

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** IND33921  
**Country:** India  
**Date:** 7 November 2008

Keywords: India – Gujarat – Lashkare Toiba – Lashkar e-Toiba – Business activities – Muslims – State protection – 2007 Riots – BJP – Police

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**Questions**

- 1. Please provide information on the activities of Lashkare Toiba in India and in Gujarat in particular.**
- 2. Is there any information indicating that Lashkare Toiba engages in business activities in India?**
- 3. What steps do the Indian and Gujarati authorities take to protect those facing harm at the hands of Lashkare Toiba or other terrorists?**
- 4. Were there any reports of rioting directed at Muslims in Gujarat in 2007?**
- 5. If so, what was the police response?**
- 6. How have the Indian authorities in general responded to violence directed at Muslims?**
- 7. Are there any reports of the BJP in Gujarat harassing or targeting Muslims?**

**RESPONSE**

- 1. Please provide information on the activities of Lashkare Toiba in India and in Gujarat in particular.**

Given the secrecy surrounding most terrorist organizations and the frequent false or inaccurate accounts and reports by the Indian security/police forces hunting for them, it is difficult to pinpoint accurately what are the activities of Lashkare Toiba (LeT - a.k.a. Al Mansoorien; Al Mansoorian; Army of the Pure; Army of the Pure and Righteous; Army of the Righteous; Lashkar e-Toiba; Lashkar-i-Taiba; Paasban-e-Ahle-Hadis; Paasban-e-Kashmir; Paasban-i-Ahle-Hadith; Pasban-e-Ahle-Hadith; Pasban-e-Kashmir (US Department of State 2008, *Country Reports on Terrorism 2007*, April, Chapter 6 - Terrorist Organizations: Lashkar e-Tayyiba, pp 287 – 288– Attachment 1). As to the difficulties in assessing accuracy of reports concerning Lashkare Toiba, *Jane's Intelligence Review* comments that “a degree of caution is advisable in assessing entirely one-sided accounts by security forces and police” (‘Lashkar-e-Tayyiba (LeT)’ 2008, *Jane's World Insurgency and Terrorism*, 23 September – Attachment 2).

Discussed below are the activities of Lashkare Toiba in India and Gujarat:

### A. India in general

*Jane's Intelligence Review* gives an overview of the recent activities of the group as follows:

There have been a number of major attacks in India during 2007-2008 but, unlike previous years, India has not been as swift to directly ascribe these to the group [LeT] and nor has the LeT been quick to claim responsibility. The most obvious example was the bombing of the Samjhauta Express in February 2008. The Friendship Express, as it is otherwise known, was carrying passengers from Delhi to Lahore in Pakistan. A large percentage of the more than 60 people who died were Pakistanis, which may explain why the LeT made no claims of responsibility, and the Indian authorities didn't immediately suggest that the group was involved in the attack. Media reports also speculated that the group was involved in the bombings in Jaipur, Bangalore and Ahmedabad in May and July 2008. In May, nine bombs exploded in Jaipur (a 10th bomb was later found and defused) killing more than 60 people and injuring more than 200 others. In July, two people died and more than 20 others were injured when nine low intensity bombs exploded in Bangalore. A day later, 21 bombs were detonated in Ahmedabad, killing more than 50 people and injuring more than 200 others. Instead, the most recent major attacks reportedly carried out by group occurred in 2005-2006. On 29 October 2005, a total of 62 people were killed and 210 others injured in co-ordinated bomb attacks in New Delhi. Bombs went off within minutes of each other in two crowded markets, while a third device detonated on a bus caused no casualties. In December that year, the group were reportedly behind an attack on the Indian Institute for Science in Bangalore, storming a conference and shooting one person in the process. The LeT is also suspected of involvement in the March 2006 bombings in Varanasi in which 21 people died and more than 60 others were injured. In June of the same year, three suspected LeT members were killed when they tried to storm the headquarters of the Hindu nationalist organisation, the Rashtriya Swayamsevak Sangh (RSS) in Nagpur, Maharashtra. Also that year, the group was linked, although concrete proof has not been forthcoming, with the Mumbai train bombings in which more than 200 people were killed ('Jane's World Insurgency and Terrorism - Lashkar-e-Tayyiba (LeT)' 2008, *Jane's World Insurgency and Terrorism*, 23 September – Attachment 2)

Referring to terrorist attacks in India in its 2007 report, the US Department of State comments that

The Indian government accused Islamic extremists for the following terrorist attacks:

- The February 19 attack on the Friendship Train service between New Delhi and Lahore, Pakistan that killed dozens;
- The May 18 bomb blast at the Mecca Masjid (Mosque) in Hyderabad that killed eleven;
- The August 25 nearly simultaneous explosions on at an amusement park and a market in Hyderabad that killed dozens;
- The October 11 blast at a Sufi mosque in Ajmer, Rajasthan, that killed three;
- The October 14 explosion in a cinema in Ludhiana, Punjab, that killed seven; and
- The November 23 three simultaneous explosions on in judicial complexes in Lucknow, Varanasi, and Faizabad (all in Uttar Pradesh) that killed 13

These attacks, which killed and injured both Muslims and Hindus, were probably conducted by extremists hoping to incite anger between the Hindu and Muslim communities. Indian officials claim that the perpetrators of these attacks have links to groups based in Pakistan and Bangladesh, particularly Lashkar-e-Tayyiba, Jaish-e-Mohammad, and Harkat-ul-Jihad Islami,

among others (US Department of State 2008, *Country Reports on Terrorism 2007*, April, Chapter 2 Country Reports: South and Central Asia Overview – India, pp 135- 137– Attachment 1).

Explaining the activities of Lashkar-e-Tayyiba, the 2007 US Department of State continues that:

Activities: LT has conducted a number of operations against Indian troops and civilian targets in Jammu and Kashmir since 1993, as well as several high profile attacks inside India itself. LT claimed responsibility for numerous attacks in 2001, including an attack in January on Srinagar airport that killed five Indians; an attack on a police station in Srinagar that killed at least eight officers and wounded several others; and an attack in April against Indian border security forces that left at least four dead. The Indian government publicly implicated LT, along with JEM, for the December 2001 attack on the Indian Parliament building, although concrete evidence is lacking. LT is also suspected of involvement in May 2002 attack on an Indian Army base in Kaluchak that left 36 dead. India blamed LT for an October 2005 attack in New Delhi and a December 2005 Bangalore attack. Senior al-Qa'ida (AQ) lieutenant Abu Zubaydah was captured at an LT safe house in Faisalabad in March 2002, which suggested that some members were facilitating the movement of AQ members in Pakistan. Indian governmental officials hold LT responsible for the July 11, 2006 train attack in Mumbai and several attacks since then in Hyderabad (US Department of State 2008, April, *Country Reports on Terrorism 2007*, Chapter 6 Terrorist Organizations:Lashkar e-Tayyiba (LT), pp 287 – 288 – Attachment 1).

In its 2006 report, the US Department of State described Lashkare Toiba's activities as follows:

#### Activities

LT has conducted a number of operations against Indian troops and civilian targets in Jammu and Kashmir since 1993. LT claimed responsibility for numerous attacks in 2001, including an attack in January on Srinagar airport that killed five Indians; an attack on a police station in Srinagar that killed at least eight officers and wounded several others; and an attack in April against Indian border security forces that left at least four dead. The Indian government publicly implicated LT, along with JEM, for the December 2001 attack on the Indian Parliament building, although concrete evidence is lacking. LT is also suspected of involvement in May 2002 attack on an Indian Army base in Kaluchak that left 36 dead. India blamed LT for an October 2005 attack in New Delhi and a December 2005 Bangalore attack. Senior al-Qaida lieutenant Abu Zubaydah was captured at an LT safe house in Faisalabad in March 2002, which suggested that some members were facilitating the movement of al-Qaida members in Pakistan. Government of India officials hold LT responsible for the July 11, 2006 train attack in Mumbai (US Department of State 2007, *Country Reports on Terrorism 2006*, April - Chapter 6 - Terrorist Organizations: Lashkar e-Tayyiba (LT) – Attachment 3).

Commenting on the activities of Lashkar-e-Taiba in India in general, the same source states that:

India alleged, based on numerous arrests and several major attacks, that UN designated Foreign Terrorist Organizations (FTOs) began a campaign in the Indian heartland to gain support from India's minority Muslim population for terrorist attacks. The Indian government blamed two prominent Pakistani-based FTOs, Lashkar-e-Taiba (LT) and Jaish-e-Mohammad (JEM), for several attacks in major Indian cities.

... Despite these challenges, India scored major successes this year, including numerous arrests and the seizure of explosives and firearms during operations against Lashkar-e-Taiba and other terrorist groups (US Department of State 2007, *Country Reports on Terrorism 2006*, April - Chapter 2 - Country Reports: South and Central Asia Overview – India – Attachment 3).

Referring to the 2006 train attack in Mumbai and the Lashkar-e-Toiba's involvement in it, the *BBC* comments that:

Pakistan's intelligence agency was behind the train blasts in Mumbai in July that killed 186 people, Indian police say.

The attacks were planned by the ISI and carried out by the Islamist militant group Lashkar-e-Toiba, based in Pakistan, Mumbai's police chief said ('Pakistan 'role in Mumbai attacks' ' 2006, *BBC News*, 30 September [http://news.bbc.co.uk/2/hi/south\\_asia/5394686.stm](http://news.bbc.co.uk/2/hi/south_asia/5394686.stm) - Accessed 22 October 2008 – Attachment 4).

In its 2005 report, the US Department of State describes the group's activities as follows:

#### Activities

The LT has conducted a number of operations against Indian troops and civilian targets in Jammu and Kashmir since 1993. The LT claimed responsibility for numerous attacks in 2001, including an attack in January on Srinagar airport that killed five Indians; an attack on a police station in Srinagar that killed at least eight officers and wounded several others; and an attack in April against Indian border security forces that left at least four dead. The Indian Government publicly implicated the LT, along with JEM [Jaish-e-Mohammed], for the attack in December 2001 on the Indian Parliament building, although concrete evidence is lacking. The LT is also suspected of involvement in the attack in May 2002 on an Indian Army base in Kaluchak that left 36 dead. India blames the LT for an attack in New Delhi in October 2005 and an attack in Bangalore in December 2005. Senior al-Qaida lieutenant Abu Zubaydah was captured at an LT safe house in Faisalabad in March 2002, suggesting that some members were facilitating the movement of al-Qaida members in Pakistan. (US Department of State 2006, *Country Reports on Terrorism 2005*, April - Chapter 8 – Foreign Terrorist Organizations: Lashkar e-Tayyiba (LT), pp. 207-208 – Attachment 5).

The group's short history, aliases, relationship with other groups, strength, area of operation, external aid it has relied on and the government's treatment are also provided in the Department's 2008, 2007 and 2006 reports on terrorism (US Department of State 2008, *Country Reports on Terrorism 2007*, April - Chapter 6 - Terrorist Organizations: Lashkar e-Tayyiba, pp 287 – 288 – Attachment 1; US Department of State 2007, *Country Reports on Terrorism 2006*, April - Chapter 6 - Terrorist Organizations: Lashkar e-Tayyiba (LT) – Attachment 3; US Department of State 2006, *Country Reports on Terrorism 2005*, April - Chapter 8 – Foreign Terrorist Organizations: Lashkar e-Tayyiba (LT), pp. 207-208 – Attachment 5).

Human Rights Watch provides information on the activities of Lashkare Toiba as follow:

- Militants have been responsible for a long string of massacres, attacks on minority Hindus and Sikhs, bombings, killings and attacks on schools. The most recent massacre was in May 2006, when thirty-five Hindus were killed in remote hamlets of Doda and Udhampur districts; police blamed the Pakistan-based Lashkar-e-Toiba (See also Amnesty International 2007, *Amnesty International Report 2007 – India*, 25 May – Attachment 6).
- Under pressure from Washington after the September 11, 2001 attacks on the United States, Pakistan banned several militant groups in January 2002, including the Jaish-e-Mohammad and the Lashkar-e-Toiba, although they have continued to operate after changing their names. India blames these groups for many armed attacks.

- On March 20, 2000 ... armed men in Indian army uniforms entered the village of Chattisinghpura in Anantnag district at night. The villagers, most of them Sikhs, were told that it was a routine investigation and identity check. Male residents were asked to come out of their homes with their identification cards. Once they were lined up outside, however, the gunmen opened fire, killing thirty-six and injuring several others. It was the first time in more than a decade of violence in Jammu and Kashmir that the Sikh community had come under attack. The killings shocked many Kashmiris. India immediately blamed Pakistan and the Islamist groups based there. Others claimed that the killings were in fact carried out by Indian troops...In August 2000, the government said that it had evidence that the Pakistan-based Lashkar-e-Toiba was behind the killings.
- On March 25, 2000, five days after the Chattisinghpura massacre, Farooq Khan, senior superintendent of police in Anantnag, claimed that security forces had killed the militants responsible for the killings in an operation in Pathirabal, Panchalthan. .. The daily update for March 25, 2000, on an army website claims: “5 foreign terrorists (Harkat-ul-Mujahideen and Lashkar-e-Toiba group) killed. These terrorists were involved in the massacre of 36 innocent Sikhs on the night of 20 March.”
- On May 22, 2006, two militants opened fire at a Congress party rally in Srinagar, killing six, including three civilians, and injuring thirty-five; the militants were also killed. Two militant groups, Lashkar-e-Toiba and Al Mansoorian, claimed responsibility.
- After a series of bomb blasts in New Delhi on October 29, 2005, that killed over fifty civilians, a little-known group called Islami Inqilabi Mahaz claimed responsibility. Police later arrested a Kashmiri man called Tariq Ahmed Dar in Srinagar, who is suspected to be a member of Lashkar-e-Toiba.
- In March 2006, a series of bomb blasts in Varanasi killed twenty people. While an unknown group called Lashkar-e-Qahar had called journalists in Jammu and Kashmir to claim responsibility and threaten more attacks, the police later claimed to have killed the main militant responsible in an armed encounter in Jammu and Kashmir. The man was reportedly an Indian citizen and a member of the Harkat-ul-Jihadi-Islami, an organization with links to the Pakistan-based Jaish-e-Mohammad. Indian intelligence agencies now claim that most of the operations are carried out by the three or four primary groups operating in Jammu and Kashmir: Lashkar-e-Toiba, Jaish-e-Mohammad, Al Badr and Hizb-ul-Mujahedin.
- During the May 2004 Indian parliamentary election campaign, several groups, many of them Pakistan-based ones like Jaish-e-Mohammad and Lashkar-e-Toiba, issued warnings, and cadres on the ground were instructed to intimidate political workers and target campaign rallies and meetings.
- Aasia Jeelani, along with other members of the Jammu and Kashmir Coalition of Civil Society, were monitoring the parliamentary elections in April 2004. On April 20, the seven member team was on its way to monitor the Baramulla and Kupwara districts. At Sogam, in Kupwara district, their vehicle was blown up in a blast by an IED. Two persons including Aasia Jeelani and the driver, Ghulam Nabi Sheikh, were killed and four others injured. Lashkar-e-Toiba militants reportedly claimed responsibility for the attack (Human Rights Watch 2006, “*Everyone lives in fear*” – *Patterns of Impunity in Jammu and Kashmir*, September, Volume 18, No. 11(c), pp 5, 51-53, 118, 120, 124-125, 129 & 143 – Attachment 7)

An earlier report by Human Rights Watch describes the activities of Lashkar-e Taiba as follows:

- On December 13, 2001, a five-man assault team, believed to be part of Lashkar-e Taiba, an Islamic guerrilla group based in Pakistan, stormed Parliament in New Delhi, killing fourteen people. The Indian government issued a sharp rebuke, accusing Pakistan of failing to reign in the activities of terrorist organizations.
- On July 13, [2001] gunmen suspected to be part of the Lashkar-e Taiba launched an attack on a shantytown in Jammu. Disguised as Hindu holy men, the group threw grenades at a shop in Qasim Nagar, a migrant laborer colony, and then fired on civilians who were standing nearby. The attack killed twenty-seven civilians, and severely injured thirty more (Human Rights Watch 2003, *World Report 2003: India*, January – Attachment 8).

Referring to recruitment activities by Lashkar-e-Tayyiba (LeT), *Jane's Intelligence Review* comments as follow:

Today, the LeT is the most lethal militant group in the valley, with a section of the local population supporting its activities. Moreover, in recent years, growing numbers of Muslim youth from the Kashmir Valley have begun to join the radical organisation. A senior military official engaged in counter-militancy operations told Jane's : "There is local recruitment by Lashkar in (Kashmir) Valley, although the numbers are limited. It is both voluntary and forced." Another police official said: "The local recruitment to Lashkar is due to the failure of government to showcase its success and the negative propaganda by the separatist leaders."

A former HM militant from the valley, who surrendered to security forces two years ago, also told Jane's : "There is a puritanical streak in the Lashkar, which is attracting the local youths and also others to support it. Fidayeen [suicide attackers] have increased their image. They are seen as jihadis." The LeT has also successfully established a network of overground workers, including students, businessmen and even government servants. These overground workers play a key role in facilitating the movement of funds through the informal value transfer system hawala .

One of the reasons for the HM's weakened status as a leading Kashmiri militant organisation, appears to be diminishing support from Pakistan's intelligence agencies. An intelligence official in Indian-administered Kashmir who spoke to Jane's explained: "Pakistan is rallying its support behind the Lashkar and phasing out the Hizbul. This has been their [Pakistan's] approach. They supported the Jammu and Kashmir Liberation Front in the late 1980s; Hizbul in the 1990s and the Lashkar now (Chandran, Suba 2008, 'Mending fences - Changing trends in Kashmiri militancy', *Jane's Intelligence Review*, 17 July – Attachment 9).

The 2006 US Department of State *Country Reports on Human Rights Practices – India* lists the activities of Lashkar-e-Taiba as follows:

- In early March [2006] police killed two suspected Lashkar-e-Tayyiba (LET) terrorists in Delhi, claiming the two were responsible for the October bomb attack on a Hyderabad police station. The Hyderabad-based Civil Liberties Monitoring Committee reported that the encounter was staged.
- On May 21 [2006], the terrorist group Lashkar-E-Tayyiba (LET) killed seven persons and injured 25 in an attack on a Congress rally in Srinagar.
- On March 7 [2006], three bombs exploded at the Sankat Mochan temple and railway station in Varanasi, killing at least 23 people and injuring several others. The Uttar Pradesh chief minister claimed police killed one alleged attacker, a member of the Lashkar-e-Tayyiba terrorist group (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – India*, March, Sections 1(a) (g), 2(c) – Attachment 10).

Similarly, the Department's 2005 and 2004 human rights reports give the following identical description of Lashkar-e-Taiba's activity:

[During the 2004 parliamentary elections campaigning and voting in Jammu and Kashmir] ... in Pulwama, members of the terrorist group Lashkar-e-Tayyiba cut off the finger of a villager because he had voted (voters' fingers were stained with ink after they cast their ballots) (US Department of State 2006, *Country Reports on Human Rights Practices for 2005 – India*, March – Attachment 11; US Department of State 2005, *Country Reports on Human Rights Practices for 2004 – India*, February, Section 3 – Attachment 12).

The Department's *International Religious Freedom Report* also refers to Lashkar-e-Tayyiba's activities and activities believed to have been carried out by Muslim militants as follows:

On July 5, 2005, suspected Lashkar-e-Tayyiba (LET) terrorists attacked a makeshift Hindu temple erected amidst the ruins of the Babri Masjid in Ayodhya, Uttar Pradesh. Indian security forces protecting the site killed all the attackers (US Department of State 2006, *International Religious Freedom Report for 2006: India*, September, Section II – Attachment 13).

In 2001, the Government officially banned the Students Islamic Movement of India (SIMI) under the Unlawful Activities Prevention Act of 1967 for "fomenting communal tension" and actions "prejudicial to India's security." The Government alleged that SIMI had links with terrorist groups such as the Lashkar-e-Tayyiba and Hizbul Mujahideen (US Department of State 2005, *International Religious Freedom Report for 2005 - India*, November, Section II – Attachment 14)

Targeted killings against the Sikh community, the most recent of which were in 2001, increased fears among remaining religious minorities in Kashmir's and prompted many Sikhs, especially young persons to leave the Valley. In Kashmir the militant group Lashkar-e-Jabbar ordered Muslim women to dress in burqas, Hindu women to wear bindis, and Sikh women to wear identifying saffron headscarves. Some women followed these orders when they were first issued; however, compliance since has declined. There were a number of violent incidents that are believed to have been carried out by Muslim militants (US Department of State 2004, *International Religious Freedom Report for 2004: India*, 1September, Section III – Attachment 15).

In June 2008, *Reuters* commented on an incident where Lashkar-e-Taiba was suspected of involvement as follows:

At least 10 people, including nine separatist militants, were killed in clashes between security forces and insurgents at the weekend in Indian Kashmir, police said.

Soldiers shot dead five suspected militants late on Saturday when they tried to cross the border into India. Four militants and a soldier were killed on Sunday in another gunbattle.

"The initial investigation has shown that the militants belonged to Lashkar-e-Taiba," S.M. Sahai, a senior police officer said in Srinagar, Kashmir's main city.

Lashkar-e-Taiba is a Pakistan-based militant group.

The attack comes days after India's defence minister, A.K. Antony, warned that attacks by separatist militants in the disputed Kashmir region could increase as local elections draw near ('Ten killed in weekend gunbattle in Indian Kashmir' 2008, *Reuters News*, 23 June – Attachment 16)

In December 2007, *Al Jazeera* commented on an incident in Rampur about 300km southwest of Lucknow, the capital of Uttar Pradesh state as follows:

Suspected fighters have killed at least eight people with an attack on a paramilitary camp in a city in northern India, police say.

Seven policemen and a civilian were killed in the attack which occurred early on Tuesday in Rampur, reports say.

The town is located about 300km southwest of Lucknow, the capital of Uttar Pradesh state...

The NDTV news channel quoted home ministry sources as saying they suspected Lashkar-e-Tayabba, an armed Muslim group, was behind the attack.

India blames Lashkar-e-Tayabba for an attack on its parliament in December 2001 and on a Hindu temple in western Gujarat state in 2002 ('Deadly attack on Indian police camp' 2007, *Al Jazeera*, 31 December – Attachment 17).

## B. Gujarat

Many reports have been located to indicate that Lashkar-e-Toiba was involved in attacks and killings in Gujarat. As to the possible connection between Lashkar-e-Toiba and the July 2008 Ahmedabad serial blasts in Gujarat, Vikram Rautela notes that:

Nasir Raziuddin, who was arrested in connection with the July 26 Ahmedabad serial blasts, has reportedly confessed to his involvement in the conspiracy during interrogation. Investigating officers have said that for the first time they have clear leads to establish the direct involvement of Lashkar-e-Toiba (LeT) in the Gujarat blasts (Rautela, Vikram 2008, 'Finally, Gujarat Police have proof of Lashkar's involvement in Ahmedabad blasts', *expressindia*, 6 October, [http://www.expressindia.com/story\\_print.php?storyId=369850](http://www.expressindia.com/story_print.php?storyId=369850) - Accessed 27 October 2008 – Attachment 18).

Similarly, *The Hindu* comments on the possibility of Lashkar-e-Taiba's involvement in the incident as follows:

Police and intelligence investigators believe that the serial bombings in Ahmedabad and Bangalore demonstrate that the Students Islamic Movement of India's networks have recovered from the recent arrest of top SIMI leadership...

Gujarat has been a high-priority target for SIMI jihadists and affiliate organisations like the Lashkar-e-Taiba ever since the 2002 communal pogrom in the State. Most SIMI cadre involved in these operations could never be arrested, raising the prospect that some, or all, are involved in Saturday's bombings in Ahmedabad (Swami, Praveen 2008, 'Bombings focus attention on SIMI networks', *The Hindu*, 27 July – Attachment 19).

Referring to the terror suspect of the incident, *The Times of India* states that:

Mohammed Raziuddin Nasir, the 19-year-old terror suspect son of Maulana Naseeruddin, who has been lodged in prison in Belgaum, Karnataka, since January last, was arrested by Ahmedabad police for his alleged role in July bomb blasts.

According to police sources, Nasir is a Lashkar-e-Taiba operative ('Gujarat cops arrest Nasir for July blasts' 2008, *The Times of India*, 12 October – Attachment 20).



*The Times of India* also comments on how money sent to Gujarat by Lashkar-e-Taiba was spent as follows:

The Lashkar-e-Taiba had sent money to Gujarat to fund the telecommunications of an operative, Shahnawaz Bhatti, lodged at the Sabarmati Central Jail.

This amount, though a paltry Rs 10,000, was used by an accused, Nizar Rajwani to procure a SIM card. Bhatti had used the SIM card to make calls to LeT headquarters in Pakistan. Nizar was arrested recently by the crime branch ('LeT operative got Rs 10K from Pak to buy SIM cards' 2008, *The Times of India*, 15 June – Attachment 21).

Referring to setting up new Lashkar-e-Taiba networks in Gujarat, *The Hindu* states that:

Mohammad Khalid-ur-Rahman, a Pakistani national who played a core role in organising the Lashkar-e-Taiba's pan-India terror networks, was killed in a shootout with police and troops near Baderwah in Jammu and Kashmir's Doda district on Wednesday.

A resident of Bahawalpur in the Pakistani province of Punjab, Khalid-ur-Rahman served as divisional commander of the Lashkar's operations in the mountainous Doda province. Apart from executing a near-successful attempt on the life of Chief Minister Ghulam Nabi Azad, he, it is believed, was the architect of plans to set up new Lashkar networks in Maharashtra, Gujarat and Madhya Pradesh (Swami, Praveen 2007, 'Top Lashkar commander killed', *The Hindu*, 19 July – Attachment 22).

Commenting on revelation of the alleged 2005 false encounter death in Ahmedabad (in Gujarat) of a suspected Lashkar-e-Tayyiba (LET) operative, the US Department of State notes that:

An update of the 2005 alleged false encounter death in Ahmedabad (Gujarat) of Sohrabuddin Shaikh, a suspected Lashkar-e-Tayyiba (LET) operative, his wife Kausarbi, and key witness Prajapti, indicated that in August, the Gujarat Criminal Investigations Department (CID) filed charges against 13 police officers from Gujarat and Rajasthan. At year's end the case was in trial in the Ahmedabad court. On December 6, the Election Commission sent Gujarat Chief Minister Narendra Modi a notice for allegedly justifying the encounter killing at an election rally in the state's Jamnagar district. Modi denied those allegations. On December 19, the Gujarat High Court transferred the judge hearing the case (US Department of State 2008, *Country Reports on Human Rights Practices for 2007: India*, March, Section 1 (a) – Attachment 23).

*Asian News International* comments on demands for an Indian parliamentary probe into the false encounter in Gujarat as follows:

Parliamentarians today voiced unanimous anger over the alleged staged encounter by senior police officials of Gujarat two years ago, in which a Muslim man was killed. They demanded a Central Government inquiry into the matter.

Sohrabuddin Sheikh was allegedly killed in a controversial shooting by the Anti-Terrorism Squad of Gujarat in November 2005, after it was claimed that he was Lashkar-e-Taiba militant ('Parliamentarians demand Central probe into Gujarat fake encounter' 2007, *Asian News International*, 28 April – Attachment 24).

One of the well-publicised incidents involving Lashkar-e-Taiba in Gujarat is the 2002 Akshardham attack. *CNN-IBN* describes it as follows:

Thirty-four people, including two National Security Guard commandoes, were killed and 81 injured when two terrorists dressed as army men stormed the Swaminarayan temple in Gujarat, on September 24, 2002.

They were later identified as members of the Pakistan-based terror organisation Lashkar-e-Toiba.

After an overnight battle, NSG commandoes killed the terrorists identified as Murtuza Hafiz Yasin and Ashrafali Mohammed Farooq, claiming allegiance to Tehreeq-e-Qasas, a wing of Lashkar.

While the two terrorists who carried out the attack were shot dead, 26 out of the 34 accused - including mastermind Abu Hamza - are still absconding.

Gujarat's crime branch had arrested five accused from Ahmedabad on charges of coordinating the attack. They later confessed to their involvement.

The police had filed a chargesheet in November 2003 against 34 people on the basis of which six arrests have been made in the case so far.

They gave confessional statements under Section 32 of the Prevention of Terrorism Act, which was admitted as evidence ('Akshardham attack: 3 get death' 2006, *CNN-IBN*, 1 July <http://www.ibnlive.com/news/akshardham-attack-3-get-death/14343-3.html> - Accessed 24 October 2008 – Attachment 25).

Referring to a plot to assassinate Narendra Modi, Gujarat Chief Minister by the Pakistan-based Lashkar-e-Tayiba, *Rediff.com* comments that:

The Delhi police have unearthed a plan to assassinate Gujarat Chief Minister Narendra Modi, Vishwa Hindu Parishad general-secretary Praveen Togadia and other leaders of the Sangh Parivar by arresting three members of the Pakistan-based Lashkar-e-Tayiba.

The terrorists were planning to set up a base in Gujarat and were trying to lure some of the riot-hit people into taking up "so-called *jihadi* activities", Delhi Police Special Commissioner (Intelligence) K K Paul said on Friday ('Plan to kill Modi, Togadia unearthed; 3 held' 2002, *Rediff.com*, 30 August <http://www.rediff.com/news/2002/aug/30modi.htm> - Accessed 27 October 2008 – Attachment 26).

Commenting on the involvement of an agent designated as a terrorist by the US Treasury Department in Gujarat attacks by Lashkar-e-Tayyiba, Syed Saleem Shahzad states that:

A US Treasury Department announcement on October 16 designated Dawood Ibrahim as a "specially designated global terrorist under Executive Order 13224",...

Information, from as recent as Fall 2002, indicates that Ibrahim has financially supported Islamic militant groups working against India, such as Lashkar-e-Tayyiba [LeT]. For example, this information indicates that Ibrahim has been helping finance increasing attacks in Gujarat by LeT (Shahzad, Syed Saleem 2003, 'Dawood: 'War on terror' takes a strange turn', *Asia Times Online*, 22 October [http://www.atimes.com/atimes/South\\_Asia/EJ22Df07.html](http://www.atimes.com/atimes/South_Asia/EJ22Df07.html) - Accessed 27 October 2008 – Attachment 27).

As to the "Gujarat Muslim Revenge Group.", its relationship with Lashkar-e-Taiba and their activities in Gujarat, Angela Rabasa, Cheryl Benard et al state that:

Since the Gujarat riots, numerous bombings have occurred in Bombay, and Islamic militant groups have vowed to take revenge. Suspects in the Bombay bombings of 2003 have admitted that the atrocities committed in Gujarat were the driving force behind their attacks. The individuals are part of a splinter group of Lashkar-e-Taiba who call themselves the “Gujarat Muslim Revenge Group.” The members of this militant organization are Indian Muslims who apparently witnessed and were galvanized by the violent occurrences in Gujarat (Rabasa, Angela, Benard, Cheryl et al 2004, ‘The Muslim World after 9/11’, Rand Corporation website – Attachment 28).

## **2. Is there any information indicating that Lashkare Toiba engage in business activities in India?**

An undated article ‘Profiled Group Details - Lashkar-e-Tayyiba (LT) (Army of the Righteous) Lashkar-e-Tayyiba (LT) (Army of the Righteous)’ by the Overseas Security Advisory Council states that:

... [LT] Collects donations from the Pakistani community in the Persian Gulf and United Kingdom, Islamic NGOs, and Pakistani and other Kashmiri business people.... In anticipation of asset seizures by the Pakistani Government, the LT withdrew funds from bank accounts and invested in legal businesses, such as commodity trading, real estate, and production of consumer goods (‘Profiled Group Details - Lashkar-e-Tayyiba (LT) (Army of the Righteous) Lashkar-e-Tayyiba (LT) (Army of the Righteous)’ (undated), Overseas Security Advisory Council <https://www.osac.gov/Groups/group.cfm?contentID=1286&print> - Accessed 28 October 2008 – Attachment 29).

A 2008 article ‘Now Islamic terrorists invest in Surat’s diamond industry’ by Roxy Gagdekar notes that:

After targeting stock markets as secure sites to park their funds, terror organisations such as HuJI, Jaish-e-Mohammad, and Lashkar-e-Toiba are reportedly trying to earn from the diamond business...

As for the modus operandi employed by terrorists to pump money into the diamond business, an FIU [India’s Financial Intelligence Unit] official said such groups mainly infiltrated the industry through their supporters (Gagdekar, Roxy 2008, ‘Now Islamic terrorists invest in Surat’s diamond industry’, *DNA Money*, 7 June <http://islamicterrorism.wordpress.com/2008/06/07/now-islamic-terrorists-invest-in-surats-diamond-industry/> - Accessed 27 October 2008 – Attachment 30).

As to the connection between Lashkar-e-Toiba and their supporters/business people, the 2006 US Department of State *Country Reports on Terrorism* states that the group “Collects donations from the Pakistani expatriate communities in the Middle East and United Kingdom, Islamic NGOs, and Pakistani and other Kashmiri business people.” (US Department of State 2007, *Country Reports on Terrorism 2006, April* - Chapter 6 – Foreign Terrorist Organizations: Lashkar e-Tayyiba (LT) – Attachment 3).

## **3. What steps do the Indian and Gujarati authorities take to protect those facing harm at the hands of Lashkare Toiba or other terrorists?**

## **6. How have the Indian authorities in general responded to violence directed at Muslims?**

A 2005 report by *Reuters* states that:

Indian security agencies have organized groups of villagers, many of them minority Hindus, in remote areas of Jammu and Kashmir into village defense committees and provided them arms and training to protect themselves against militant attacks. ('Five Hindus Shot Dead in Indian Kashmir' 2005, *Reuters*, 13 August

<http://go.reuters.com/newsArticle.jhtml?type=worldNews&storyID=9365011&src=rss/worldNews> - Accessed 27 October 2008 – Attachment 31).

Apart from the above, no definitive information has been found to indicate that the Indian and/or Gujarati authorities take specific steps to protect those facing harm at the hands of Lashkare Toiba or other terrorists or on how the Indian authorities have responded to violence directed at Muslims.

However, Human Rights Watch gives an indication as to the level of protection available for people facing harm in India. In the wake of the attempted assassination of Parvez Imroz, an award-winning human rights lawyer of India, Human Rights Watch comments that:

Despite repeated claims by the state government and the central government in New Delhi of a “zero tolerance” policy for human rights abuses, there have been no serious attempts to transparently investigate, prosecute, and punish individuals responsible for abuses (Human Rights Watch 2008, *India: Protect Honored Kashmiri Rights Lawyer from Attacks - Authorities Should Act Against Those Responsible*, 1 July

[http://hrw.org/english/docs/2008/07/01/india19235\\_txt.htm](http://hrw.org/english/docs/2008/07/01/india19235_txt.htm) - Accessed 29 October 2008 Attachment 32).

The 2008 US Department of State *Country Reports on Human Rights Practices* comments on the scope of human rights violation and police corruption in India as follows:

Corruption in the police force was pervasive and acknowledged by many government officials. Officers at all levels acted with considerable impunity and were rarely held accountable for illegal actions. Should authorities find an officer guilty of a crime, transfer to a different post or position was the common response. Human rights activists and NGOs reported that bribery was often necessary to receive police services.

According to the Ministry of Home Affairs, the NHRC [National Human Rights Commission] recorded 6,923 cases against the police; 35 against armed forces, and 39 against the paramilitary forces for violation of human rights during 2006...

During 2005 the Home Ministry reported 139 deaths in police custody. However, the National Human Rights Commission (NHRC) confirmed 1,730 deaths in police and judicial custody during the same time period. During 2006 the National Crimes Record Bureau reported 38 unnatural deaths in police custody. According to the Home Ministry's 2006-2007 Report, the NHRC reported 1,159 total deaths in police custody between April and December 2006 (US Department of State 2008, *Country Reports on Human Rights Practice for 2007: India*, March, Sections 1(a) & (d) – Attachment 23).

The HRW *World Report 2007 - India: Events of 2006* notes that:

India, widely hailed as the world's largest democracy, has a vibrant press and civil society, but also suffers from a number of chronic human rights problems. A critical issue is impunity: officials and members of the security services who abuse their power are rarely if ever brought to justice for torture, arbitrary detentions and extrajudicial killings in places like Jammu and Kashmir, the insurgency-affected states in the North East (Human Rights Watch 2007, *World Report 2007 - India: Events of 2006*, January – Attachment 33).

Similarly, Transparency International India and a 2007 RRT research response comment on the issue (Transparency International India 2005, *India Corruption Study 2005*, October, pp. 5, 29 & 34 <http://www.tiindia.in/data/files/India%20Corruption%20Study-2005.pdf> – Accessed 18 October 2006 – Attachment 34; RRT Research & Information 2007, *Research Response IND31793*, 18 May – Q 9 – Attachment 35).

Referring to the situation after the 2002 Gujarat riots and the attitudes of the Congress at the Centre and the BJP towards Muslims, A Engineer comments that:

There are heart- rending stories. Those who have returned live in fear and total isolation. No one talks to them, no one invites them, no one even looks at them. So scorned they find it difficult to live there...

All this is due to hate campaign going on by VHP and Bajrang Dal cadres. Other political parties just do not exist including the Congress. Even if it does, it dare not speak up. There is no effective intervention by social activists. The NGOs are as much polluted by communal poison. They either hate Muslims or are totally indifferent to their fate...

The Congress at the Centre is not bothered. The Congress workers at the state level are more in sympathy to the BJP than to minorities. Some NGOs working in cities like Ahmedabad may have sympathy for Muslims but not those working in rural areas...

(Engineer, A. 2006, 'They hate us, we fear them – the situation in Gujarat', *The Milli Gazette*, 4 March [http://www.milligazette.com/dailyupdate/2006/20060304\\_gujarat\\_muslims.htm](http://www.milligazette.com/dailyupdate/2006/20060304_gujarat_muslims.htm) – Accessed 20 June 2008 – Attachment 36).

#### **4. Were there any reports of rioting directed at Muslims in Gujarat in 2007?**

#### **5. If so, what was the police response?**

The 2008 US Department of State *International Religious Freedom Report: India* comments on a few clashes between Muslims and Hindus in Gujarat in 2007. It states that:

In February 2008 the Mumbai-based Center for the Study of Society and Secularism reported various instances of Hindu-Muslim clashes in 2007... On September 22, 2007, and September 27, 2007, in Vadodara, Gujarat, Hindus and Muslims clashed during Hindu religious processions during the Ganesha festival. On September 19, 2007, in Surat district of Gujarat, Hindus and Muslims clashed over the alleged murder by Muslims of a Hindu, anti-cow-slaughter activist Jasubhai Darbar. As the news of the murder spread, Hindus from surrounding villages attacked a Muslim majority village, Kosadi and bur[n]ed several Islamic businesses and houses (US Department of State 2008, *International Religious Freedom Report for 2008: India*, September, Section III – Attachment 37).

However, a report by *The Times of India* on the above incident of 19 September 2007 in Surat district of Gujarat does not mention "Muslims" involved in the incident but describes the police response as follows:

... Tear gas shells were lobbed and out of five companies of Border Home Guards which Surat police had received in view of Ganesh Mahotsav [a religious festival], three companies were rushed to the village to control the situation...

Surat superintendent of police B K Jha told TOI, "We have rounded up a few persons in connection with the incident. Some shops have been torched in the village but by and large, the situation is under control."

The situation, however, remained tense in several surrounding villages. By late evening, shops and establishments in Kosamba were shut down in wake of the incident. "We have asked all the officials to remain vigilant and maintain law and order in Bharuch and Ankleshwar. More importantly, we have deployed a platoon of Border Wing in the surrounding villages and 500 more officials will arrive from Junagadh and other places," said Bharuch SP Siddharth Khatri.

Meanwhile, security was tightened in Surat city to avoid any fallout of this incident. "In wake of unrest in Kosadi, we have rushed two additional companies and already deployed three companies in the city to avoid any untoward incident here," said Surat police commissioner R M S Brar ('Gauraksha samiti chief killed' 2007, *The Times of India*, 19 September – Attachment 38).

Apart from the above, no report has been found on rioting directed at Muslims in Gujarat in 2007.

### **7. Are there any reports of the BJP in Gujarat harassing or targeting Muslims?**

While no definitive information has been found of the BJP in Gujarat harassing or targeting Muslims, the party, its members/supporters or police were implicated in harassing or targeting Muslims and interfering with the investigation into and trials of cases involving them.

Referring to the 2002 Gujarat riots where more than two thousand Muslims were killed and more than two hundred thousand became homeless, Pankaj Mishra comments that:

Gujarat's pro-business chief minister, Narendra Modi, an important leader of the BJP, rationalized and even encouraged the murders. The police were explicitly ordered not to stop the violence. The prime minister of India at the time, Atal Bihari Vajpayee, seemed to condone the killings when he declared that "wherever Muslims are, they don't want to live in peace." In public statements Hindu nationalists tried to make their campaign against Muslims seem part of the US-led war on terror, and, as Nussbaum writes, "the current world atmosphere, and especially the indiscriminate use of the terrorism card by the United States, have made it easier for them to use this ploy."

A widespread fear and distrust of Muslims among Gujarat's middle-class Hindus helped the BJP win the state elections held in December 2002 by a landslide (Mishra, Pankaj 2007, 'Impasse in India', book review of *The Clash Within: Democracy, Religious Violence, and India's Future* by Martha C. Nussbaum, Indian Muslims website, 7 September

[http://www.indianmuslims.info/books\\_info/politics/clash\\_within\\_martha\\_c\\_nussbaum.html](http://www.indianmuslims.info/books_info/politics/clash_within_martha_c_nussbaum.html) - Accessed 31 October 2008 – Attachment 39).

Commenting on the same incident, the 2006 US Department of State *Country Reports on Human Rights Practices – India* states that:

In many cases attempts to hold perpetrators of the Gujarat violence accountable were hampered by the manner in which police recorded complaints. Victims related that police refused to register their complaints, recorded the details in such a way as to lead to lesser charges, omitted the names of prominent people involved in attacks, and did not arrest suspects, particularly supporters of the Bharatiya Janata Party (BJP). HRW alleged that instead of helping Muslims in finding their relatives' bodies, the Gujarat police victimized and harassed them. In August 2004 the Supreme Court instructed the Gujarat High Court to appoint a committee of high-level police officials to re-examine the 2,032 closed cases out of a total of 4,252 complaints filed and determine whether any should be reopened. In February Gujarat police informed the Supreme Court that they would reexamine the closure of 1,600 of the 2,032 cases, and reinvestigate some



of the cases by filing fresh FIRs. The media reported that officials attempting to conduct a serious investigation into the incidents were promptly removed from the case.

The first of the convictions in post-Godhra riot cases came in 2003, when the Kheda district court sentenced 12 persons to life in prison. In December 2005 a special court in Gujarat sentenced 11 Hindus to life in prison for killing 11 Muslims in the 2002 violence. In other cases that concluded during the year, the accused were acquitted due to a lack of evidence, faulty investigations or because witnesses had been bribed or were afraid to testify. Human rights groups alleged that, with the exception of the high profile cases in which the Supreme Court has taken interest, accused persons were most likely to be acquitted.

In 2002, Hindu assailants burned the Best Bakery in Baroda, killing 14 persons. On February 24, the Mumbai retrial of the Best Bakery case found nine defendants guilty of murder by arson and sentenced them to life imprisonment, while another eight were acquitted. In March the Supreme Court convicted principal witness Zaheera Shaikh, whose family owned the Bakery, of perjury after she repeatedly changed her testimony, according to HRW and AI, due to intimidation by prominent members of the BJP. On March 29, Shaikh was sentenced to one year in prison and was serving the sentence in a Mumbai jail (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – India*, March, Section 1(e) – Attachment 10).

Commenting on the same incident, Freedom House refers to “evidence of [the Gujarat] state government complicity in the violence and its failure to prosecute those responsible” (Freedom House 2003, ‘Freedom in the World 2003 - Country Report: India’, Freedom House website [www.freedomhouse.org/research/freeworld/2003/countryratings/india.htm](http://www.freedomhouse.org/research/freeworld/2003/countryratings/india.htm) - Accessed 11 July 2003 – Attachment 40).

*The Independent* comments on the BJP’s covert attempt to sabotage investigation into the incident as follows:

In a damning ruling for the ruling BJP party of India's Prime Minister, Atal Behari Vajpayee, the supreme court ordered a retrial of what has become known as the Best Bakery case after a key witness said that senior local officials from the party had threatened her and her family with death if she told the truth.

Zahira Sheikh, 20, appealed to the supreme court, claiming she changed her testimony in the original case because of the threat. The court yesterday ordered the retrial to be moved to neighbouring Maharashtra state...

The case has repeatedly been singled out by human rights groups who have condemned the Indian authorities' handling of the massacres in Gujarat. Human Rights Watch has accused the authorities in BJP-ruled Gujarat of sabotaging investigations, squandering evidence, routinely reducing murder and rape charges to rioting, and arbitrarily freeing or acquitting suspects (Huggler, Justin 2004 ‘Retrial ordered for Gujarat massacre case’, *The Independent*, 13 April <http://www.independent.co.uk/news/world/asia/retrial-ordered-for-gujarat-massacre-case-559818.html> - Accessed 31 October 2008 – Attachment 41).

In contrast to the above reports, a Gujarat-based magazine, *Gujarat Global News* implicates the party more specifically in violence against the Muslim community in the course of the incident although the BJP denied it. The magazine states that:

A sting operation by Tehelka has shown direct involvement of Chief Minister Narendra Modi in post Godhra riots. The operation telecast on a national TV channel on Thursday shows two staunch BJP supporters claiming that Modi had given three days free for all to Hindus

The faces and lip movements of these two workers are very clear. However the BJP has dubbed it as a Congress sponsored election gimmick.

The magazine's Editor-in-Chief Tarun Tejpal said at a press conference that it had done a sting operation over the last six months by talking to a number of Sangh Parivar leaders, including Godhra BJP MLA Hareesh Bhatt, Shiv Sena leader Babu Bajrangi, who was earlier in VHP, and VHP leaders Anil Patel and Dhawal Jayanti Patel to bring out the truth.

MLA Bhatt was purportedly caught on tape saying he was present in a meeting in which Modi allegedly gave him three days time "to do whatever they wanted" ("Tehelka sting operation rocks Gujarat BJP" 2007, *Gujarat Global News*, 25 October <http://www.gujaratglobal.com/nextSub.php?id=3379&catype=NEWS> - Accessed 31 October 2008 – Attachment 42).

Referring to the magazine report, the *BBC* comments that:

India's main opposition party has dismissed claims that its government in the state of Gujarat supported violence against Muslims in 2002.

The allegations against the Hindu nationalist Bharatiya Janata Party (BJP) were made in secret video recordings by the Tehelka magazine.

They have also been broadcast on local television.

The BJP has described the allegations as a conspiracy hatched by India's governing Congress party (Majumder, Sanjoy 2007, 'BJP dismisses Gujarat riot claims', *BBC News*, 26 October [http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/south\\_asia/7063327.stm](http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/south_asia/7063327.stm) - Accessed 31 October 2008 – Attachment 43).

Citing several sources, an RRT Research Response comments on the connection between the BJP government and the police in Gujarat as follows:

After the election of the BJP government in Gujarat in February 1998, there was a calculated move by the authorities to side-line Muslim police officers. The eight Muslim officers, from a force of one hundred and forty investigation officers, were kept away from decision making posts. There are sixty five Muslims in the Gujarat police service and the low numbers in the force are a result of systemic discrimination by the recruitment authorities. A secret circular in 1999 issued by the Director of Police Intelligence to the top brass of the state police revealed the hostile attitude of the BJP Government towards Muslims. In the circular, the government ordered the police department to compile a list of Muslims involved in any riot or civil disturbance. This list was used to harass, intimidate and attack Muslims in the post-Godhra Gujarat (RRT Country Research 2006, *Research Response IND31126*, 19 December - Q 3 – Attachment 44).

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### **Region Specific Links**

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Copernic <http://www.copernic.com/>

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