

## *Human Rights Defenders Alert - India*

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Special Rapporteur on the situation of human rights defenders,

Mrs. Margaret Sekaggya

c/o Office of the High Commissioner for Human Rights – Palais Wilson

United Nations Office at Geneva

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Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – India: Gujarat-Ahmedabad-RTI activist and Godra riot witness Nadeem Saiyed slaughtered – Reg***

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders.

It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the gruesome murder of Mr. Nadeem Saiyed an RTI activist and a witness of the Godra riot incident.

### **Incident**

According to the information received, Nadeem Saiyed, 38, a social worker known for his opposition to various illegal activities in Juhapura area of Ahmedabad, was hacked to death early on 5<sup>th</sup> November 2011 (Saturday) morning at the main Juhapura crossroads. The RTI activist, who was also an eyewitness in the Naroda Patia riots case, was stabbed 25 times with a butcher's knife and axes.

Incidentally, the spot where he was murdered is barely 100 meters from the Juhapura police chowki but the police say they had no inkling of the savage attack.

Sources say that a crowd of around 200 people had gathered when Saiyed was attacked and butchered but no one came forward to help him. The outspoken Saiyed is believed to have fallen victim to people involved in cow slaughter and other illegal activities. On November 5, 2011 morning, Saiyed left his house at Anwar society between 7.30 and 7.45am.

This was his daily routine. He used to have tea and browse through newspapers at a vendor's shop close to his house. The police said that, on Saturday, too, he was following his daily routine when four or five people suddenly appeared and stabbed him with axes and a butcher's knife. Saiyed was rushed to VS hospital by Ahsas Pathan, the newspaper vendor, but he was declared 'brought dead' by the doctors at the hospital. As Saiyed was a witness of the Naroda Patiya riots in which 95 people were killed during the communal violence on February 28, 2002, he was given special police protection. However, the policemen deployed for his protection were not escorting him at the time of the incident.

The gruesome murder has once again sparked off a controversy about policing in the state. Saiyed was also suspected of being a police informer. He is believed to have informed senior police officers that the people who were arrested following a recent incident in which a police vehicle was torched while trying to rescue cows brought for slaughter in Juhapura, were not the real culprits.

Sources in the police claimed that Saiyed had also passed information to senior police officials that the real offender in the cow slaughter case was Md Sharif aka Kalu Gardan (Kalu the neck), a dreaded criminal of Juhapura. The sources said that someone in the police had leaked this information to Gardan who, incidentally, has acquired this nickname allegedly because he cuts off the necks of his victims.

However, Saiyed's father, Md Akbar Ali, 68, has lodged an FIR with the Vejalpur police in which he has blamed Firdos Mulla and Mushir Bachcha for his son's murder. He has stated in the FIR that Nadeem was murdered by contract killers hired by the duo. The case has been handed over to the crime branch which is believed to have picked up four people for questioning, including Firdos Mulla.

### **Slain Nadeem Saiyed was threatened by goon**

Investigating the murder of RTI activist Nadeem Saiyed, the Gujarat police on Sunday questioned gangster Mehboob Senior. During the probe, crime branch officials found that Senior, a local don of Kalupur area, had called Saiyed four months ago and threatened him.

After the cold-blooded murder of Saiyed on Saturday, Senior came under the crime branch scanner during preliminary investigation.

According to them, Senior, also an accused in the Kalupur building collapse case, called Saiyed on July 3 this year and asked him to withdraw from the Naroda-Patiya massacre case.

When Senior called him and threatened him, Saiyed was sitting at the residence of his friend, Jayrajsinh Parmar, in Narayan Park area.

After receiving the call from Mehboob on his mobile phone, Saiyed approached Navrangpura police to lodge a complaint against him for the threat call. However, Navrangpura police asked him to approach Gujarat University police.

However, Saiyed's complaint was not registered by Gujarat University police station either. The Crime branch also learned that it was only after the intervention from a DCP that Saiyed's complaint was finally lodged at Gujarat University police station on August 4, but no action was taken against Senior.

To get some leads about the motive behind Saiyed's murder, the crime branch grilled Senior regarding the threats he had made to him. However, Senior told the officials that he had only 'requested' and not threatened Saiyed to pull his hand out of the Naroda-Patiya case. Senior also told the officials that he had nothing to do with the activist's murder.

Crime branch also traced the number from which Saiyed was threatened in July. The mobile number belonged to one Irfan Shaikh, a resident of Saudagar ni pol in Kalupur area. Shaikh also confirmed that the number belonged to him, but it had been used by Senior for a long time.

The crime branch is now investigating the motive behind the call by Senior.

Gujarat police failed to protect their informer, the whistleblower of Juhapura who raised his voice against the injustice meted out to citizens by hoodlums, patronized heavily by the establishment. He was an RTI activist and a crucial witness in the Naroda Patiya case of the 2002 post-Godhra riots. The threat to his life was identified and 24-hour police protection was provided since last two years. Yet he was brutally killed amidst a crowd of 200, at a distance of 100 meters from Juhapura police chowki hosting cops armed with guns.

#### **More insight into the plot:**

In 2008, Nadeem had brought to the notice of concerned authorities the illicit operation of food laaris (stalls) on some streets of Juhapura, which in addition to

selling illegal beef, were encroachments on the road to such an extent that it was difficult for vehicles to pass.

He was beaten up black and blue, bed-ridden for better part of a year. He filed a case under section 307, attempt to murder against the goondas. The prime accused, a gangster named Mushir Bachha has been 'absconding' (sources claim he is in Dubai). The buzz is that Mushir's 'understanding' with the police is excellent... and the rest is left to interpretation.

No action was taken against the illegal food stalls, they continue to operate even today with impunity; but Nadeem was given an armed bodyguard by the police. The culprits were trying to negotiate with Nadeem to withdraw the complaint, but our social activist was adamant. No surprise then, that it were members of the same gang who killed Nadeem on Saturday morning.

There's more to prove police's apathy. In the last week of October when the city was celebrating Diwali, transfer of illegal beef was apprehended by police. The cops were attacked in return and their jeep was set afire. Over 10 people were arrested. Two days later, Saiyed makes a written application to the city police commissioner, minister of state, home and in the local police station that those arrested are innocent and those actually guilty are still roaming free. It would be obvious by now that it is 'Mushir's gang' who he has referred to in his applications. Besides illegal beef trade, the gangsters are into businesses like construction, bootlegging etc.

Given that Nadeem's allegations need to be investigated before acting on it. But whose responsibility is then to ensure the whistleblower's security in the meanwhile? A citizen is voluntarily coming forward with information to help the police in its investigations, and he is murdered in broad daylight within four days!

The same cops are now going to investigate Saiyed's murder case. This is so nostalgic of the Amit Jethwa murder case. What happened with Saiyed and Jethwa is not right. It is not good - for Gujarat's society, for democracy, for freedom of speech. Most importantly, it is not good for average citizens.

This incident still affects us because it exposes a system where we have no right to raise our voice against injustice. Raising a voice against the high and mighty with the clout of money or politics is increasingly becoming difficult.

## **Appeal**

We, therefore, urge you to immediately take necessary steps to

1. Order an immediate, thorough, effective and impartial investigation into the killing of Mr. Nadeem Saiyed, the result of which must be made public, in order to identify all those responsible, bring them before a civil, competent and impartial tribunal and apply to them the penal sanctions provided by the law;
2. Put an end to acts of harassment and threats faced by all RTI activists and human rights defenders in India;
3. Conform to the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:
  - its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”;
  - its Article 6(a), which provides that “everyone has the right, individually and in associations with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms”;
  - and its Article 12.2, which states that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
4. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,

***Henri Tiphagne***

Hon. National Working Secretary,  
Human Rights Defenders Alert - India