

## **The International Initiative for Justice in Gujarat**

### **URGENT ACTIONS TO BE TAKEN** **DECEMBER 19, 2002**

#### To the Indian Government

- Restore to the Muslims of Gujarat, their rights to life, security and survival, as guaranteed to all citizens in the Constitution of India.
- Safeguard and protect the social, economic, cultural and political rights of Muslims in Gujarat as per international human rights norms.
- Establish a special independent court and appoint special prosecutors as well as staff untainted by connections to communal organisations, with the authority to try the crimes committed in Gujarat as crimes against humanity and genocide under customary international legal standards, including the international crimes of rape and sexual violence.
- Ensure prosecution of all instances of sexual violence, including those where the victim is killed, broaden the understanding of rape to include insertions other than penile penetration, eliminate the insistence on production of medical evidence and corroboration of victims' testimonies, and prohibit admission of evidence attacking the character or sexual chastity of victims.
- Institute a legitimate investigation and prosecution of the crimes committed against the Muslim community and Muslim women by individuals in the police, paramilitary forces and other officials, including the review and re-filing of FIRs and arrest of absconders.
- Investigate and prosecute organisations such as VHP, RSS, BJP, Bajrang Dal, Shiv Sena and their affiliate organisations as well as officials and individuals responsible for the continuing harassment and propagation of hate through measures such as the training of militia and the overall planning of genocidal attacks in Gujarat.
- Enforce, and outlaw, where necessary, those responsible for the economic boycott, ghettoisation and other economic sanctions against the Muslim community.
- The Supreme Court should immediately hear the PILs that are still pending, authorize CBI investigation of major cases, and implement the recommendations of the NHRC.
- Accede to the Rome Statute of the International Criminal Court and implement its provisions in domestic law applicable to crisis and non-crisis situations.

- Invite and facilitate an international mission of enquiry, including visits by the relevant U.N. Special Rapporteurs to monitor the development of genocide and state responsibility, in order to prevent and punish it.
- Recognise state responsibility to provide compensation, in addition to assistance and relief, and ensure transparency in the distribution of the relief funds.
- Ensure food security and shelter, and guarantee adequate conditions of living to those displaced.
- Provide comprehensive health services, including trauma counselling, and support services to all subjected to brutalized forms of violence.
- Remove communal and discriminatory references and distortion of historical facts in the text books of schools, colleges and other educational institutions.
- Disband forthwith the Gujarat State Cell to monitor inter-religious and other forms of mixed marriages.
- Ensure safety and security of human rights & women's rights defenders, and of independent and secular NGOs working to promote human rights and non-discrimination.

To the International Community:

- Declare a **genocidal alert**.
- Utilize universal jurisdiction to fulfil the obligation to try genocide and crimes against humanity under international law.
- Challenge the charitable and tax exempt status of organizations that support, directly or indirectly, the Hindutva agenda.
- Investigate and prevent the sending of funds to organizations participating in the instigation and implementation of genocide and crimes against humanity against the minority communities.