 19-year-old became the star witness in one of the most high-profile trials to emerge from India's worst communal violence in a decade, but when the moment of truth arrived, she could not bring herself to speak it.

She testified -- falsely, she now says -- that she could not identify any of the attackers. The judge dismissed the charges against the 21 accused, citing insufficient evidence.

The outcome highlighted what human rights activists say is the failure of Indian authorities to hold accountable those responsible for the killings, which sullied the country's reputation as a secular democracy and left a deep reservoir of anger and fear among India's 140 million Muslims. Bloodshed in the state of Gujarat last year claimed the lives of between 1,000 and 2,000 people, most of them Muslims.

Now Sheikh, who went into hiding after her court appearance, is speaking out. At a news conference on Monday and in an interview at a hotel here this morning, she said she testified falsely after local Hindu politicians repeatedly threatened her family -- usually by calling her brother on his mobile phone -- and after concluding that prosecutors, who made no effort to meet with her before the trial, were not serious about gaining convictions.

"At this juncture, when I needed it most, there was no legal help, no moral help, and it was in that state of mind that I went to court that day," said Sheikh, a slender, strong-featured woman wearing a black robe and head scarf. "I could only see the faces of the people and the families of the people who had attacked our family."

"I was very, very scared," she recalled of her court appearance in May, when she contradicted her statements to police and human rights investigators in which she identified the attackers by name.

Like the central government, the state of Gujarat is dominated by Hindu nationalist politicians, some of whom have been accused of encouraging and even orchestrating the anti-Muslim violence, which began when a Muslim mob set fire to a train carrying Hindu nationalists on Feb. 27, 2002, killing at least 58 people.

Though many incidents of retaliatory bloodletting were witnessed by scores if not hundreds of people, the state government has yet to secure a conviction of a single accused Hindu, according to human rights groups. Muslims accused of involvement in the train attack, meanwhile, have been charged under an anti-terrorism law that has not been applied to Hindus.

"You got the feeling the judges are terrified," said Teesta Setalvad of Citizens for Justice and Peace, a human rights organization that has relocated Sheikh, her mother and two brothers to Bombay while it seeks to have the case retried in another state. "It is not a natural situation that prevails in the state of Gujarat."

Sheikh said she decided to go public with her story because she was angered by false accusations that she had been bribed to change her testimony.

State officials deny they are trying to protect Hindus from prosecution, citing, among other things, a state-level judicial inquiry into allegations of official complicity in the violence.

Following the train attack last year, retaliatory violence in Gujarat state quickly spread, and on the night of March 1 it reached a mostly Hindu neighborhood on the outskirts of the city of Vadodara, where Sheikh's family lived in a two-story house next door to their prosperous business, Best Bakery.

Around 8 p.m., she recalled today, a mob formed outside the bakery and tried to set it alight with bombs made from gasoline-filled plastic bags. Sheikh took refuge with other family members and neighbors on an upstairs terrace, but others -- including an uncle and an elder sister -- were trapped on the ground floor, where they were soon surrounded by attackers wielding swords and other crude weapons.

The besieged Muslims repeatedly called police, and an officer finally appeared around 9:30 p.m. But instead of coming to their aid, Sheikh recalled, "I heard him tell the mob, 'Whatever you have to do, finish it off at night, don't leave anything until morning.'"

Sheikh said she could clearly identify some of the attackers as they "set upon" her maternal uncle with an iron rod. The family had moved into the neighborhood six months before and Sheikh said she knew a number of the killers by name. "I never imagined they would attack me," she recalled. "The relations were quite cordial."

The killing went on all night, and when it was over, 14 people were dead, including Sheikh's sister, her uncle and four neighborhood children. Some of the victims had been burned to death. Three Hindu employees of the bakery had their stomachs slit open, Sheikh told human rights investigators.

That morning, the attackers finally got their hands on Sheikh, her mother and another sister, marching them into a nearby field. "Let's rape these women before we burn them," Sheikh recalled one of the men saying.

But the men finally ran off when they spotted police nearby. Bleeding from a head wound, Sheikh was taken to a hospital, where she identified seven of the attackers by name. Her brother, who had been beaten unconscious, subsequently corroborated her statement and added other names.

Sheikh repeated her story in numerous appearances before human rights panels and the news media. But several weeks before her trial appearance on May 17 of this year, she said, her brother began receiving threatening phone calls from two local politicians.

She said the men threatened to interfere with her family's efforts to sell the burned-out bakery and intimated that the family could be in danger if she and her brother did not change their stories. Her brother followed the advice, falsely telling the court on May 7 that he had not recognized any of the attackers because it was too dark, Sheikh said.

In interviews, both politicians denied threatening Sheikh or any other family members.

Sheikh said she was also influenced to change her story by the indifference of prosecutors who made no effort to contact her before the trial, even though she was the most important witness.

"What should I do?" she recalled thinking. "Should I stick to my testimony or should I save my family's lives by saying something different?"

In the end, she chose the latter. Neither the prosecutor nor the judge asked why she changed her account.

Special correspondent Rama Lakshmi in New Delhi contributed to this report.