

# ISLAMIC HUMAN RIGHTS COMMISSION

## India

Main issues of concern:

1. **treatment of minorities**
2. **women's rights**

### 1) **Treatment of Muslims**

Following are two cases in which Muslims have been targeted because of their religion and have been made scapegoats to bear the blame of the real offenders. These two incidents offer a glimpse into the regrettable trend where any 'terrorism-related' incident is blamed within moments on Muslim organizations and the press immediately reports it. If the suspicions are not realized, there is no report in the press stating that the original report was wrong. This casts the Muslim community in a bad light. Further, Muslim youth are arrested by the police on suspicion and are held for an indefinite period, tortured and then released after taking bribe from them. There is no follow-up on these arrests nor any compensation provided to those wronged.

#### a. **Afzal Guru**

Mr Guru is a man of Kashmiri origin, who has been accused of conspiring to attack the Indian Parliament on 13 Dec 2001 with three other Kashmiris. However, there is no direct evidence against him and has not been known to harm or injure anyone. He was convicted and sentenced to death on 18 Dec 2002. He is currently detained at Tihar jail in Delhi. He has appealed to the President of India for clemency. Following are some of the discrepancies in his case that IHRC has campaigned against:

- i. His trial process was flawed
- ii. The Courts have found that the investigating agencies deliberately fabricated evidence and forged documents against him and others accused.
- iii. He was tortured until he confessed; he was forced to confess in front of the media
- iv. The Supreme Court rejected Afzal's confession on account of the procedural irregularities in obtaining it, and admitted that there was no evidence that he belonged to any terrorist group or organisation.
- v. He was denied basic rights in prison
- vi. Afzal's trial does not meet international standards for a fair trial: he was denied due process, legal counsel and the presumption of innocent until proven guilty.
- vii. Articles 7, 10, 14, and 17 of the International Covenant on Civil and Political Rights have been violated. India signed and ratified the International Convention on Civil and Political Rights in 1979.

#### b. **Mecca Masjid Bomb Blasts**

The incident took place on 18 May 2007. A bomb blast in Mecca mosque, Hyderabad, one of the biggest mosques in India, killed at least 9 people during Friday congregation prayers. Several others were injured. A fact finding committee, set up by various organizations to collect facts about the bomb blast, visited the site of the blast and interviewed eye-witnesses and those who were

injured by the blast. Based upon their report, submitted by Hyderabad's Civil Liberties Monitoring Committee, IHRC campaigned regarding the following issues:

**i. Incident of Police Shooting After the Blast**

The police opened fire on the people escaping from the mosque after the blast. The report found that all injuries inflicted on the civilians were through bullets. The central government had warned about possible terrorist attacks; however 'the police did not take necessary precautions to guard sensitive places like places of worship.' The report concluded that, 'the deaths due to police firing are more than the deaths due to the bomb blast.'

**ii. Police Action in Apprehending Possible Suspects of the Bombing**

The police named two Islamic organizations to be responsible for the blast, and also released the name of a Muslim man believed to have masterminded the bomb blast. According to the report, the two organizations have been named without any 'preliminary evidence'. Further, a Muslim man was detained in Hyderabad in relation to the bombings. Muslims were similarly targeted in bomb blasts at Lumbini-Park and Gokul Chat in Hyderabad. Police released reports that the explosives used in Mecca masjid blast and those used in the blasts at Lumbini-Park and Gokul Chat were the same, however, later it was discovered, and was reported, that the two were different. This kind of irresponsible reportage results in immediate linking of a community with such events.

**2) Dowry Death of Ms Rehana Khatun**

Rehana Khatun, aged 30, resident in West Bengal, India, was burnt to death by her husband Amaresh Mondal on 3 July 2006 who later escaped with her belongings. Ms. Khatun's mother, Alekjan Bewa, lodged a complaint with the local police but the police refused to take any action against the alleged perpetrator as he and his family are actively involved with the Communist Party of India (Marxist) (CPIM) which is the ruling party of the West Bengal state. Regarding this incident we campaigned against the following:

- i. Abominable practice of killing for the sake of dowry which is still prevalent in India even after the enactment of the Dowry Prohibition Act of 1961.
- ii. Legislation remains ineffective due to the inaction of local authorities
- iii. Deliberate police inaction despite persistent complaints and appeals for investigation by the victim's mother
- iv. India must make sure CEDAW is effectively implemented.