

Citizens for Justice and Peace

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PRESS RELEASE

The suggestion that the Gujarat Police should be allowed to search lockers of suspended DIG Sanjiv Bhatt IPS Gujarat is shocking and ludicrous as it is tantamount to the accused searching evidence with a key witness. The CJP demands that this key witness in the Zakia Jafri and CJP complaint be released on bail immediately. Modi, the accused number 1 in the criminal complaint of Smt Zakia Jafri is both the chief minister and home minister in Gujarat in charge of the ACRs of all police officers and such a search would allow the powerful accused to destroy evidence. The detention of a senior police officer in such a manner is the move in a long list of vindictive and unconstitutional actions against senior IAS and IPS officers who have functioned in tune with their conscience and the Rule of Law. After a Magistrate refused to grant 14 day remand last Saturday (October 1 2011), today a Revision Application was filed which has been posted for hearing on October 7. His bail plea will be heard this afternoon.

The illegal and improper arrest of DIG Sanjiv Bhatt IPS (Principal Police Training College when he was suspended) is a brazen attempt by the Gujarat government to violate the law, intimidate witnesses and influence the course of public justice. Shri Bhatt is a crucial witness in several cases where senior functionaries of the Gujarat government are implicated for conspiring to mass crimes, destroy evidence and subvert the course of justice. The illegal arrest of Shri Bhatt and attempts to trap him inside jail by slapping sections of the IPC not originally contained in the FIR are nothing short of a misuse of state power to crush the voice of a police officer who has well-documented evidence against the culpability of key state actors.

Shri Bhatt has been cited by Smt Zakia Ahsan Jafri and Citizens for Justice and Peace (CJP) in their original complaint dated 8.6.2006 to the DGP Gujarat against Narendra Modi and 61 others as have eleven other officers. Shri Bhatt was examined by the Supreme Court (SC) appointed SIT in November 2009 after the SC ordered that Smt Zakia Jafri and CJP's complaint be investigated by the SIT appointed by it a year earlier. In the course of his statements before SIT, former minister of State for Home (MOS) Amit Shah had tried to intimidate him into concealing the facts from the investigation. He had revealed crucial evidence about the illegal and unconstitutional instructions of the chief minister at a meeting on 27.2.2002 where he had allegedly told the police and top administrators not to save the lives of innocent members of the minority community from deliberately incited mobs. CJP appeals to all those committed to the rule of law and justice, individuals and organizations to protest this grossly malafide action of the Gujarat government.

While condemning unequivocally the arrest that took place on the afternoon of September 30, 2011, we would like to add that this action is nothing short of an attempt to intimidate an important witness in the Zakia Ahsan Jafri and CJP criminal complaint against chief minister Narendra Modi and 61 others. This action of the Gujarat police under the direct instructions of the state's Home Minister—Narendra Modi amounts to tampering with evidence and direct intimidation of a key witness. It is also a cheap attempt to slur his character and standing. The authoritarian manner in which Modi used the police under him to search the homes of Shri Bhatt, his elderly mother, his brothers-in-laws is a clearcut bid to humiliate a man who stood up to the system. The efforts by the Gujarat government and their spokespersons to question the character of Shri Bhatt and his conduct during his career is also a similar effort; to divert from the real reason behind his being targeted, because he is a key public witness.

Key issues need to be raised here. One that through his affidavit before the Hon'ble Supreme Court dated April 2011 he had testified to criminal and un-Constitutional instructions being issued by Modi at a late night meeting of 27.2.2002 the day of the Godhra incident. In his statements before the SC-appointed Special Investigation Team (SIT) he also gave documentary data about Modi's abdication

of responsibility on 28.2.2002 the day attacks on Gulberg Society and Naroda Patiya in Ahmedabad were in full swing. Finally, and last but not the least in an affidavit filed before the High Court recently Shri Bhatt had even mentioned that both Modi and Amit Shah, then MOS Home had tried to intimidate and pressurize him into not giving facts and evidence in the possession of the State Intelligence Bureau related to the assassination of former MOS Revenue Shri Haren Pandya. The CBI investigation into the Pandya assassination has been recently severely criticised by the Gujarat High Court. Both the affidavit sent to Amicus Curaie, senior counsel Shri Raju Ramachandran (April 2011) and the affidavit filed in the Gujarat HC (September 2011) can be accessed at www.cjponline.org.

Most critically, Bhatt had challenged this FIR for which he was arrested through Writ Petition 135/2011 in the Supreme Court. The SC had issued notice to the Gujarat government on 29.7.2011. This hasty and vindictive, even desperate action of the Gujarat police directly while the matter is under consideration of the Supreme Court raises serious issues of contempt of the highest court, due process and most importantly intimidating a witness critical to a trial to ensure public justice. The alleged offences for which Bhatt was arrested are sections 183,189, 193, 195, 341 of the IPC. With our matter now awaiting being charge sheeting before a Gujarat Magistrate's Court the arrest of Bhatt is also a clear attempt by the state of Gujarat to warn us all collectively and individually of repercussions if we struggle for justice. It is a pathetic subversion of the Constitution and the Rule of Law

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