

Threatened Existence: A Feminist Analysis of the Genocide in Gujarat
Report by the International Initiative for Justice (IIJ)
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Chapter 1
Introduction

Among the reactions shared by the panellists of the International Initiative for Justice–Gujarat (IIJ) was the feeling that events of Gujarat 2002 marked a definitive moment in their own relationship with their past and present. Each panellist had her own history of resistance—a history that was at the same time both specific and universal, a history that resonated deeply with events in Gujarat and made participation in the panel imperative. These histories ranged from memories of Nazi terror; to strife torn Israel and Palestine; the consequences of a civil society in Algeria terrorised by Muslim fundamentalists; war crimes in Bosnia; ethnic chauvinism and a protracted war in Sri Lanka; the trauma of India’s partition with the loss of homes, millions of refugees and abductions of women; to the public killing and burning of Sikhs during the anti-Sikh pogrom of 1984; the rise of right-wing parties in the early 90s and repeated rioting upon the emergence of the right-wing State in India that openly appeals to the religious identity of the Hindu majority. Gujarat was a moment in the individual histories of nine women in the panel and many others who provided invaluable support without which the panel could not have been assembled. Many of these “backstage” members of IIJ were themselves from different locations, from within India and outside, from within Gujarat or outside it. Many perhaps were too young to have personally experienced the histories of the formal panellists but had an acute understanding of what Gujarat marked for them in the formation of their own histories.

The specific targeting of women, as part of a conscious strategy to terrorise the Muslim population of Gujarat, also particularly concerned the panellists. According to Rhonda, sexual violence played a fundamental role and was used “as an engine of the mobilisation of hatred and destruction.” The scale and brutality of the sexual violence unleashed upon women was new, or felt as if it was new, to the panellists who could not have been prepared for the testimonies they heard even though they were aware of the centrality of this method in the violence of 2002. Indeed for many it was among the strongest reasons that impelled them to be part of the Initiative. And yet the sheer magnitude of the trauma recounted by women even nine months after the violence was overwhelming. As Meera, who lives in Gujarat and was acutely conscious of what had happened there during February and March, put it:

Many doubts arise in your mind [about the erosion of citizenship] particularly when you come face to face with women who have undergone brutal sexual attacks and mass rape. For the first time, married women broke their silence on the sexual attacks they suffered. A mother spoke of her two daughters but did not say that she herself was a victim...testimonies were often given with young children looking on, punctuated with long silences. None of us could sleep that night: a community was being held to ransom—accept your citizenship or....We exchanged experiences of Bosnia, Palestine, Israel but the extent, brutality and the varied methods of Gujarat was unheard of.

Nira has written about sexuality and nationalism and the horrific results of actions driven by religious fervour, greed and fear and this has shaped her politics as well as her academic

concerns. Now as she heard testimonies in Gujarat it was like seeing, through the voices of the testifiers, a graphic picture of the gendered and sexual dimensions of nationalisms and racism that she has been studying and writing about for years. Gabriela has also heard experiences of women who were raped in recent years, but the accounts of women in Gujarat painfully reminded her of the sheer incomprehensibility of the listener in such a situation:

As a feminist activist and researcher in the field of sexualised violence in war, and as an active member of the Medica Mondiale in support of war traumatized victims in Bosnia, Kosovo and Afghanistan I have listened to hundreds of accounts of merciless attacks randomly, deliberately or strategically directed against women during violent clashes between communities. The cruelty described always surpasses the listener's comprehension Listening to them I became yet another time painfully aware of the difficulties of bridging the gap between political analyses and the general engagement with gender justice and the overwhelming and acute plight of the many individual survivors of such massive violence, in particular gender-based violence. This counts all the more if I take into account the tremendous lack of safe places for the attacked girls and women to find their own way to "come to terms" with what happened to them.

There was also the special anguish of belonging to the community of the victims and the vulnerability that is experienced thereby. In the words of Vahida who witnessed the riots in Mumbai in 1993:

Nothing in all the reports I had read prepared me for what I felt and experienced during the visit to Gujarat. The testimonies of women concealing a story, of men experiencing loss of dignity and of children robbed of innocence recounted with tears, pain and expectation of justice in their eyes... only exacerbated my own sense of helplessness knowing fully well that nothing that we do will make any immediate difference to their lives. And yet we put together this report in the hope that it will.

This sense of pain, empathy and hope for justice was echoed by Sunila who has worked intensely in Sri Lanka:

Coming from Sri Lanka, where we have seen and lived through terrible violence and bloodshed because of identity-based politics, listening to women and men from the Muslim community in Gujarat testify to their experiences was chilling. So much of what they said could have been transposed directly to people I work with. And the evidence of the impunity for perpetrators, the silence, the denial, the continuing discrimination against those who suffered most is also reminiscent of the situation in Sri Lanka. There were moments when I truly wished I had not agreed to be a part of this process because it was so painful and left one with a sense of frustration about the inevitability of this kind of senseless brutality and inhumanity. Yet, the strength and courage and humanity of the survivors is what, as always, proves inspirational and makes us determined not to give up in the search for justice and guarantees that such barbarism will not be repeated.

At another level, the testimonies were particularly painful for people like Meera whose political work focuses on the marginalized community of Dalits who were alleged to have taken part in the assaults in many areas. How could one marginalized community attack another? What were the conditions that made oppressed castes find identity and strength

when they joined their own oppressors to attack another marginalized community? That the ground for such viciousness had been prepared surely and steadily was known. And yet, whatever one knew from the past did not really help, because as Meera said, “However much you intellectualise [nothing could prepare us for] what we heard and saw...” during the testimonies of IIJ.

A sense of despair and incomprehension was the dominant emotion for other members of the Initiative as well. For Uma, whose childhood memories of the partition violence had healed to an extent with the early nation’s commitment to a secular and pluralistic society that guaranteed minority rights in the Constitution, the growing divide between communities from the mid-80s, fanned by State acts of omission and commission, were the beginnings of the betrayal of the nation. The violence of Gujarat sedimented that sense of betrayal. As accounts of the State’s complicity in the pogrom became available through reports, the continuous suffering of Muslim survivors who did not have adequate relief, who had no hope of being able to return to their homes and who had lost their livelihoods led her to realize that justice was not going to be done within the national legal system. This was a deathblow to Uma’s faith in the social and political system. But even as women spoke up about the sexual violence they had suffered or witnessed, the Central government refused to acknowledge the suffering of its women citizens in Gujarat even after a marathon 14-hour debate in Parliament. At the same time, the Supreme Court had till then provided no relief and the lower courts in Gujarat were systematically eroding the possibilities of justice for survivors and for those who lost their lives. As Uma recalls:

I was a child of independent India, among the first generation of post independence children who had watched the nation being born on the midnight of August 14th 1947. Even as I grew into a civil rights and women’s rights activist I had a strong sense of faith in the ability of “the people” of the country to resist oppression and redress their grievances and fight for justice. Gujarat spelt the collapse of that faith -- I despaired as I watched the horror of Gujarat unfold through its various stages with wombs being seared, foetuses displayed, children watching rapes, the killing of raped women and then the burning of the bodies so that evidence was destroyed, of attacks on the media and civil rights activists, of mobs who would not let post mortems be conducted, of Hindu women feeding the mobs on the street so that they could continue to attack, and finally of the proclamation of a normalcy in which one section of the people swarmed back to restaurants and shopping malls as if nothing had happened while another lived in terror and degradation. Was this the India of my childhood? Were these my people? It was the despair of Gujarat and the desperation for an acknowledgement of wrongs suffered as I recalled the glazed eyes of a young raped woman that I had seen in August, which convinced me that the struggle for justice was the only way to keep going.

The search for justice and the desire to let the voices of the survivors be heard was the one factor that united all the panellists in their work. Because there was the recognition that women had been targeted at other places as well, there was an urgency to ensure that the plight of women survivors in Gujarat would not become “another item in the long list of casualties,” as Anissa pointed out. Further, Anissa believed that it was necessary to provide media coverage of these events outside India and to promote justice for victims and survivors in various international fora. For Rhonda, the anguish in the eyes of the those who gave their testimonies not only recalled photographs of the ghettoised Jews of the Nazi

holocaust but also the realization that the painful retelling would not really bring any concrete relief from the courts within Gujarat. In Rhonda's words:

It was chilling to confront the pain and terror of the survivors in Ahmedabad...Among the things I will never forget were the eyes of the many women and several children who came to tell their stories, beautiful eyes, which like their lives were filled with terror instead of the promise of the future; eyes that are particularly familiar to me from the photographs of the ghettoised Jews of the Nazi holocaust and those of the Palestinians today resisting the crush of Israeli occupation... I will never forget the hope dashing moment in the widow's community when we learned of the huge and unanticipated BJP victory. Taking my hand the woman next to me said, "Now they will never let us survive....."

Learning of the utter lack of domestic recourse, even from the Supreme Court, forced me to sadly relinquish my earlier admiration of the progressive role in protecting human rights and reflect on the dangers of the growing right-wing control of the courts in the US, my country. The parallels between the growing fascism in India and the US are sharp and the Gujarat experience brought home the damage the Bush administration inflicts throughout the world in the post 9/11 demonisation of the Muslims as terrorists....

Given the failure of the national legal system, internationalising the issue seemed to provide the only hope. The courage of the testifiers also provided hope. The survivors struggle for justice and keeping the issue alive was also a way to send the message of "zero tolerance to impunity which would act as a potential deterrence," according to Vahida. It might even reverse the process and prevent violence in the future.

But what if justice continued to be elusive, even after the work of the IJ was over? For Farah, who had seen many investigative reports by concerned citizens and civil rights groups without any visible consequence, this was a real fear. Being part of the group of women who first drew the attention of people, in India and outside, to the sexual violence, Farah had repeatedly returned to Gujarat to keep in touch with the survivors and follow up on their cases. The pain of hearing the testimonies once more was of a different kind now, as concern about the expectations of the testifiers, especially the women survivors, was uppermost in her mind. She was also committed to going back again and again. How could one face those for whom nothing might change, for whom this was perhaps merely one more group to whom they told their stories, in the hope of justice? In the end the anxiety was resolved by accepting, perhaps only for the moment, that the IJ "promises nothing but bears testimony to the truth, and takes that truth to the international community."

The search for justice and the commitment to let the voices of women survivors of Gujarat be heard had united us, the panellists, who were women from three different continents. We also discovered, through all the sharing of experiences the worth of just coming together. As Nira described it, "Being part of a wonderful encompassing feminist collective experience, something I had not been part of for too many years, which helped us to find the strength and comfort with each other, and to remember to celebrate life as long as we can: [it was] feminist politics at its best. Similarly for Rhonda, the accumulation of horror that Gujarat spelt was mediated to an extent by the "courage of the testifiers which together with the amazing energy, solidarity and organization of the women's groups who came together across cultural lines to organize the IJ and the growing significance of gender and sexual

violence in international law and international arenas provides new hope.” What was particularly valuable in the initiative was that the inquiry genuinely combined national and international perspectives, and had a feminist understanding of gender at its core. The Initiative was also a recovery of some of the joint work done by women’s groups across the world in the 70’s and 80’s, something that had got lost over the years. Vahida spelt this out:

The last couple of decades have seen the lamentable proliferation of women’s rights activities done in isolation and the decline of solidarity among feminists around the world. In such an environment, the coming together of national and international feminists and women’s groups as the IJ [came] as a breath of fresh air. The idea that it is possible to have an issue-based consensus among diverse groups was promising and exhilarating for future feminist actions against anti democratic, nationalist fundamentalist and patriarchal forces.

In a way, the international coming together of feminists to take up the struggle for justice was also a crucial moment of national solidarity, in Farah’s opinion. Given the enormity of what had happened in Gujarat she was somewhat disappointed with the initial response. In her words:

Large numbers of women did not descend on Gujarat from all corners of India in expressions of solidarity, courage and mourning, speaking as one. IJ was therefore long overdue. We finally had women’s groups from Delhi, Bombay and Gujarat together, some as panellists, others as organizers and still others as volunteers giving of their time and energy generously, sharing pain with honesty. The shared energy was vital; it is after all what we survive on in times of trouble. The organizing team that Forum put together was wonderful. Boundless in its energy, generous in the space it gave to everyone...

All the panellists were also grateful for the opportunity to participate in the attempt to obtain justice for the survivors of Gujarat. There was an acute sense of responsibility to honour the process and the survivors who testified. All shared the pain and the challenge of Gujarat. As Sunila wrote:

The experience of working with the IJ has provided a fresh impetus for my conviction that we need to campaign for a better and more broad understanding of sexual violence against women during times of conflict, whether it be armed conflict or civil riot or pogrom as we saw in Gujarat in order to create new mechanisms that can provide justice and reparation with a maximum sensitivity to the victims and survivors. In a world where fragmentation and alienation from each other is our most common experience, it was a truly special coming together which I hope shows us the way forward.

In the end the early disappointments of Farah, which other Indian panellists may also have experienced in different ways, were softened by the experience of being part of the IJ. “As a feminist I had expected nothing less, as an Indian and a Muslim I was strangely grateful for the solidarity,” wrote Farah at the end of formal work of the Initiative.

And for some of the international panellists, participation in the IJ was not only a way of re-establishing feminist transnational solidarity but was also a way to buttress opposition to political processes that were targeting a minority group. In the words of Gabriela:

I was and still am deeply impressed with the way feminists, human rights activists in India and in Gujarat itself reacted instantly not only in political protest but also in actual support of those who became targets of the unleashed as well as carefully channelled attacks. For the Indian activists the community that responded in solidarity might have been disappointingly small. From my outside perspective, however, the reaction was overwhelmingly fast and thorough, especially the meticulous documentation of the atrocities committed, and the naming of those founding their political power by intentionally instigating hatred among different communities...I found it exceptionally important to support in whatever way possible the IIJ in making public the mass crimes that international politics had decided to ignore because the people targeted in the massacre were of the “wrong” ethnic community as the attack on the Muslim community did not fit into the image of the “Muslim Terrorist Enemy.”

Anissa too was impelled to participate in the IIJ primarily because the “state sponsored pogroms” against the Muslim community in Gujarat had not been given much media coverage in the UK. Participation was a way of redressing that imbalance. Impressed by the combined expertise of the women invited to be on the panel, she considered IIJ a way of taking the work of women’s groups in India on violence against women, and its redressal, forward. Anissa sums up the work of the Initiative both when it met formally in December 2002 and its life thereafter as thus:

Shaken by the chilling testimonies placed before us served to strengthen our commitment to raise the issue in all possible forums. Since my return from India I have connected with concerned groups in UK participated in workshops and demonstrations, raised the issue of [funding for right wing groups] with the authorities and issued awareness raising email campaigns. This is a battle that requires long-term efforts both within India and outside. Given the fact that a right – wing government has a powerful position both in regional and central governments, this is a difficult battle but one that must be pursued—if nothing else out of respect for the survivors who overcame their fears and braved tremendous difficulties to meet the IIJ panellists.

As panellists we would also like to place on record our deep appreciation of the outstanding work of the IIJ organizers. In a relatively short period of time the tribunal met a broad section of people: affected people/survivors and victims, activists, social workers, camp organizers and lawyers and many others. Being able to organize dozens of meetings, field visits to the sites of some of the worst attacks, and sometimes to resettlements of those dislocated at a very sensitive time—December 2002 elections—is a tribute to the organizing team and their skill in ensuring that affected people would trust us enough to come forward. This was obviously the result of long-term efforts on the part of the organizers. The logistical arrangements were marvellous... so was the caring support provided to the panellists. A big thank you to the team for everything.

Framework of the Report

In our visit, we have heard many confirmations of the information contained in the various reports on the violence in Gujarat. We find it regrettable that the Indian government has not paid attention to the facts provided through this process, nor ensured the enforcement and implementation of the recommendations set out in, for example, the report of the National Human Rights Commission. We are also concerned by the fact that in spite of the totally inadequate legal and other responses to the violence in Gujarat, the government has continued to deny permission for international scrutiny of the situation.

We have no doubt that the state has been complicit both in the perpetration of the violence in the state of Gujarat, and in the failure to redress it. We are appalled to discover the continuing levels of violence and the inadequacies of existing mechanisms to deliver justice to the victims and survivors. This violence, which reflects a longer and larger genocidal project, in our view constitutes a crime against humanity and satisfies the legal definition of genocide, both of which are crimes of the most serious dimension under international law. In addition, the results of the recent election in Gujarat give the instigators and perpetrators of violence in that state the power and potential to continue with their campaign of hate and terror against the Muslim community. As we heard so often, 'They will never let us survive'. This constitutes a frightening exacerbation of the genocidal conditions prevailing in Gujarat with the potential of spreading to other parts of India, and calls for an urgent and concerted international and national response.

The IJ comprised a panel of feminists from different parts of the world and feminist concerns are the primary focus of the report. Women are the worst sufferers of every calamity, natural or man-made, and it is their voices and concerns that are crucial to this report. When the State machinery colludes with the violators, the perpetrators of violence, with the rapists, the problems women face are all the more exacerbated. Lack of rehabilitation measures, compensation, and proper prosecutions affect women most adversely. It is women from the already marginalized sections that suffer the most. At the same time, this report also raises other issues that are being addressed at a global level and are crucial to the survival of a civil and just democracy, such as the very definition of democracy, its future, and the future of the concept and possibility of justice.

The report is broadly divided into two parts. Part I looks at the social and political scenario of the pogrom that took place in February-March 2002 and the period thereafter. It explicates the underlying politics and project of the *Hindutva* project and the *Sangh Parivar* and unravels the gravity of the brutalisation of that project for society, especially for women.

Part II of the report discusses the legal implications of the pogrom from the point of view of both national and international jurisprudence and the ramifications of future legislation a pogrom such as Gujarat.

Part I of the report is in turn divided into five chapters.

Chapter 2 deals with the historical as well as immediate political context in India, and more specifically Gujarat, the site of the pogrom of February-March 2002 and thereafter. It underlines the economic and political situation and the factors that gave rise to and fostered a politics of hate. This chapter looks at the main actors in the pogrom and the *Hindutva* project that aims to shake the foundation of a semblance of democracy in this country.

Chapter 3 focuses on the nature of sexual violence in Gujarat based on the experiences of the women who were victims of the violence and who met the panel. There is a logical continuity between the politics of the actors of the pogrom and the brutality unleashed on the women in Gujarat. This chapter looks at this continuity and at the politics of the *Sangh Parivar* in the context of their agenda for women.

Chapter 4 looks at how the State has been complicit in the violence and has in fact actively abetted the perpetrators. Control over State power has been an important part of the growth and the actualisation of the *Hindutva* agenda. In this chapter we look at institutions of the State that are supposed to protect citizens and find that the State in Gujarat was, in fact, actively involved in doing just the opposite. It was targeting the minority community, abetting the perpetrators of the violence and stripping Muslims in Gujarat of all rights and dignity.

In chapter 5 we look at the on-going nature of the violence. The violence and targeting did not end in February-March 2002, as the State would like us to believe, but continues to this day. Chapter 5 discusses this and gives voice to the countless women, children and men of an already marginalized community as they recount their terror.

The next 4 chapters that comprise Part II of the report deal with the legal framework: first the national legal mechanisms, and then the international instruments. Legal instruments have different objectives in the case of a pogrom or genocide. They are to obtain some measure of justice and reparations for the victims and survivors and to punish the guilty, at the very least. Another important objective of the legal system is that its mechanisms and instruments should act as a deterrent for any future pogroms or genocide. In a system where the State colludes with the perpetrators, justice is a much-laboured process that needs to be critiqued ruthlessly to ensure that victims and survivors can obtain some semblance of it. Otherwise there seems to be no hope for the future of people and of democracy. Part II of the report also looks at the possibilities of justice that exist, draws parallels from around the world where similar pogroms have taken place and outlines how they were dealt with.

The report then comes to the conclusion that it is necessary to ensure that this kind of gruesome, blood-chilling violence, particularly violence against women in conflict situations, does not take place again. The report is also a call to all people and civil society institutions to actively counter the campaign of hatred and fear that is at the core of such genocidal projects. The report of IJJ urges that active mobilization of all sections of society against discrimination and hate mongering towards minorities and women is urgent. The report calls upon the international community, at the level of State, inter-governmental and non-governmental organizations to condemn the advance of this genocidal project, and pressurise the government to protect human rights and democratic principles.

There is also a small section on information on the major happenings after December, 2002, collected from primary and secondary sources collated and put together by the organizers under a final chapter entitled 'Updates'. These help to further substantiate the analysis of the report and provide information on what is happening in the state and the country now, almost a year after the panellists' visit.

Note on Text and Codes

The panel met with many men and women survivors of the violence from the Muslim communities, activists from different organizations, lawyers, teachers, men and women who came out to help the victims during the violence, relief camp organizers and many others in three separate teams. The first team met people from Ahmedabad city and from villages in Ahmedabad and Sabarkantha districts in Ahmedabad. The second team met people from Baroda city and from villages in Anand, Baroda and Kheda districts in Anand and Baroda. The third team met people from towns and villages in Panchmahals and Dahod districts in Godhra.

All the names of the people who deposed before the IJJ panel have been changed. The names that appear in the text are pseudonyms. This has been done to protect the testifiers from any further persecution. The names of villages have been coded for the same reasons as have the organizations. The districts have been identified to illustrate the extent and spread of the areas from which people testified before the panel. Men and women attackers from the Hindu communities who have been identified in the testimonies have been coded but no pseudonyms have been given to them. These codes have not been included in the report to preserve the safety of the victims.

The notations used are as thus:

AA*: an area from Ahmedabad city.

AV*: testimony from a village given to the Ahmedabad team.

AHM*: A male attacker from the Hindu community.

AHW*: A woman attacker from the Hindu community.

AO*: An organization that gave its testimony to the Ahmedabad team.

BV*: testimony from a village given to the Baroda team.

BO*: An organization that gave its testimony to the Baroda team.

BM*: A male attacker from the Hindu community.

PV*: testimony from a village given to the Panchmahals team.

PO*: an organization that gave its testimony to the Panchmahals team.