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Muslims Recant, and Hindus Are Acquitted in Riot Trial

By DAVID ROHDE

VADODARA, India, June 30 — It seemed the moment of vindication had finally arrived for Zahira Sheikh.

Last month Ms. Sheikh, a 20-year-old Indian Muslim, took the witness stand in the trial of 21 Hindu neighbors whom her family accused of burning 11 Muslims and 3 Hindu workers alive in their family bakery.

The victims included her older sister, three women, twin 4-year-old girls, two babies and her uncle, who was hacked to death. The killings were among the most gruesome in the anti-Muslim riots last year in Gujarat State, which killed about 1,000 people, a vast majority of whom were Muslims.

In the year since, the young woman with pigtails and a primary school education has emerged as the public face of the victims in this industrial city of 1.5 million in western India.

Vowing not to marry until the perpetrators were punished, Ms. Sheikh tearfully told journalists and human rights investigators how jeering Hindus, enraged by the killing of 59 Hindus in another part of the state, had surrounded the family business, Best Bakery, and set it on fire. She and her mother, brother, grandmother and sister-in-law made it to the roof and survived.

But when her day in court finally came, Ms. Sheikh said none of her neighbors had been involved, according to a lawyer present. She has since disappeared.

"She said, 'These are the people who saved me,' " said Muhammad Hanif Sheikh, a Muslim lawyer who watched the proceedings in dismay. "She helped the accused."

Over the next several days, the relatives who survived with her took the stand and also exonerated the defendants. By the end of the trial, 24 of the 73 witnesses had recanted. On Friday a judge, citing a lack of evidence and shoddy police work, acquitted the 21 defendants and set them free.

The verdict has drawn nationwide attention and has prompted local Muslim leaders and human rights groups to accuse Hindu nationalists of sabotaging efforts to prosecute Hindus involved in the riots. They say Ms. Sheikh and her family were threatened, bribed or both.

Local Muslims said the faith of India's 140 million Muslims in the country's commitment to equal justice was again being tested in Gujarat. The state's Hindu nationalist rulers and the police were accused of standing by as Muslims were killed during the riots. Now they are being accused of generating a climate of fear and skewing the judicial process.

Hindu nationalists, who were overwhelmingly re-elected to office here early this year, denied the charges and said the scale of the attacks on Muslims had been exaggerated. The state's population is more than 80 percent Hindu. They said they had played no role in Ms. Sheikh's case.

Madhu Shrivastav, a Hindu nationalist who, some witnesses said, accompanied Ms. Sheikh to court, said he had never met her.

"I don't know who she is," said Mr. Shrivastav, a burly, bearded man. "I never talked to Zahira."

In a report issued today in New York, Human Rights Watch said that 16 months after the riots, no defendant had been convicted. Muslims are being prosecuted under India's strict antiterrorism laws, the group said, while no Hindus are.

The police are downgrading charges against Hindu defendants, filing false charges to cover up their own role in the violence, deleting the names of the accused and failing to pursue rape cases, Human rights Watch said.

Raghuvir Pandya, the state prosecutor in Ms. Sheikh's case, has been widely criticized for failing to aggressively cross-examine the witnesses who recanted. The lawyer said public prosecutors could not push witnesses too hard.

"If you put some hardness on the witnesses," he said. "they could complain to the government."

Iqbal Ahmed Ansari, a local Muslim businessman who aided Ms. Sheikh's family before she disappeared, called for the intervention of the federal government, which is also controlled by Hindu nationalists from the Bharatiya Janata Party. Prime Minister Atal Bihari Vajpayee leads the largest nationalist party but is generally seen as more moderate.

Where Ms. Sheikh is and why she changed her story remain a mystery. Indian journalists are hunting for her across India. One theory has it that Mr. Shrivastav has hidden her in Bombay. He called those reports "rubbish." Another involves her getting married and moving to New Delhi.

Hindu neighbors said they remembered Ms. Sheikh as a friendly woman whose father had died of a heart attack a month before the riots.

Piyush Patel, one of the police officials who arrived after the fire, said Ms. Sheikh had been weeping. Her mother, who was more composed, identified nine of their Hindu

neighbors as part of the mob. The police did not arrive at the scene until 12 hours after the fire.

"She used to be very angry when she would narrate the story," Mr. Ansari said. "She used to be very emotional."

In the months after the attack, Ms. Sheikh seemed to come into her own, he said. Giving interviews and testifying before various commissions, her girlish face became a symbol of the horror of the riots.

Her family also began to benefit financially, Muslim leaders said. Receiving aid from Muslim charity groups, as well as payments from the state and national governments, they lived in various donated homes.

But the houses Mr. Ansari described all sounded smaller than the living quarters that were part of the spacious three-story family bakery. The charred building lies in ruins today, but it appeared to have been one of the finest homes in a lower-middle-class neighborhood filled with nearly all Hindu families.

Today, looters have torn out every window, door and electrical cable, and a family of pigs has bedded down on the first floor. On the second story, the partly melted legs of a girl's plastic doll lie on the floor.

A half-mile from the scorched bakery, Mahender Jadhav, one of the freed defendants, sat in his house today and hailed the verdict. He said Ms. Sheikh was now finally telling the truth.

"What can I say? These people came from outside," said Mr. Jadhav, 26, who owns a scooter repair shop. "I was at home. I don't know."