

[--- Unable To Translate Box ---]

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

HEARING ON
COMMUNAL VIOLENCE IN GUJARAT, INDIA
AND THE U.S. RESPONSE

Monday, June 10, 2002

9:12 a.m.

MILLER REPORTING CO., INC.
735 - 8TH STREET, S.E.
WASHINGTON, D.C. 20003
(202) 546-6666

[--- Unable To Translate Box ---]

Room 1302
Longworth House Office Building
Washington, D.C.

MILLER REPORTING CO., INC.
735 - 8TH STREET, S.E.
WASHINGTON, D.C. 20003
(202) 546-6666

[--- Unable To Translate Box ---]

P A R T I C I P A N T S

Presiding:

FELICE GAER, Chairman

TAD STAHNKE, Acting Executive Director

NINA SHEA, Commissioner

SHIRIN TAHIR-KHELI, Commissioner

FIRUZ KAZEMZADEH, Commissioner

Guests:

TEESTA SETALVAD

CEDRIC PREKASH

Panel I: Events on the Ground in Gujarat

NAJID HUSSAIN, University of Delaware

KAMAL MITRA CHENOY, Jawaharlal Nehru

University, New Deli

Panel II: The Future of Communal Relations in India
and the U. S. Policy Response

SUMIT GANGULY, University of Texas

ROBERT HATHAWAY, Woodrow Wilson

International Center

[--- Unable To Translate Box ---]

P R O C E E D I N G S

CHAIRMAN GAER: Ladies and gentlemen, may I call the hearing to order. Good morning. This is a hearing of the United States Commission on International Religious Freedom. My name is Felice Gaer. I am one of the commissioners, and it's my pleasure this morning to introduce our other commissioners who are with us, starting on my left with Firuz Kazemzadeh, who is the Senior Advisor for the National Spiritual Assembly of the Baha'is of the United States.

On my immediate left, the Honorable Shirin Tahir-Kheli, who is a research professor and director of the South Asia Program of the Foreign Policy Institute of Johns Hopkins University School of Advanced International Studies in Washington, D.C.

On my far right, Nina Shea, who is the Director of the Center for Religious Freedom at Freedom House in Washington, D.C.

And on my immediate right, Tad Stahnke, who is the Acting Director of our Commission.

[--- Unable To Translate Box ---]

I have some brief remarks, and then we will proceed with our hearing on Gujarat. We turn our attention this morning to India and, specifically, to the recent communal violence and killings in the State of Gujarat. After the killing in the town of Godhra of 58 Hindu civilians on the Sabarmati Express (26 women, 12 children, 20 men) on February 27th of this year by Muslims, retaliatory violence in Gujarat by Hindus against Muslims took place and has continued. It is estimated that at least 1,000 Muslims have died. Reports cite numerous persons shot, stabbed, raped, mutilated and/or burned to death. In addition, hundreds of mosques and Muslim-owned businesses were looted or destroyed. More than 100,000 persons have fled their homes and are now in makeshift camps for internally displaced persons. There has also been counter-retaliatory violence against Hindus, of whom a reported 10,000 have been made homeless. What is more, the violence has yet to be fully contained.

The accounts of a thousand people being killed in clashes because of their religious identity is cause enough for this Commission to be concerned. In addition, however,

[--- Unable To Translate Box ---]

we are also concerned about several recent reports which suggest that the government of Gujarat and some members of the police force may have been implicated in the violence in that state. These reports come from many sources, including India's own National Human Rights Commission. Evidence from these reports argues that the communal violence was carefully planned. According to the report of the National Human Rights Commission, there have been, and I quote, "widespread reports and allegations of well-organized persons armed with mobile telephones and addresses singling out certain homes and properties for death and destruction in certain districts, sometimes within view of police stations and personnel."

We are also aware of counter-charges, mainly by officials of the State of Gujarat, arguing that the major violent incidents were themselves provoked by acts directed against Hindu residences. We hope to gain insight into the facts, the arguments, the role of the government in bringing those responsible for the violent acts to justice, and the way forward.

[--- Unable To Translate Box ---]

The Commission on International Religious Freedom had long been concerned about the situation for religious tolerance and respect for human rights of all persons in India. In its May 2001 report, the Commission noted the need for India's government to do more to protect religious minorities and to bring persons responsible for violent incidents to account. The Commission further stated its serious concern about the association of increased violence against religious minorities and the rise and power of Hindu nationalist groups in India. Though that report did not directly implicate the national government in carrying out prior attacks on Christian and Muslim minorities, the Commission did at that time express concern that the central government is not doing all that it can to pursue and punish the perpetrators of the attacks and to counteract the climate of hostility, in some quarters in India, against these minority groups.

The Commission believes that it is important for the United States government in its work with the Indian government to help foster a climate of greater religious tolerance. The Commission is thus very concerned that the

[--- Unable To Translate Box ---]

United States government has not spoken out forcefully against the attacks on Muslims in Gujarat, and we hope to look more closely into the U.S. response and develop recommendations to our government on these matters in accord with our own legislative mandate. I should add that we were heartened by the remarks of India's attorney general, who on May 29th, pointing out that human rights are not simply internal matters, told a United Nations panel on the protection of minorities that: "Failure to punish those who harass or persecute minorities subverts the rule of law which is the hallmark of every civilized society."

The recent events in Gujarat, the role of the state government and police authorities in those events, and the role of American diplomacy in India are just some of the topics we hope to learn more about today. In particular, we hope to examine a number of the recommendations to the Indian government outlined in the report of the National Human Rights Commission and others to determine ways that the United States, through its

[--- Unable To Translate Box ---]

policy towards India, can play a role in helping to protect religious freedom for all there.

We will have two panels this morning. The first panel includes witnesses who have recently been in Gujarat and who can describe events on the ground there, what happened and to whom, and with what result.

The second panel will provide us with an analysis of the wider picture: what measures would be an effective response to the communal violence, what this means for the future of India, and what the United States can do in response.

We also have with us other visitors from India, who have agreed to be available to answer questions during the question and answer segment. We very much hope to adhere to today's agenda, thus I ask each presenter to limit his or her testimony to eight to ten minutes in order for us to have plenty of time for questions from all of us.

Now, our first panel will run until 10:20 this morning, and we have with us this morning Najid Hussain, who is a research scientist in marine studies at the University of Delaware. He is not here in that capacity,

[--- Unable To Translate Box ---]

however, but as a witness to the violence in Ahmedabad. His father-in-law, former member of Parliament, Mr. Ahsan Jafri, was killed in the mob attacks on Muslims in the Gulbarg Society neighborhood. Since that time, Mr. Hussain has been speaking out on what happened. Mr. Hussain is here with his wife, Nishrin Hussain, and we welcome her to our hearing also.

Also on the first panel, Kamal Mitra Chenoy is a comparative politics professor at the School of International Studies at the Nehru University in New Delhi. He is also a human rights activist and a secretariat member of the National Coalition for Nuclear Disarmament and Peace. Mr. Chenoy was one of four authors of a recent report on the event in Gujarat entitled "Gujarat Carnage, 2002: A Report to the Nation."

We also have today the presence of two other prominent human rights activists from India, Father Cedric Prakash, who is Gujarat State Coordinator of the United Christian Forum on Human Rights, and Ms. Teesta Setalvad, an editor of the human rights journal "Communalism Combat." That journal recently published a lengthy special issue

[--- Unable To Translate Box ---]

detailing the Gujarat events. Ms. Hussain, Father Prakash, and Ms. Setalvad will be welcome to participate in the question and answer section of this panel. So we will begin with Mr. Hussain.

MR. HUSSAIN: Thank you. Thank you all for inviting us to speak to you. I cannot tell you all that I want to tell you in just about 10 minutes, all that I know about Gujarat, but I would ask you, actually request you, to read the testimonies we, me myself, and Nishrin have submitted, which are a little bit more detailed.

Allow me to tell you in the beginning that Hinduism is a great religion, and Hindus are some of the greatest people we have known. Make no mistake about that. We admire them. What we do not admire is extremism, which is a religion in itself. Some of the converts to extremism include Muslims, Christians, and, as we now know, Hindus. But Gujarat occurs just like the Holocaust, or Rwanda, or Bosnia. When the elements of extremist faith enter the government and control it, the friends of the ruling majority in Gujarat, usually we call them Sangh Parivaries, that include VHP, RSS and Bajrang Dal, are the extremist

[--- Unable To Translate Box ---]

outfits. All indicators point to their hand in the Gujarat violence, which increasingly looks like genocide. Make no mistake about that.

In the aftermath of brutalizing and killing my father-in-law, the former member of Parliament, Ahsan Jafri, and 150 others in his house, mostly women and children who had come to him seeking protection from the violent mob, I have visited the place and not just personally seen the horrors of the pogrom, but also obtained a lot of impartial and authentic pogrom-related information. I would like to share with you some of those. Before, I want to share with you that the violence was preplanned, targets were all Muslims, especially women and children. Police was advised to help the mob elements, and nine out of ten dollars for this violence came from the U.S. and Europe. Gujarat operation was preplanned with surgical details. The availability of the weapons like swords, daggers, and trishuls--gasoline under fire power, the list of houses and businesses to be targeted based on voters' lists and ration card records. The bottled water for the rioters and the mob leaders getting their

[--- Unable To Translate Box ---]

instructions on cell phones all point to preplanning. Godhra was just an excuse. Had it not been Godhra it could have been something else, anything else, actually. These extremists are also known to produce their own sparks when there are no other sparks.

The ideology of Sangh Parivaries is Hindu supremacy. Their excuse to target Muslims is that Muslims are antinationals and terrorists. My father-in-law was not a terrorist. He served his country and its people for 50 years with pride and distinction regardless of their religion and regardless of their race. He was a fine parliamentarian, a religious unifier. I want to show you who he was. I apologize for the quality of the picture.

He was a religious unifier. He always worked for Hindus as well as Muslims. There he is with the kashri (ph) turban. He was a loving husband, an affectionate father with my wife Nishrin, a caring brother, and happy and proud grandfather. He presented India and its values to several countries, including Russia, Iran, and Afghanistan. He was not an anti-national or a terrorist. But he was a Muslim. He was a Muslim, just like the

[--- Unable To Translate Box ---]

thousands of those who were targeted and killed. My father-in-law made more than 100 phone calls, desperate phone calls to police and other government officials for help. No help arrived.

Jafri and others were killed, and there's no closure, that's the worst thing. This was his house before February 28th, and this is his house following February 28th, some of the rioters totally unchecked, and the police just watched to make sure that it does burn. This was a family of nearly 26 people, three generations. My wife had taken this picture just about six months ago. Only three survived, and some of those children you can see--I mean, some of these pictures are pretty graphic, but I want you to see them so that that will help your policy decisions -- excuse me, there's a little child up there who was massacred and burned. There's another child. How could this child be a terrorist? The mother, the father, this girl was 13-year-old who was gang raped, mutilated, and burned beyond recognition. This was what was called a masjid in that area, burned. And this was the priest.

[--- Unable To Translate Box ---]

Now, I know I have used a strong word, "genocide," for this pogrom, and it is because I know that it is not just 1,000 dead, as suggested, but thousands dead. There are more than 100,000 men, women and children in relief camps, thousands of whom I have personally spoken to. Every one of them has lost someone or seen brutalizing and killing of someone. Little children have seen rape, torture, mutilation, and burning of their family members and friends. My seven-year-old asks me, "Will they burn us if we go to India?" Such questions are troubling.

Also troubling is the fact that the world has done virtually nothing, nothing about it, except Pakistan, quite ironically, and now EU, European Union. No other country or international body has even condemned the Gujarat riots. The fourth day into the riots and three days since my father-in-law was brutalized and killed, burned alive, on her visit to India our National Security Advisor Condoleeza Rice said, and I quote, "We believe that the Vajpayee government will do the right thing,"--Vajpayee is the prime minister of India--"and we will encourage them to do the right thing." Now I ask you, the Jafri family

[--- Unable To Translate Box ---]

asks you, my wife Nishrin and Jafri's son Zuber and his wife Fatima--they're all here--we ask you to do the right thing. Get justice for thousands of those innocent victims.

The horrors of Gujarat violence are before our eyes. You just saw them. Let us not turn a blind eye towards them just because there are other compensating considerations. Nine out of ten dollars for the violence went from U.S. and Europe through organizations like Vishwa Hindu Parishad America, Hindu Sewak Sangh, and Bajrang Dal. There are thousands of innocent Hindus who contribute to these organizations without knowing that their money, their contributions, are being spent to sponsor the violence elsewhere. Declare these as terrorist organizations and freeze their funds and assets to be utilized for compensating the victims of their hatred in Gujarat. That will ensure that we do the right thing.

There are thousands who are waiting, and so are we. Thank you very much.

CHAIRMAN GAER: Mr. Chenoy, would you present your testimony, please.

[--- Unable To Translate Box ---]

MR. CHENOY: Madam Chairperson, members of the Commission, ladies and gentlemen, Gujarat has been a state polarized by religious sectarianism, or what we call communalism, for quite some time. There were riots even prior to the partition of India and the creation of India and Pakistan, but the current phase really starts from 1969 when the earlier form of the dominant party in the ruling coalition departed, and the party of the earlier form departed, Jana Sangh had been involved in fomenting the riots. And the riot immediately prior to the events of February, March, and April is also instructive because the fanatics attacked Christians in Gujarat, especially around Christmas 1998 and January 1999. And particularly in the tribal district of Dangs. Christian churches, places of worship, were burnt down. Christians were attacked, priests were beaten up, and the police, the FIR arrest department, and the civilian bureaucracy was involved. In fact, in February 1999, the Director General of Police Intelligence of Gujarat sent out a secret circular dated 2nd February, 1999, where he asked for a census of all Christians and also asked that who--which are the foreign countries that

[--- Unable To Translate Box ---]

encourage these Christian communities, how much money do they get, and then wanted to know what is the type of trickery being used by the Christian missionaries for their defilement activities, that is, for conversion. And this was an officially-sponsored campaign by the Gujarat government, which actually got approval from Prime Minister Atal Bihari Vajpayee when our prime minister went to Dangs for the first time in January 1999 where he said that there should be a national debate on conversion, even though the right to practice and propagate religion is a fundamental right under the Indian Constitution. So it is not that the attacks, though they have been by far the most brutal against Muslims, are not also against attacks on minorities in general.

Now, about this whole area of retaliatory violence, the incidents in Godhra that is with the Sabarmati Express followed a series of incidents on that train where the Hindu volunteers mistreated and humiliated Muslim men and women traveling by that train towards Ayodhya in Uttar Pradesh, or coming back towards Ahmedabad. And these instances were reported in the press. In early

[--- Unable To Translate Box ---]

morning of the 27th February, the train was almost five hours late, and at the railway station an altercation took place over the nonpayment by the Hindu volunteers for the tea and snacks they had had. And then there was an attempt to abduct a young teenaged Muslim girl, Sophia, who was waiting for another train. They were not able to take her into the train, but the rumor of a Muslim girl being abducted reached the slums next to the railway station, and the attack that started barely a kilometer away from the railway station when the train stopped with the pulling of the alarm chain was based on these rumors and attention at the railway station.

Now, there was a mob of around 2,000 "Ganchi" Muslims from that slum, and about 1,500 Hindu volunteers on the train, so it was actually a kind of religious sectarian riot, not only an attack by one side. But, tragically, the Muslims had firebombs, the Indian versions of Molotov cocktails. And one coach, and only one coach seemed to have been singled out for attack. And in that coach first 58 people were killed and the 59th died in hospital, mainly women and children.

[--- Unable To Translate Box ---]

Now, the Chief Minister of Gujarat Narendra Modi went to the site and said this has been planned by the ISI, that is, Pakistani Intelligence, and another minister, State Minister for Health Ashok Bhatt said Godhra has a notorious reputation, and went on to say, "We suspect that many Pakistanis live here illegally." The Home Minister Gordhan Zadaphia, who's also a senior Vishwa Hindu Parishad activist, said, "The bogie burning is a terrorist act similar to the attack on the American Center in Kolkata. The culprits in both cases are the same." In other words, Pakistani-backed terrorists. And then he gave a dire threat, and I'm quoting, "We will teach a lesson to those who have done this. No one will be spared, and we will make sure that the forces behind this act will never dare repeat it." Then the chief minister insisted that the bodies of the killed from the Godhra area should be transported back to Ahmedabad. They reached there the early morning of the next day. This was broadcast over the radio. Frenzied mobs gathered and had religious rites, and there were cries for retaliation and revenge.

[--- Unable To Translate Box ---]

Before that, on the 27th February, late evening, the chief minister had a meeting with top civil and police officials where they were told that the Vishwa Hindu Parishad had called for a bandh. A "bandh" is a kind of total strike where even vehicle traffic is stopped, and the VHP called for it with the ruling party, the BJP, supporting it. And in this meeting the chief minister told those officials that they were not to intervene. They were not to do anything which, and I quote, "hurt Hindu sentiments."

So then, now I want to just make a point about what Mr. Hussain has already pointed out, too. You see the kind of targeting that was done, these people had precise lists of Muslim establishments, institutions, residences, workshops, shrines. A number of the commercial establishments that were attacked, there were minority Muslim shareholders. After the earlier riots, many of these bodies had non-Muslim names, including hotels, restaurants, workshops and so forth, yet these were marked out with precision and attacked. Cooking gas was in short supply in Ahmedabad for weeks before the 28th February.

[--- Unable To Translate Box ---]

Yet these rioters carried thousands of cylinders of cooking gas which were used to explode buildings and burn people. They were led in buses, including luxury buses, in trucks, because cooking gas cylinders are heavy; you can't just carry them. So this was a very systematically organized attack. And according to information through the National Human Rights Commission, Minister of State for Home Affairs Gordhan Zadaphia flashed a victory sign while passing by mobs on the 28th of February and the 1st of March. Minister for Health Ashok Bhatt was involved. The police control rooms in the capital, Gandhinagar and in the city of Ahmedabad were occupied by Civil Supplies Minister I.K. Jadeja and by Minister Ashok Bhatt.

All this, by the way, is illegal, and the real tragedy of the situation is that for the first time, violence also spread extensively to rural areas, and the tribal people, the Adivasi were involved (which, by the way, was what Dangs and the attack on Christians three years earlier was all about, to bring in a religious fanatic polarization amongst the tribals). And the related organizations of the BJP, that is the Vishwa Hindu

[--- Unable To Translate Box ---]

Parishad, the Bajrang Dal and others, had been working in these tribal areas, the economic situation was also extreme for the tribals. It was their fourth year of drought. So these people were all brought in, and you had this most brutal killing.

Now, on the state complicity, I would also like to submit that under Indian law the district magistrates, who are the local civil administration heads, have the right to call out the Army if there is a civil disturbance. No district magistrate did that. It is incumbent on the police to protect citizens, and if they think a cognizable crime is being committed, they have the right to fire. Yet in the bulk of the incidents on 28th February and 1st March, the firing was on Muslims who were defending themselves. So in the list of the dead from police firing, there's a disproportionate amount of Muslims. Then after the incidents of violence where curfew was imposed, overwhelmingly curfew was imposed on Muslim areas. Then, in the relief camps, there is limited government support, and there are 150,000 people there, limited government support in terms of foodstuffs. But it does not suffice

[--- Unable To Translate Box ---]

with the population. The biggest camp at Shah Alam, which at one stage had 12,000 inmates, had just 22 toilets and less than that places where people can bathe. And now with the rains coming, the monsoon, there is no physical shelter for those people to stay. There is no security provided to these camps in terms of police, and, actually, the majority of Muslims, given their experience, do not trust the police; they would prefer the Army.

Now, the most serious thing in this is that it is not only that the local administration and the local politicians are involved, but even the union home minister, a couple of days after Godhra, said that this is an attack planned by Pakistani Intelligence. Now, if you say that an attack is planned by Pakistani Intelligence, you are implying that the Muslims are acting as Pakistani agents. Pakistan is a traditional enemy of India, so, in other words, the Muslims represent the enemy, and this has been part of the religious fanatic propaganda by the Sangh Parivar from the beginning--that Pakistanis operate in India through Indian Muslims. So Indian Muslims actually have extra-national loyalties and cannot be trusted.

[--- Unable To Translate Box ---]

Then even after--and this is why the Commission by appeal must take this seriously--even after the riots were over, Intelligence Bureau reports by the police have been reported in the press as saying that the chief minister is going to rural areas and still think that there is one community which is responsible for all of this. And I would conclude with two submissions:

No. 1. This is going to go on and may spread beyond Gujarat because it works for political mobilization of the kind of Hindu fanaticism that the BJP practices. So please do not think that this is over and this may not spread to other parts of India.

No. 2, and I end with this: This is likely to lead to extremism amongst the affected parties, not only in Gujarat but in the troubled state of Kashmir. The incident of Gujarat has been seen to show that India is not really a secular state, and Muslims and minorities are oppressed, which will further fuel extremism in Kashmir. And we now have reports that Al-Qaeda and others have moved into the Kashmir Valley. So two nuclear-weapon arms states which are in a military confrontation, and there Gujarat has

[--- Unable To Translate Box ---]

profound implications, not only for the future of Indian multiculture democracy, but for relations between Pakistan and India, and for peace in the entire subcontinent. So really Gujarat is exceedingly important. Thank you once again for this opportunity.

CHAIRMAN GAER: Thank you both for this very disturbing testimony. We will now proceed, if we may, with the question period. My understanding is that we may also raise questions with the guests who are here. We have about 35 minutes for the question period, and if I may, I'd like to start with Mr. Hussain.

Mr. Hussain, you told us about the tragic events involving your father-in-law. I wonder if you could elaborate a little bit for us as to the role of state and local officials with whom he was in contact. You said he made as many as a hundred phone calls.

MR. HUSSAIN: That's right.

CHAIRMAN GAER: If you could, just elaborate on the kind of officials with whom he was in touch, what they promised him, what they did deliver, whether there were police ever dispatched or present in the area, and also how

[--- Unable To Translate Box ---]

their response was formulated. As I understand it, a total of something like 42 persons died in the incident, and so it wasn't short-lived. I also understand that the government has, or state officials have since claimed that your father-in-law actually fired with a weapon which injured 13 persons which provoked the mob. This is described in Mr. Chenoy's report, and I'd like to ask you, specifically, if you could comment on those charges. Thank you.

MR. HUSSAIN: Thank you. My father-in-law, his house was burned once before in 1969, but he was always rescued. And, following that, every three years or four years, there have been encounters in Gujarat, and he was the target all the time, but he was always helped and rescued by the police. And that day, 28th of February, the fateful day, he again called the police commissioner, and the police commissioner came to his house to meet him and assure him that there is nothing to worry about, and that he is sending the force, police, right away for his family and the Gulbarg Society's protection. And then nothing came.

[--- Unable To Translate Box ---]

As the riots increased and the intensity of damage and destruction and killing and burning increased, he continued to call people in high public offices, his friends, ministers, the Congress president of Gujarat, the president of India, Ms. Sonia Gandhi, and they all called; they all called the police commissioner, Mr. P.C. Pandey, and Mr. P.C. Pandey did not come and did not send anyone at all until he was burned and all--it says 41 people died in the house, but that is an underestimate, because we have a list of 89 at least who were there in that Society at that time who were killed.

There is information we have been receiving from the people who were there and who have survived. They said that there were hundreds of people, and they think that there were 150 to 200 people all together in that Society in that house at that time who were all killed.

P.C. Pandey did not send anyone at all until everything was done, and then the police came in the evening when the mob had already left. Now, there are these accusations. It was Time magazine which had reported that Jafri fired the shots instigating the violence in the

[--- Unable To Translate Box ---]

mob. That is not true. Jafri never fired any shots, and I brought their attention to this, and they have retracted that story. And just yesterday I saw in Times of India that Jafri never fired anything, no shots at all. So that was all just a lie, basically, to accuse him, to implicate him to start the whole carnage. He never did that.

As I said, the people who have survived, they have given me, also, the account of how the whole thing was played out in the Gulbarg Society. As the mob came to the house and Jafri was making calls and no one--in fact, I met the Congress President of Gujarat, Mr. Amarsingh Chaudhary, and asked him that, "When you heard from Pandey that--from Jafri that Pandey did not come, the commissioner did not come to rescue, why didn't you just call him and say that 'I'm going to meet Jafri in his house right now,' and with you the police would have come." He had no answer for that. Probably, he did not think of it at that time, or probably there were other considerations. That reminds me of when Babri Masjid was being demolished, at that time Narasimha Rao was the prime minister, and someone went to

[--- Unable To Translate Box ---]

him and said, "But, sir, their--Vajpayee is demolishing the Babri Masjid."

And he said, "So Vajpayee is committing a political suicide. Why should I interfere?" Maybe there were considerations of this type in people not coming to his rescue, I don't know. But the fact is no one came to rescue him. I want to describe how he died.

When they took out air conditioner of the building and threw that they put in the fire bomb, and there were people inside the house who had nowhere to go. And at that time, because people started dying inside the house, suffocating and burning, my father-in-law came out with his folded hands and told the mob leaders that, "You may take me, but please spare the lives of those 150 or 200 people in the Society in my house." And at that time one of the leaders slashed at him with a sword, and, as he lay bleeding, the rest of them dragged him on the road and they burned him there. We did not find his body. How could we find his body? But based on some indicators, personal indicators and the place where he was burned, we collected some ash and buried him.

[--- Unable To Translate Box ---]

It's very hard, especially for the people, because if you don't find the body, there is no actual closure on the death. So although I know it that he is dead and he is not going to come, my family members, they have a hard time believing that. They still think sometimes that it is possible that he is lying somewhere in pain, excruciating pain, seriously wounded, no one to turn to, and this is something which they will probably live for a long time. So it's very hard. And putting the blame on him is just not right. Thank you.

CHAIRMAN GAER: I see that--is it Ms. Setalvad-- wanted to comment on this. If you could, briefly, I'd appreciate it. Please come to the table, and please state your name, etc.

MS. SETALVAD: My name is Teesta Setalvad, and I'm a Human Rights activist and one of the editors of the magazine Communalism Combat. We produced this report on Gujarat which I've presented before the Commission. It's called "Genocide: Gujarat 2002."

I wish to come in on this because, if you would refer to page 27 to 31 of this report, there's a very

[--- Unable To Translate Box ---]

detailed account of the Ahsan Jafri incident. And I had the misfortune of visiting the site on the 3rd of March, which is just three days after the massacre had taken place. I spoke to the eyewitnesses, and there's a very detailed chronology on the page of how the events took place from 7:30 in the morning right up to 4:30, 4:45 when the police finally came for rescue.

At 10:30 the police arrived to meet Mr. Jafri, and one--we've spoken to several eyewitnesses who witnessed different parts of the massacre. And I would like to state very, very clearly that I believe that--and we believe, and we've said so--that the Ahsan Jafri killing, particularly, was that of personal vendetta by none less than the Chief Minister of Gujarat, Mr. Narendra Modi.

I referred to the election of Mr. Narendra Modi from the constituency of Rajkot in a bi-election on the 22nd and 23rd of February, barely weeks before the Gujarat carnage broke out. Mr. Jafri had campaigned against Mr. Modi. We have records which we are going to publish in our forthcoming report of three speeches that he delivered. His reputation, unimpeachably secular, stood out against

[--- Unable To Translate Box ---]

communalism--I would prefer to use the word "communalism" rather than "religious fanaticism" because communalism in South Asia has a very particular connotation, which is the manipulation of religion for political ends. And he stood out against communalism of all forms always, and he made these speeches, and there were--there's an eyewitness who was alive who was accompanying him when he made the speeches, and therefore I believe that among the tragedy of Gujarat, and I'd like here to point out to the Commission that there are no less than 2,000 dead. It's not 1,000 dead. There are no less than 2,000 persons dead, 500 persons missing, 150,000 in relief camps who are refugees, and no less than 250 to 300 young girls and women were raped before they were killed. And this is the scale of the tragedy of Gujarat across the state.

And along with Mr. Narendra Modi, his brother Samu Modi functions in orchestrating many of these armed, militant gangs. The reason why we have termed the carnage as genocide, according to the U.N. Convention Article II, Section (c), the attempt to eliminate, in part or whole, a community, Gujarat fits that description. The fact that

[--- Unable To Translate Box ---]

the assault was preplanned since 1998, we have been predicting that Gujarat was crying to happen, the kind of policy decisions by the BJP government.

The kind of textbooks that were being used in schools say that Muslims, Christians, and Parsis are foreigners, [the books] actually glorify Hitler and say that what Hitler did for Germany was actually creating a nation of economic strength--it's the whole ideology of supremacy and hatred that was being propagated at the policy level at different levels: within the education system, within the police, etc.

So Gujarat was crying to happen. Even in this tragedy, five cabinet ministers are implicated. Elected representatives who are in the Modi cabinet, I would like to name them: Mr. Narendra Modi himself, I would say in the Ahsan Jafri case particularly; apart from that the Health Minister Mr. Ashok Bhatt; apart from that the Revenue Minister Harin Pandia; the Home Minister, who, incidentally, is responsible for law and order, Gordhan Zadaphia; two other ministers, Nitin Patel and Naran Lalupatel (ph), who personally led the carnages in the

[--- Unable To Translate Box ---]

rural areas of Masana (ph) district of Gujarat. I mean, this is extremely serious.

Unfortunately, in India, we have a system of democracy that is vibrant. We do have elections. But we have to look at democracy not just as elections. Democracy also means democratic institutions, and democratic institutions in India are on the verge of collapse. The judiciary, the police, and other wings do not respond in time and with the seriousness that they deserve. So when we speak of justice when such carnages occur, it takes too long. The victims get tired, they get snuffed out. So the point is democracy goes along with democratic institutions.

So today the real fight to revive democracy in India has to be with revival of democratic institutions which includes judiciary and the police. The level of state complicity that we see in Gujarat has been evident in many other anti-Muslim and anti-Christian pogroms over the last 15 or 20 years, and this has been seen along with the rise of the Hindu right wing. So it's important, I think, to look at the Gujarat genocide in the context of

[--- Unable To Translate Box ---]

deteriorating levels of professional police functioning and increased bias within the state, generally.

I would also like to make this appeal because we are dealing with a very serious issue in South Asia, like Kamal mentioned: IndoPak relations, nuclear states, and the rest of it. I would appeal to the West to look at the issue with a South Asian perspective. It's extremely important that the issue is looked at in the South Asian perspective because, if Gujarat is not dealt with--I mean what's been happening to Hindus in Bangladesh, for instance, since last October also needs to be looked into. What's happening in Sri Lanka, because otherwise activists like us find it very difficult when there's only a selective approach. Gujarat has gone off the front pages of the newspapers.

CHAIRMAN GAER: Thank you very much. I I appreciate very much the comments and the range of information that you've provided. We have only about 20 minutes left for questioning, so you will understand if I do ask the respondents to be as succinct as possible. We

[--- Unable To Translate Box ---]

know this is a tragedy beyond words. But we have a limited period of time.

I wanted to ask one other question, and then open it up to any of the other commissioners who wanted to speak. Mr. Chenoy, in your report, you state, among other things, that the Gujarat government functioned not, and I'm quoting, "functioned not as a constitutionally-bound nonpartisan and independent body, but one controlled by and answerable to the Sangh Parivar."

Now, I wonder if you could clarify for us why it is that you consider that the government is not acting in accordance with the Constitution, but rather that it is bound, as you said, and answerable to this coalition of groups. And, if you, Mr. Hussain, could tell us: since these events, with the arrival on the scene of Supercop Mr. Gill, with the attention of the central government and otherwise, have there been any efforts to hold persons accountable and responsible? Thank you.

MR. CHENOY: Madam Chairperson, number one, the kind of violence that we had--and I think this says right and we all think it is genocide and ethnic cleansing--was

[--- Unable To Translate Box ---]

clearly preplanned. We cannot have such preciseness made just in one day between February 27 and 28. And the organization of providing transport, the police's systematic support of the rioters, the fact that repeatedly influential Muslims were told that, "You're on your own. We haven't been given orders to intervene." The fact that the press, that is, the Gujarat language press, played an extremely inflammatory role--for example, one paper, Sandesh, said that three women had been abducted in--the women had been abducted from the Godhra station from the Sabarmati Express, gang-raped, mutilated, and then left for dead. There has been no effort by the state, which has the powers under the law, to stop this.

When the mobs were out, there was virtually no effort to stop this. And even prior to this, as the Express pointed out, an atmosphere was created, and this atmosphere was created through an ideological recasting of the situation in Godhra, and therefore the vilification of minorities in textbooks, the vilification in the popular press, consistent campaigns against the minorities. So in our report, for example, we have given a VHP leaflet which

[--- Unable To Translate Box ---]

was circulated which, apart from calling for an economic boycott against Muslims, also enjoins upon the Hindus not to send their children to Christian schools because that would make them lose their Hindu identity.

Now, all this is actionable, but for years no action was taken. And immediately after--immediately after the killings, then the chief minister says that we should have elections. And even now the BJP is talking of elections. Now, when citizens, 150,000 are still homeless, and hundreds of thousands more are terrorists, it shows that the agenda is a partisan, communal agenda. It is not a constitutional agenda. And I would say again, it is not only the failure of the Gujarat government. It took weeks for the prime minister to visit Ahmedabad. He supported Chief Minister Narendra Modi. The Home Minister of India, L.K. Advani, is a member of Parliament from Gandhinagar. There is no indication of his intervening either, so it is a constitutional breakdown, but not only of the state government.

MR. HUSSAIN: Thank you. I would just take a minute to address the accountability issue. If I ask from

[--- Unable To Translate Box ---]

so many people who are affected, they were not logged [inaudible] by the police, they would refuse to write if I asked for those. Their files were falsified in many cases, and we have information about that, proofs about that, and there are offers from the VHP and Bajrang Dal and RSS people to the people who are living in the camp, relief camps, that if you don't press any charges against the culprits you know, we will let you return to your homes in safety, that is the--that is something which actually does not instill any security amongst people. And, as he said, it's absolutely certain that this will repeat if no action is taken and those culprits are loose on the street.

Also, Modi government is saying that we are ready for the elections. They were actually due for the elections the end of this year, but they wanted to hold the elections just after the carnage. That shows the extent of polarization. The polarization is so complete that they're so, so sure that 80 percent Hindus will vote for them, and they will come back to power for five more years. And this is reflected in Vajpayee's statement as well, that, "We don't need Muslim votes for our government," which he

[--- Unable To Translate Box ---]

finally retracted because the other prime minister said, "That's disgraceful." So, but he did say that, and that shows the mentality. They're absolutely certain to wipe out the Muslims and other minorities and become the Hitler supremists. Thank you.

MR. CHENOY: Madam Chairperson, I forgot one point, just briefly. On the FIRs, since Mr. Gill has come, it will be--

CHAIRMAN GAER: Just for those who may not know the term, FIR, are the First Information Reports. They are the initial complaints to the police.

MR. CHENOY: Well, in the charge sheets, what has happened is that the important political people have been excluded, though the charge sheet filed by the Muslim victims named them. People like the member of the [inaudible] assembly, Maya Kodnani, the Joint General Secretary of the VHP, Dr. Jan Pactel (ph) and others, corporators and others, their names have been excluded.

Number 2, the Muslims have been blamed for provoking the mobs. So when I wrote a part here, it says a Muslim was run over--a Hindu was run over and another Hindu

[--- Unable To Translate Box ---]

was attacked. In Chamanpura Gulbarg Society that Ahsan Jafri fired. So there is a step forward, but not a very big step.

CHAIRMAN GAER: Thank you. Commissioner Tahir-Kheli.

COMMISSIONER TAHIR-KHELI: Thank you both very much for your statements on this very complicated and difficult subject. I have two questions, if I could ask Mr. Hussain. I believe you said in your remarks that nine out of ten dollars used for the violence at Gujarat came from the U.S. I think we would like to hear some expansion of those comments, and if I could also ask Mr. Chenoy about the camps, the people who are in the camps, a hundred to a hundred and fifty thousand, what is the state of assistance from the authorities to these people in both trying to rehabilitate them and compensate them. So if I could hear Mr. Hussain first.

MR. HUSSAIN: Thank you. Yes, I said eight-- nine out of ten dollars came from the funding from outside. There is tremendous amount of money being raised from outside. Actually, I have the figures, and that's what I

[--- Unable To Translate Box ---]

base those on. They had sent million pounds from England for the Mundar (ph) issue, the temple issue in Ayodhya, and similarly millions of dollars were sent from here. And if you see much of that was withdrawn for these riot, the systematic operation, the weapons and all that which cost a lot of money, that gas bottles, and fire power. The money is not raised so much within the country, but the outside money is so much enormously supportive of the activities of VHP.

We have news reports--actually, this nine out of ten dollars was taken also from news reports. It said Bajrang Dal activists take up arms June 13, 2001. We have--we have--I don't have the figure right now with me, but it is from the news report again that nine out of ten dollars were from outside support from USA and from UK and other countries in the European Union.

MR. CHENOY: Government support is extremely limited in terms of providing foodstuffs and even then very often they don't provide the cooking medium, the oil, cooking oil, etc. They don't provide the heat source, gas cylinders or kerosene stoves, and it's only a--it's not an

[--- Unable To Translate Box ---]

entirely comprehensive provision. It is always less than the actual strength of the camps.

Then in terms of rehabilitation, the compensation norms lead to these people getting only a fraction of the actual cost of reconstruction, but there's a more serious problem. In a number of colonies where Muslims were butchered by their neighbors, these people don't want to go back there. Then they're asked to provide documents, but since the buildings where they stayed have been razed to the ground and burned, they don't have access to the documents. And there have been documented cases of people going back and being attacked--even though they've had police escorts--and in some cases being killed.

So the problem of compensation and rehabilitation is much larger than the quantity of money given, but you have to provide these people security and make them feel that they would be secure. And, in fact, what is happening is the ghettoization of the Muslim community. You are having division in and about the enclaves. This is a Hindu area, and that's a Muslim area, and in the local language, they talk about borders. Borders are the boundary area

[--- Unable To Translate Box ---]

between Muslim localities and Hindu localities. This the extent to which the alienation has spread; therefore rehabilitation is a problem.

COMMISSIONER TAHIR-KHELI: And this is a new phenomenon, I take it, that these borders were not there before.

MR. CHENOY: Borders increasingly from '69 onward.

COMMISSIONER TAHIR-KHELI: What are the expectations of the people themselves? I mean what is it that they are looking for at this point? You mentioned that they feel they cannot go back in some cases. What is it that they expect?

MR. CHENOY: Well, I think in the first place, they don't trust the state government, and they would really want the state government, which has violated the Constitution, to be dismissed. And they would want some kind of what we have called "president's rule," that is, rule to govern from the federal government. And they would want a much greater role for the Army in providing security, because the police have been extremely partisan.

[--- Unable To Translate Box ---]

And then, in that--in that macro backdrop, they would want to be rehabilitated in colonies, but in some areas--for example in Naroda Patia where official figures show more than 91 dead--unofficial are much higher--they don't want to go back there.

COMMISSIONER SHEA: Well, I want to thank you, all of you who spoke, the witnesses, and Ms. Setalvad for your very moving and enlightening stories and testimonies today. I would like to ask a question of Father Cedric Prakash, who has not spoken yet, and, Father, I would like to ask you to come to the table, please.

You are based in Gujarat and you're from the United Christian Forum on Human Rights. I'm aware that there have been a number of attacks against Christian minorities over the past several years as well, not on this scale as against the Muslim community and I understand that, but there have been targeted attacks, and the other witnesses made reference to that this morning.

I'd like to know if you--if that indicates, these targeted attacks on Christians are part of a piece with the attacks against the Muslim community in Gujarat, and, if

[--- Unable To Translate Box ---]

so, does that indicate a broader problem than the state government of Gujarat? And if you could comment on that, please.

FATHER PRAKASH: Yes. Thank you for the question. I am Father Cedric Prakash, and I am Coordinator for the Gujarat United Christian Forum for Human Rights, also running a Jesuit Human Rights organization based in Ahmedabad. In fact, I have just come out directly from Ahmedabad here, and I've been in the midst of a lot of what is happening.

What is taking place has already been said by my esteemed colleagues a little earlier. It's part, definitely, of a mindset of very well-planned--we are calling it genocide carnage, definitely--but definitely aimed at ethnic cleansing. The Muslims are targeted, Christians have been targeted; in fact, I have submitted to this honorable Commission already a little pamphlet that we brought out in January asking Christians all over Gujarat to be prepared for attacks. In '98 and '99 we were subject to vicious attacks, very specially in the Christian areas in which we have a lot of tribals and so on.

[--- Unable To Translate Box ---]

I, too, have been part, a victim of those attacks. I've been beaten up, bloodied by them, and what is taking place just now is definitely targeted very brutally on the Muslim community. It is not--I mean we cannot compare what took place to the Christians some years ago and what is taking place in certain areas to what has taken place just in the last three months. But I think it is not going to stop if we are talking about the already-mentioned as the Christians and Muslims being foreigners in India in spite of us being born, in spite of my own grandfather being a Hindu. I think unless there is intervention, as our honorable attorney general has already mentioned, that is no internal affairs but since human rights and religious freedom should be the concern of the global community, unless there is very positive and powerful intervention from all over the world, what has taken place and what is taking place in Gujarat these last three months is not going to stop. And, as my honorable colleagues have already mentioned, it could see the fragmentation and the division of the subcontinent not merely on ethnic lines but, I think in most gruesome

[--- Unable To Translate Box ---]

patterns in which Hindus, and one type of Hindus, this is also designated against the lower class, against the elites, against the tribals. So we have to be very clear of a mindset which has partners only, I think, and I would very strongly say, in Nazi Germany.

COMMISSIONER SHEA: Thank you. Thank you very much.

COMMISSIONER KAZEMZADEH: My question is directed to Mr. Cheney, or other panelists. I am interested in finding out whether the Hindu clergy participated in the planning and the carrying out of attacks on the Muslim community.

MR. CHENOY: Well, a section which is a relatively small section which is linked to the Vishwa Hindu Parishad, they were involved. In fact, the Chairman of the Vishwa Hindu Parishad in an interview which he later said was distorted, claimed that they made lists of the targets to be attacked on the 28th February morning.

They have the core issue now which led to this flare up in Godhra is this building of the Ram Temple, Lord Ram Temple in Ayodhya. And there they have what they call

[--- Unable To Translate Box ---]

a "tung sensa" (ph), that is a religious congregation, and there they have recruited priests and all that. So they use priests mainly in spreading their propaganda and giving it a religious-led intimation. That is their main use.

Whereas with the planning they have people who are actually criminals who plan out the entire procedure. And in the case of Gujarat, the mobs were led by people with mobile phones, and they might have been communicating with their ministers or in the police control room. It was very organized that way. The religious people, really, are the ones who appeal to sentiments, who create the environment which then leads to the blood-letting.

CHAIRMAN GAER: I wondered if I might ask a question, again focusing on the issue of what is being done by state authorities. As I understand the National Commission on Human Rights conclusions: a comprehensive failure to protect the rights to life, liberty, equality, and dignity; a major failure of intelligence at the outset; the failure to identify, when asked, local players; and a pattern of arrests that is followed, apparently, by 90 percent of the persons who have been arrested being out on

[--- Unable To Translate Box ---]

bail, in a disproportionate number or percentage. Eight percent of the--only eight percent--of the Hindus have remained in prison; 20 percent of Muslims who were arrested, as I understand the National Commission's report. A failure, gross negligence with regard to protecting judges and prominent persons whom they knew were in danger, who had sought it, and, really, the need for not only a supercop but for prosecutions and the whole system to function better.

Now, I'm wondering if any of the panelists and our guests see a light on the horizon in terms of prosecutions or past experience. And I particularly wanted to ask Father Prakash, if you could tell us what has happened with the prosecution of those who were responsible for the horrific murder of Graham Staines and his two young sons in Orissa in 1999. Is there anything you can tell us about that? Thank you.

FATHER PRAKASH: Nothing has happened. The people who are responsible for the murder of Graham Staines are still roaming scot-free. At least one of them has been arrested for some time, and now he's out (inaudible). He's

[--- Unable To Translate Box ---]

also stood to become a representative of the people with full support from the political party that had been, you know, kind of breeding such type of people.

I would like to go back to what is taking place in Gujarat. I want to reiterate what my colleague, Mr. Chenoy, has already said: We cannot talk about, say, just now the relief camps. They have 150,000 Muslims, even today, as refugees leave camps. Most of them are in the Cabrastans, the graveyards, the mosques, the masjids, and the Durga areas belonging to the Muslim community. The state provides, actually, next to nothing. There is some kind of token gesture provided to these people. But every effort has been made to send them back. The question is, where do they go if they do not have security, if they do not have justice? Security is--some of them have been living in a particular area for more than 100 years from the time of their grandfathers. Their own neighbors have been involved. Perhaps they have not been involved in the killing, but they have opened the floodgates to these mobs. Can they go back to the places which they have called their

[--- Unable To Translate Box ---]

home for so many years? Who's going to provide them with the security? What about justice?

FIRs have been filed. People of no consequence, you know, are being charge-sheeted, but big names are not coming out. These are the murderers, the rapists, the arsonists, the looters, the people who have been directing all--directly involved in this carnage. They're there, scot-free. When will justice come to our brothers and sisters in Gujarat, to our Muslim brothers and sisters? Unless we address the twin fundamentals of security and justice, I really think nothing will change.

There was a point already raised about Supercop Gill. He's there, and for us he has been saying the right gestures to the Muslim communities, to some of us. I met him on a few occasions, but the state doesn't care for him. He doesn't have any powers, he doesn't have any responsibilities. It's just a coincidence that there's a lull in the violence, but we all know that the violence has not stopped.

CHAIRMAN GAER: On that very grim note, I think we have now come to the conclusion of the time we have

[--- Unable To Translate Box ---]

allotted for this panel. I want to thank all of the panelists for these very moving, disturbing, thoughtful presentations and information. We have your statements. We will take this very seriously into account.

We need to move now to our second panel, so I'm going to ask that we take a two-minute break while the second panel takes its place, so that we can begin quite promptly. Thank you.

[Brief recess.]

CHAIRMAN GAER: Ladies and gentlemen, our second panel will discuss the future of communal relations in India and the United States Policy response. We have two distinguished persons who will present testimony. Mr. Sumit Ganguly is professor of Asian Studies and Government at the University of Texas at Austin, where his work has focused on regional security, foreign policy, and arms control in South Asia, and ethnic violence in Southeast Asia. He has published extensively on these subjects in a variety of professional journals.

Also with us is Robert Hathaway, who is the Director of the Asia Program at the Woodrow Wilson Center

[--- Unable To Translate Box ---]

for Scholars. Prior to the Wilson Center, Mr. Hathaway served for 12 years on the professional staff of the International Relations Committee of the House of Representatives, where he specialized in American foreign policy towards Asia. He has authored three books and numerous articles on U.S. foreign policy. We welcome you both and are grateful that you could join us this morning.

I understand that Dr. Ganguly has to leave by or before 11:00 this morning, so we will hear his testimony first, followed by questions for him, and then after that we'll turn to Dr. Hathaway.

Dr. Ganguly, please proceed with your remarks.

DR. GANGULY: Am I audible now? I wish this was a more felicitous occasion. Alas, it is not. That said, let me turn fairly directly to my testimony. I am going to deal with three issues in the course of my testimony. First I will talk about the causes, the reasons for the rise of religious intolerance, particularly in the recent past in India. I'll talk about possible policy responses to the rise of religious intolerance, and then finally talk

[--- Unable To Translate Box ---]

more specifically about the kinds of policy proscriptions that one can outline and one might adduce.

To begin with, about the causes of religious intolerance. There's a certain irony to this. The irony lies in that in large part the rise of religious intolerance in India in many ways--and this is completely counter-intuitive--has to do with the process of democratic deepening in India. We are witnessing, essentially, the depth of an existing social order in India, a social order that privileged certain segments of the population over others. As a consequence of the franchise in India over the last 40 to 50 years, increasing numbers of minorities and people from the lower rungs of the social order are beginning to express their demands in the electoral arena, and they're increasingly suggesting that they are not going to be at the short end of the stick. As a consequence, this is challenging the authority and the writ of significant numbers of people who have benefitted from a particular hegemonic social order, and that social order is fundamentally in a crisis and, as a consequence, you're

[--- Unable To Translate Box ---]

witnessing a certain kind of backlash from important segments of the majority community.

That's at the broadest level. At another level, in an attempt to forge a monolith, in an attempt to solidify the existing Hindu majority in the country, a number of politicians have resorted to various forms of scapegoating, have resorted to all manner of bigoted appeals, primarily as a way of solidifying their political base. Ironically, this is a product of electoral politics and hardly unique to India. We have seen this in other parts of the world, and, sadly, in our country on occasion, too. But in India, it assumes a particularly virulent form and particularly vulnerable minorities are the targets of this form of ethnic and religious scapegoating.

Finally, and now I tread very gently on ground where it's very easy to be misconstrued, but it's very important as a scholar and an analyst to focus on this issue, and that is on some of the shortcomings of Indian secularism. The failure on occasion to address individual rights and the privileging of group rights on particular occasions, I can give you chapter and verse of examples

[--- Unable To Translate Box ---]

thereof which are then seized upon by the BJP and by its allies to suggest that secularism in many ways is privileging various minorities at the cost of the majority.

We have heard similar language in the United States in the course of debates about affirmative action and the like, and legitimate grievances about the shortcomings of secularism are often amplified in the political arena, are embellished upon in the political arena, and utilized as a way of suppressing the legitimate right of minorities. But on this issue I don't want to dwell at greater length, but leave it to the Q and A because I want to keep my remarks confined to the time that I have been allotted. But I'll be happy to provide examples thereof to flesh out this general proposition.

Responses. To begin with, let me be absolutely, unequivocal on one issue, and that is that one must in no uncertain terms condemn the rise of this form of religious intolerance and violence. There can be no truck with this whatsoever. Let me be absolutely categorical about this: This is appalling, it is loathsome--words fail me. I need not go into gory detail, others have done that with

[--- Unable To Translate Box ---]

considerable effect and with much greater authority than I can possibly muster. I am merely an academic and an analyst. There are others in this room who are activists and who have tried to actually ameliorate the conditions to whatever extent they can on the ground. Let me simply join in that chorus of condemnation.

On a broader, more abstract point, let me also emphasize that our response must be to emphasize that secularism and democracy in India are inextricably intertwined. You cannot have democracy in India unless secularism persists. Secularism is absolutely essential in a plural, multi-religious, polyethnic society. Otherwise you end up with what Fareed Zakaria has so eloquently called illiberal democracy, democracy which, essentially, enshrines the rights of the majority while not protecting the rights of religious and ethnic minorities. So one cannot possibly have secularism and democracy somehow separated. The notion of a democracy in India that does not enshrine and guarantee secularism is a proscription, in my view, for disaster.

[--- Unable To Translate Box ---]

Finally, to turn to questions of policy proscriptions, what do we do? What, exactly, can be accomplished? And here again, I will speak with considerable candor. Given our own checkered history and our imperfect present and, frankly, I'm constrained to mention that our present is imperfect, because yesterday I was subjected to the most vicious form of ethnic profiling at Chicago's airport, and probably someone violated the Americans With Disabilities Act because all my diabetic supplies were displayed on a platter, and I was told that I had to wear a bracelet identifying that I am a diabetic.

I called my wife on my cell phone, not to be overly self-referential or dramatic, but I think this bears hearing out, and my wife went to the FAA web site immediately and called me back and said there is no such regulation, they're inventing this. I daresay, I suspect I was pulled out of the line for the color of my skin and not the content of my character. And no apology, by the way, was forthcoming from United Airlines or the not-so-bright security folks.

[--- Unable To Translate Box ---]

To go back to the subject of my testimony, so we do have an imperfect present, and it needs to be underscored, particularly in this forum. We certainly should chide India and chide India in fairly sharp language.

I think that red light is a warning. I'm rapidly coming to a close.

But publicly hectoring India I don't think is going to produce the results that we so ardently seek. I think it would be quite infractious to do that; instead-- and I took a peek at Bob Hathaway's testimony, he and I are in substantial agreement about how to proceed and without stealing his thunder, there are two or three areas which I had also identified. One is, I think, hearings of this nature certainly, which are widely reported in India particularly by the ex patriot press, are often extraordinarily salutary, have a salutary effect.

In addition to this, one should with various nongovernmental organizations, many of whom are represented here today, and also with an organization which I had initially written off as a completely toothless body, but,

[--- Unable To Translate Box ---]

subsequently, have been forced to eat crow, and that is The National Human Rights Commission, which is actually done fairly human service in terms of revealing the depths of the horror that visited Gujarat and other sections of the country. So I think working with these entities and organizations provides us useful avenues and opportunities to try and change the state, the sorry state of religious rites in India at the moment. Thank you very much for this opportunity.

CHAIRMAN GAER: In view of the time factor, we'll now turn to questions for Dr. Ganguly. Would anyone like to begin?

COMMISSIONER SHEA: Yes. Thank you very much for your testimony and your insights. I wanted to pursue a little bit the point about not speaking out and having official condemnation by U.S. government officials of what's going on in India. Is that what you were suggesting, that there should not be this public diplomacy, but maybe a quiet diplomacy instead would be a better course? Given, in addition to the other two points you mentioned, of course, exposing and writing about it.

[--- Unable To Translate Box ---]

DR. GANGULY: I think quiet diplomacy is much more likely to be successful, because public hectoring can very easily be used--"used" is not the right word-- exploited in the public arena, particularly in electoral politics, and then you can sort of tar and feather certain groups by saying that these groups, essentially, constitute a Fifth Column, that they are being supported by their American allies. You know, there are--and then, of course, it goes back to certain rather unsavory elements in Indian political culture, you know, this is sort of the foreign hand at work. This is something that harks back to the rather dark days of a particular prime minister who will go unnamed, who was quite fond of raising the prospect of a foreign hand.

One may actually end up undermining one's cause rather than furthering one's cause. It's simply a matter of tactics and strategy rather than substance. Let me be quite clear that on the issue of substance, I don't think there's any disagreement whatsoever. I don't know if I've addressed your question adequately.

[--- Unable To Translate Box ---]

COMMISSIONER SHEA: Yes, you did, thank you. I also wanted to ask another one, which is that the previous panel mentioned the money flow to extremist elements in India from here. Are you aware of that, and do you want to share any information about that with us, the names of the groups or the foundations that may be channeling this money, for example?

DR. GANGULY: There are rumors that I have heard which float in every major city in the country where there is a substantial Indian-American community that--but I have to be very careful because one does not want to tar and feather an entire community because that's completely unfair and completely inappropriate, and factually wrong. But, yes, there is, not unlike other ethnic groups--the Irish come to mind during the troubles, who sent money to the IRA. Similarly, there are people who feel that they are probably either completely innocently sending money to groups which think that they are supporting cultural and social issues whereas the money may be going to extremist organizations.

[--- Unable To Translate Box ---]

I don't know, and I'm not being coy about this, I honestly don't know the names of particular organizations that might be involved, but there are--rumors are rife that, yes, money does change hands.

CHAIRMAN GAER: I wonder if I could ask you--you spoke about the National Commission on Human Rights. In its conclusions, the Commission identifies a whole range of existing laws, and provisions, circulars, and guidelines that already exist in the penal code, in the Code of Criminal Procedure, the Police Act, the National Security Act, as well as a variety of guidelines to promote communal harmony. The Commission emphasizes what they are.

Now, from what we have heard from our panelists before and from what you are indicating in your testimony as well, the question arises that it appears this is not an issue of the law but an issue of will. And my question is whether the actual implementation of these laws would be enough to address the situation in Gujarat and the problem of communal violence? And what measures do you think the central government, if any, should be taking at this time?

[--- Unable To Translate Box ---]

DR. GANGULY: There is a plethora of law that could be applied with considerable force. It's not the dearth of the legal system, it's not the dearth of a legal structure. It's simply, as you very correctly put it, it's a matter of political will. It's a matter of implementing what already exists on the books. If one looks at the legal system and if one looks at the plethora of safeguards that exist, it would be a model of communal harmony if one could impose these things with some degree of vigor. But the tragedy is, all too often these things are not implemented with vigor and, worse still, in the case of Gujarat, as reporting in magazines like Outlook and Frontline have revealed, there was actual complicity and unwillingness to send out police when the occasion demanded.

A police commissioner, according to a story in Outlook, was countermanded by none other than the chief minister. I'm citing the story. I can't vouch for its veracity but, certainly, I'm citing the story that was reproduced in Outlook magazine which suggested that the police commissioner, when he said that I have to send out

[--- Unable To Translate Box ---]

pickets to ensure that people who are vulnerable are protected, he was apparently overruled. So it's not a matter of the existence of laws and mechanisms; it's a question of finding the requisite will.

Let me add one thing, parenthetically. I think that under the Indian Constitution there was enough grounds to dismiss the Modi government under Article 356 of the Indian Constitution because, clearly, even someone deaf, dumb, and blind would be able to tell that there was a breakdown of law and order. And that's essentially the criterion that can be invoked by the national government to dismiss a state government. And, clearly, there was a corpus of evidence that suggested that there was an abject breakdown of law and order. So there's a long-winded answer to your question.

COMMISSIONER TAHIR-KHELI: Thank you very much, and thank you for your comments. Good to see you. In the context of your question of which one has also heard elsewhere that it is important to chide but not to hector, and, in other words, do this privately, but let it not become a public event. But some of this, of course, will

[--- Unable To Translate Box ---]

become public because hearings will, and there are other issues that will, become public.

This morning's comments, as well as what you've said, sort of point out the importance of a couple of things: the very strong tie between secularism, democracy, and the strength of India, and that events such as those in Gujarat tend to be a blot against all of those. There is also, of course, the issue that was brought up this morning about external funding, some innocently for religious purposes, undefined, but given the charters of some of the groups, how innocent that is, one doesn't know. So the tie is likely to become public. Some of us who work on these issues in this country, as concerned people but with ties and interest in that part of the world, come under a fair amount of attack by the same groups here, those, you know, who don't like the fact that this is something that runs against the grain of what one believes should be happening.

So with those kinds of issues in mind, what would be the content of this private entreaty to the government of India, because, after all, the United States has an important relationship for India. One has heard a fair

[--- Unable To Translate Box ---]

amount about the world's largest democracy and the world's oldest democracy. Surely, secularism is very important to both democracies, so in making that case, which I think needs to be made, what would be the content?

DR. GANGULY: I think it's implicit in your question. The relationship with the United States for India is extraordinarily invaluable. You know as well as I do, if not better. And as a consequence, making clear that elements of that relationship could be at risk if one sees a repetition of things like Gujarat, and Gujarat, of course, is the most extreme manifestation thereof. There are, every day, manifestations of that in terms of prejudice, of harassment and the like. And these are the kinds of things that one should also focus on. One should not elide over them. Gujarat, of course, is the most dramatic, most gripping, the most horrifying manifestation thereof, and one should not wait for a Gujarat to occur before our gaze is transfixed.

So I think there are ways of transmitting this message that a robust relationship with the United States will not be possible if a segment of the population, in

[--- Unable To Translate Box ---]

effect, do not constitutionally but, in practice, is disenfranchised, is treated in a fashion that does not benefit citizens of India. And that is a message that can be conveyed in fairly blunt terms, and I think that's a message that's likely to be heard in some fashion.

In addition to this, of course, I would also argue that one should not give up on other avenues. The other avenues are equally important. And, finally, in terms of money being transferred, to the extent that it violates American domestic law, I think there are means of redress that one can resort to in this country that, if, particularly in the wake of recent developments, if the money is, indeed, not going toward social welfare and charitable purposes but for the promotion of extremist propaganda, and, worst still, the condoning of violence, there are--I think there's enough of a legal basis to put an end to that from the source.

COMMISSIONER TAHIR-KHELI: I'll just ask a follow-up. Is it your impression that such a blunt message has not been conveyed between the two governments, or at least one?

[--- Unable To Translate Box ---]

DR. GANGULY: I'm simply not in a position to answer that question. I'm not being coy; again, I just don't know since I'm not privy to that kind of counsel.

COMMISSIONER SHEA: Yes, professor, I'd like to ask a follow-up question to Dr. Tahir-Kheli's about the content. Should the United States be pressing India, for example, to replace the police in Gujarat with the Army, or to put the state under international rule at this point? Is that something that could be part of the message, specifics about how to walk this back?

CHAIRMAN GAER: Particularly, in view of the unanimous resolution calling for the central government.

DR. GANGULY: It's a very, very ticklish issue, and again, I will bring to bear in mind understanding and knowledge of Indian politics, and I'm not going to be guided by notions of political correctness here, and instead be guided much more by my knowledge of political sensitivities. That's precisely why I'm here today. If you start--not you, in particular, I don't mean the Commission, I mean the U.S. government--if the U.S. government starts going down the road of suggesting whether

[--- Unable To Translate Box ---]

or not a state government should be dismissed, that is like stepping on not one land mine, it's like stepping on several at the same time, because that gets into this very ticklish issue of where does one's condemnation of human rights violations end and where meddling in another country's internal politics begin. And this is an issue which is of exquisite sensitivity in India. And you will see other political parties closing ranks on this issue with the BJP. And so it's a matter of tactics again about how you are likely to achieve the most successful outcome. And I would actually be opposed to the deployment of the Army. I'll tell you why. Even though in the short run it's highly successful, in the longer to medium long-term, that's actually a very pernicious development because once you start involving the Army in suppressing communal conflict, there's a real danger which several chiefs of staff of the Indian Army have underscored in their valedictory addresses: We should not get involved in shooting at our own population. This is the quickest way of sowing discord within the Indian Army. That's the last thing one needs. One caught a glimpse of this after

[--- Unable To Translate Box ---]

Operation Blue Star in 1984, when perfectly loyal men and officers of the Indian Army who were Sikhs then deserted or went absent without leave, has been one of the first occasions that happened because there was a sense that their faith was being attacked. And there's a real danger.

Instead, what I would suggest is local police forces should be held accountable, and that doesn't mean just transferring the local Indian police service officer, or transferring the local IS officer and then suggesting that all is well. But some notion of accountability that if these things happen under your watch, then we would demand an explanation. And the government is the one that has to demand that explanation that these things are intolerable, that these are the kinds of things that simply cannot take place under your watch. And simply doing musical chairs after the event is not the adequate response.

CHAIRMAN GAER: I want to thank Dr. Ganguly for joining us and for sharing those views. If you can stay a little bit longer, we welcome it.

[--- Unable To Translate Box ---]

We now turn to Dr. Hathaway who has been most patient and who we warmly welcome. Please proceed.

DR. HATHAWAY: Thank you, Madam Chair and members of the Commission. I appreciate the opportunity to be with you this morning. I spent many years working out of an office in this very building, and so there's something of an element of homecoming for me. But whatever pleasure I might otherwise take from that is, of course, eliminated by the reasons we gather here today.

I wish to specify that I testify here this morning not as a representative of the Woodrow Wilson Center but in my private capacity as a long-time observer of India and of the U.S.-India relationship. I have been asked to try to place the recent events of Gujarat into a broader context, particularly with a focus on the future of the U.S.-India relationship, but before turning to that task, I wish to add my voice to those of the previous witnesses who have already expressed our profound shock and horror and deep sadness at what has transpired in Gujarat since the end of February. Those responsible for this great tragedy, either because of what they did or, in many

[--- Unable To Translate Box ---]

cases, because of what they didn't do, their failure to take action which might have prevented greater bloodshed truly merit the condemnation of the world. One would hope that government authorities in India would now move decisively to prevent further bloodshed and destruction and to address the grievous needs of the thousands or the tens of thousands who have been displaced by the violence in Gujarat. This would seem the bare minimum we should expect of India in the days ahead.

Madam Chair, I have a written statement that I would ask be made part of the official records. Since my time before you is limited, I don't intend to read it, I don't intend even to summarize many of its points. Instead, I propose to say first a word about the impact of the Gujarat tragedy on the India-U.S. relationship, after which time I will then move to some of the recommendations contained near the conclusion of my formal written statement.

Commission members will not need to be reminded of the tortured history of U.S.-India relations over the years, or the difficulty that the two countries have had in

[--- Unable To Translate Box ---]

working together, even at those points when their purposes and their interests seemed to be running along parallel tracks. But over the past half dozen or so years, and not withstanding the traumatic jolt to the relationship caused by India's nuclear weapons test in 1998 and the subsequent imposition of American sanctions, nonetheless over the past half-dozen years Washington and New Delhi have moved to construct a qualitatively better, more mature relationship, so much so that Prime Minister Vajpayee has come to describe the relationship between the two countries, or describe the two countries as natural allies, a phrase that many Americans are now using as well.

Following the tragedies in this country of last September 11, India was one of the first countries in the world to step forward with a pledge of unconditional and unambivalent support for the United States. Prior to the bloodshed in Gujarat earlier this year, this new and happier relationship between the United States and India was widely viewed as in the American national interests. Gujarat has not changed this fact. There now exists in this country a widespread consensus that India's too

[--- Unable To Translate Box ---]

important for the United States to treat it with the disdain or the indifference that in the past was frequently our custom. Again, the horrific events in Gujarat has not altered this calculation.

And yet, it is neither possible nor practical for us simply to move forward and pretend as if Gujarat did not happen. The United States, as my friend Sumit Ganguly has already said, has a keen interest in seeing India strengthen and further institutionalize the forces of secularism and toleration and moderation within India. Indeed, if Prime Minister Vajpayee's phrase "natural allies" is to have any meaning at all, it will be only within the context of a shared value system between the two countries and the two peoples; or, to put it another way-- and I think this is really my bottom line: Should Americans come to think of India not as the land of Mahatma Gandhi, but as the land of Gujarat. Then it will be very difficult for this administration or any administration here in Washington to build the public support and the political support necessary to sustain a long-term collaborative relationship with India.

[--- Unable To Translate Box ---]

Moreover, at this particular moment in history, it is especially important for the United States not allow the impression to take hold that Americans somehow value a Muslim life less than the life a person of another religion. In this sense, there exists a direct linkage between Gujarat and the global war against terrorism. As the members of this Commission know, there are so many in the Islamic world who assert that the present war is a war directed not against terrorism but against Islam. There are some who argue that we seek to use the tragedies of September 11 to carry out our long-desired plans to suppress or repress the Islamic world. These, of course, are detestable lies, but many in the Muslim world are prepared to believe them. So I think it behooves us for the United States, and particularly for the friends of India in this country, to speak out to condemn intolerance and hatred, to lend support to those Indians of all religious beliefs who are working to redress the wrongs that have been committed, and to encourage the moderates and those who believe in a just, secular, multicultural India.

[--- Unable To Translate Box ---]

Now, I see that my time has expired. With the Chair's permission, I would simply like to highlight a couple of the recommendations that begin on page 8 of my written statement in the hope that perhaps the Commissioners will see fit to read them in their entirety at a later point.

Recommendation No. 1: This Commission should call upon the government of India to take decisive steps to stop the killings and other communal violence that continue to this day. As tragic as the violence up to now has been, even more tragic is the fact that violence and murder continue. The United States and this Commission should make clear their belief that Indian authorities must act immediately to bring violence to an end.

Recommendation No. 2: The United States and concerned Americans should work with the central and state governments of India, with international agencies, and with Indian American and other nongovernmental organizations to provide relief for the victims of the violence in Gujarat. This is a matter of some urgency. Conditions in many of these refugee camps are already grim, but worse is to come

[--- Unable To Translate Box ---]

as the monsoon season is approaching and with the rains further misery including the inevitable epidemics.

Recommendation No. 3--and I'm not going to list all 10 of them, but I want to emphasize these.

Recommendation No. 3: Senior U.S. officials in India, including the American ambassador, should undertake high visibility actions to demonstrate America's sympathy for the victims of the Gujarat carnage. Such actions might take the form of a visit to a Muslim refugee camp or to one of the Muslim neighborhoods that have been destroyed in the violence.

Skipping to Recommendation No. 6: The United States and private individuals should work to strengthen those individuals and organizations within India that are trying to promote tolerance and communal harmony. I would simply echo what others have already said about the good work of the Indian National Human Rights Commission. We, and I would hope this Commission, should indicate support for the recommendations of this Commission and our expectation that the Indian government will make a good faith effort to carry out those recommendations.

[--- Unable To Translate Box ---]

No. 7: Those Americans who are publicly identified as friends of India should take the lead in condemning the violence in Gujarat. I must say that I have been somewhat dismayed that more of India's friends in this country, and particularly in the U.S. Congress, have not publicly addressed these issues, not to criticize so much, not to condemn, but to make it clear that the United States and the United States Congress care about all Indians, not simply about the Hindu majority.

And lastly, Madam Chair, Recommendation No. 10-- and this gets to what we've already talked about--the Commission should recommend a formal inquiry into the fund-raising activities in the United States by groups implicated in the Gujarat violence. We have seen, we have heard a number of sources suggesting that some U.S. residents make financial contributions to overseas religious groups in the belief that their funds are to be used for religious or cultural or humanitarian purposes when, in fact, the monies so raised are used to promote religious bigotry. The United States has acted in the past to regulate or even to ban fund-raising activities by

[--- Unable To Translate Box ---]

groups advocating violence or intolerance as well as activities where fraud may be an issue. It is possible that such issues come into play here as well.

Madam Chair, this concludes my oral testimony. I thank the members of the Commission for the invitation to appear here this morning, and I stand ready to work with them and with members of the staff on these issues in the days ahead.

CHAIRMAN GAER: Thank you very much. I want to also commend you for your testimony, your written testimony, which I did read in advance and in full, and it really is very rich. And your recommendations, as well, offer us much to consider.

I wanted to pursue, if you like, a thread from Dr. Ganguly's remarks as well, which is the question of the degree to which one intervenes in politics or addresses human rights with the national government. In your second recommendation, you encourage the United States and concerned Americans to work both with the central government and with state governments. And as you know well, the U.S. does not normally conduct its bilateral

[--- Unable To Translate Box ---]

relations with state governments but, rather, only through central governments. And I'm wondering if you had something else in mind here when you indicated this, and if you think, in fact, there should be direct--a more direct engagement with regard to the state government.

DR. HATHAWAY: Well, the first thing to say is to point out what we all know, that India enjoys a federal system much like our own in which some responsibilities are carried out by the center, but many important responsibilities are carried out by state governments, so if one concentrates only on the center, there are important things that won't necessarily get done. You reference my second recommendation, and I would simply remind you that it's a double subject. The United States and concerned Americans should work with the central and state governments.

I'm inclined to think that there's not a major role for the U.S. government, in a formal sense, to work with the state governments, but certainly in an informal fashion and, certainly, groups and organizations and private individuals can work with, make their views known

[--- Unable To Translate Box ---]

to state governments, particularly in this case where it appears that persons of authority at the state level have been negligent or complacent in encouraging the violence, or at a minimum in not taking steps to prevent the violence. I think it entirely appropriate for this Commission, as an example, in a report, in a set of recommendations, to send a message not simply to New Delhi but also to the state government. That's what I had in mind.

COMMISSIONER TAHIR-KHELI: Thank you for that very extensive list of possible recommendations in terms of U.S. policy. As you know, part of our charge is to actually make recommendations both to the executive and the legislative branch in terms of policy outcomes.

Is there any other way of making a statement, be it private or otherwise via, for example, the business community? Gujarat is one of those progressive states, one thought, on all spheres. It's one which has been economically quite dynamic, and as the sad sort of exodus of Americans from the region has started for other reasons, but nonetheless sort of the tie-in between political

[--- Unable To Translate Box ---]

events, be they communal, be they otherwise, and the notion of attracting American business, which is a very much sought after goal, and where there is some kind of a tie-in there that one can find helpful in trying to reach the state governments through those who might be interested or kind of be invested in Gujarat.

DR. HATHAWAY: As I've already suggested, I think those in the United States who are viewed by people in India as particular friends have an especial obligation to address this set of issues. I entirely agree with Professor Ganguly that, if we wish to be effective, as opposed to simply feeling good, there are clear limits as to what we as a government can say publicly. But to the extent that we refrain from expressing moral outrage in a public fashion, I think it's all the more essential that we speak, and particularly that people regarded as India's friends, speak privately and candidly.

There's been a great deal of celebration of the new friendship between India and the United States in the last few years. I would simply ask what sort of friendship is it if friends cannot speak candidly to one another. And

[--- Unable To Translate Box ---]

here I think your suggestion that the business community might have a role to play here is a particularly good one. Members of the business community will frequently say, well, this isn't our function. This has nothing to do with our principal obligation to our stockholders to show a profit; but, in fact, I think that, too, is a shortsighted view of things. If the message is to the state's leadership in Gujarat, that if you value a vigorous economic partnership with the American business community, if you want to encourage American money to come to Gujarat, if you want to promote trade in a way that advantages Gujarat business people and workers, then you simply can't have your state in turmoil, and you particularly can't have a situation where it appears to many independent observers that the state authorities are complicit in this violence.

So I think you're entirely right that there is a role for the business community, and then I would simply add, underscore what I've already said: There is now on Capitol Hill a very large group of members of Congress who are widely and publicly viewed as friends of India and as strong supporters of the U.S.-India relationship. This, I

[--- Unable To Translate Box ---]

might say, is a dramatic departure from the way things were 10 or a dozen years ago. And I think it's these members of the Congress who also should be speaking out, sometimes publicly, but frequently privately, simply saying if we have a recurrence of these tragic events, particularly if Americans come to believe that senior government officials at the center or at the state level are facilitating this violence or by not taking action are making this violence more likely, this is simply going to make it impossible for us to have a meaningful collaborative partnership. So, yes, I would agree with you.

COMMISSIONER FIRUZ KAZEMZADEH: Would it be useful to raise the issue of anti-Moslem, antiminority violence with the United Nations Human Rights Commission?

DR. HATHAWAY: I think I would be less inclined to pursue that track for reasons which I briefly address in my written statement and that Professor Ganguly has also addressed. There's a difference between trying to make a difference and simply trying to make ourselves feel good. And I think as soon as this issue is elevated in that sort of highly visible, highly public way, it puts India, it

[--- Unable To Translate Box ---]

puts the government of India, it puts Indian--individual Indians on the defensive, particularly, given the very difficult relationship between the United States and India for many, many years where we did, in fact, conduct a great part of our relationship primarily by hectoring, by lecturing, by adopting an air of moral superiority--both sides did. I think many people in India would now view taking this issue to the Human Rights Commission of the United Nations as a return to the bad old days. And it would probably be counter--it would not be productive.

That having been said, we have a number of audiences and not simply the Indian government or the majority community in India, as I've already suggested and as I suggest at greater length in my testimony, my written statement. We also need to make sure that Muslims around the world, beginning in this country but elsewhere as well, know that we are deeply concerned by the events of Gujarat. That's why, or one of the reasons, I think, why I suggested that Ambassador Blackwill in New Delhi take some highly visible action such as tour of neighborhoods, Muslim neighborhoods destroyed in the violence so as to publicly

[--- Unable To Translate Box ---]

underscore that we care about the minority communities in India and to try to counter the impression that is widely held in some Islamic societies that we really are anti-Muslim.

So I think I would not be inclined to follow that particular course in so long as we're taking other actions that convey the same message that perhaps hold the promise of being more effective.

CHAIRMAN GAER: I'm struck a little bit by this discussion about the United Nations, and I wanted to pursue it slightly. I've seen that quite a few different groups have appealed to the High Commissioner for Human Rights, sent letters, made other appeals and commented asking for some kind of statement of concern. To date, there has been to my eye not one coming from that source.

Now, there was, however, a meeting of the working group on minorities, no the protection of minorities, which is a subgroup of a subcommission of the Human Rights. In my opening remarks I referred to the fact that Attorney General Soli Sorabjee was there and spoke about the problems of the protection of minorities and the protection

[--- Unable To Translate Box ---]

of rule of law. But if we go back to the High Commissioner and to the Commission on Human Rights, surely these are places where every country is fair game, every country's concerns are to be discussed and the search for solutions should be one that is wide and deep. I'm wondering why, Dr. Hathaway, you would think the ambassador of the United States should be very public and very visible in the country but the international body most concerned and with a mandate to do that should be muted in its voice. I'd be grateful if you could clarify that.

DR. HATHAWAY: Well, I appreciate the question because, obviously, I did not--I gave the wrong impression. I assumed the question, the previous question, suggested a leading role for the United States in sponsoring such a resolution of concern or condemnation and, therefore, I thought it probably would not be effective.

If, however, the U.N. Commission on Human Rights were to take up this issue in a way that it did not appear to be acting at the behest, primarily, of the United States, then, in fact, I think this would be a very constructive action. I think it's terribly important that

[--- Unable To Translate Box ---]

people in India understand that this is a matter of grave concern to the international community, to the world, and certainly the U.N. Human Rights Commission is the appropriate forum to deliver that statement.

So I think I was addressing with the previous question a much more narrow question as to whether or not it should--a resolution should come first of all, or primarily, from the U.S. government. If it is seen as a more general expression of concern, I think that's entirely appropriate, and I would applaud such an eventuality.

CHAIRMAN GAER: Thank you. Dr. Ganguly, I see you're trying to get our attention.

DR. GANGULY: I'm afraid I have to take your and the Commission's leave, but before I part, I would like to underscore two things that Bob has said. I like his particularly calibrated answer to Professor Kazemzadeh's question about raising this before the United Nations Human Rights Commission, and particularly his subsequent clarification, which I thought was extraordinarily useful.

But I want to return to an earlier theme that he raised and simply reinforce and bolster what he said. We

[--- Unable To Translate Box ---]

need to bear in mind that under the constitutional dispensation of India, law and order is a state subject. So if we are to have the greatest effect, one needs to find avenues to approach state governments, which are responsible for such egregious breaches of human rights. While one can press the central government, there's a subterfuge the central government can fall back on, and that is to say, well, it's a local problem and, you know, we have done all we can in terms of expressing our displeasure but, ultimately, you know, this is a federal system. This can become an effective guise for not taking appropriate action, so I think Bob's emphasis on working with local governments and state governments to bolster the rule of law is vitally important, and it's something we should not lose sight of.

CHAIRMAN GAER: I'm wondering, in the first panel we had some points raised about the region as a whole and the impact and the way this would play out in terms of communal violence and human rights violations in other parts of the region. And I'm wondering if, Dr. Hathaway, you think that is an issue that we should watch carefully

[--- Unable To Translate Box ---]

in determining recommendations with regard to this situation which we've been concerned with here today.

DR. HATHAWAY: Madam Chair, I would be very surprised if this Commission was not watching it carefully, so, certainly. I hope you are, I assume you are, I applaud you for doing so.

The pattern of relations between the various communities in South Asia, not simply the Hindu-Muslim interaction but others as well, not simply in India, not simply in India and Pakistan, but throughout the region, it's a very, very fragile and delicate pattern. We sometimes forget that though India is majority Hindu state, it contains a Muslim community that may number as many as 150 million, which would then make it perhaps the second largest Muslim state in the world, after Indonesia. It's not simply Gujarat where there are difficulties. Moreover, it is not simply the Muslims of Gujarat or the Muslim community of India which is vulnerable to violence by majority communities.

And so I would think that as we look and consider this very, very serious problem and consider an appropriate

[--- Unable To Translate Box ---]

American and international response, the Commission would be well-advised to keep the larger extra India or regional dimensions of this problem in mind.

CHAIRMAN GAER: Well, we have come to the end of a very rich and very disturbing series of testimonies and presentations of information and recommendations. I want to thank all of the panelists for their very thoughtful help. The Commission will be reviewing this material and using it to help formulate its recommendations. As we indicated here, I think most clearly of the words of Mahatma Gandhi, who indicated and repeatedly indicated not only the problems that such incidents cause, but also the way out and the solution. He remarked that, "Peace will not come out of the clash of arms, but out of justice lived and done." That is our hope. We appreciate your contribution as we work towards that very goal. Thank you.

[Whereupon, at 11:31 a.m., the hearing was concluded.]

- - -