

NANDIGRAM CARNAGE

People's Tribunal Report

[Following is the Press Release issued by the All India Citizens' Initiative in connection with the Tribunal's final report.]

In its final report the People's Tribunal on Nandigram has called the violence of 14 March 2007 a 'pre-planned, state-sponsored massacre' carried out 'to teach a lesson' to people opposing the SEZ project on their land.

It has strongly recommended continuation of the CBI investigation, initiated by the Calcutta High Court on 15th March but wound up in just a week. Among other aspects it wants the CBI to inquire into the specific roles played by members of the local and state administration in the killings of innocent people and atrocities on women.

The Tribunal report, handed over to Mr Gopal Krishna Gandhi, Governor, West Bengal on 8 August, also called for the re-arrest of the ten CPI (M) cadres taken into custody earlier by CBI but let off on bail due to the deliberate laxity of the West Bengal state police in filing charges against them within the statutory period.

In its findings the Tribunal said on 14 March "there were a disturbingly large number of incidents of sexual violence by both police and armed ruling party cadres against women, many of them carried out in the most cruel, degrading and inhuman manner". In order to provide speedy justice to the victims the Tribunal report has asked the judiciary to consider setting up a special bench, headed by a woman judge, to hear all cases of rape, molestation and violence against women of Nandigram by both police personnel and armed cadres of the CPI(M).

The Tribunal report has further called upon the Calcutta High Court to appoint a "monitoring committee" to ensure that there is no repetition of the violence of 14 March. It pointed out since that day there have been at least 25 incidents of armed "intrusion" by CPI (M) cadre into the Nandigram area for which no one has been arrested.

The report also called upon the West Bengal government to make a public declaration that force would not be used against the local people for the so-called restoration of law and order in the Nandigram area.

The nearly 100-page report, based on prima facie evidence as well as over 194 depositions from people and organisations in Nandigram and Kolkata, has also asked the National Human Rights Commission to look into the issue of immediate distribution of ex-gratia payment to all those killed or injured in the violence of 14 March. Further it said the people of Nandigram should also be legally assisted in obtaining compensation and damages for death, injuries or damaged properties from the government.

The report has also addressed the contentious issue of CPI(M) supporters and their families who have fled to Khejuri and suggested the refugees be given full protection to return to their homes and continue their livelihood under supervision of an independent body. It has however made an exception of those among the CPI(M) cadre from Nandigram who have been accused of grave crimes on, before or after 14 March 2007.

The Governor told the delegation of citizens who met him to present the Tribunal report that he will go through its contents and take appropriate action as required.

The Tribunal, organised by the All India Citizens' Initiative, a network of concerned citizens across India, heard depositions from victims, witnesses, social activists, intellectuals, doctors, human rights groups and other concerned organisations. The hearings were held in both Nandigram and Kolkata from 26-28 May and headed by Justice S N Bhargava, former Chief Justice of the Sikkim High Court.

Tribunal members, which included Prabhash Joshi (Founder Editor, Jansatta), Lalita Ramdas (Social Activist), John Dayal (Member, National Integration Council) and Jyotirmoy Samajder (Psychiatrist), visited the site of police firing and other places in the Nandigram area relevant to understanding the circumstances and nature of the violence.

Among the other findings of the Tribunal are:

- Maintaining secrecy over the details of the Special Economic Zone project and lack of proper consultation with those likely to be affected by the land acquisition was what created suspicion and resentment among people in Nandigram about the intentions of the government;
- There was deliberate negligence in attending to the victims and providing them immediate medical assistance, treatment and relief following standard universal guidelines;
- In the aftermath of the incidents of 14 March 2007 no compensation or assistance has been provided to the victims by way of rations, cash or medical support;
- The incidents of 14 March, 2007 could have been avoided provided adequate steps were taken by the Administration after the violent events of 7 January 2007 and had the miscreants apprehended and taken to task;

Recommendations made by the Tribunal, based on prima facie evidence as well over 194 depositions made before it, include:

- Filing of a Habeas Corpus petition for missing persons especially in the case of Subrato Samanta, who is still missing following the police firing and assault of 14 March 2007;
- Prosecution of CPI (M) cadres guilty of impersonating police personnel on 14 March 2007 or using illegal firearms;
- Encouragement of civil society groups to provide legal assistance to the people of Nandigram, who have lost confidence in the state administration and police, to file FIRs against the perpetrators of the 14 March massacre;
- Thorough investigation and prosecution of officials of public hospitals found guilty of tampering with medical discharge certificates of the victims of 14 March massacre to hide incriminating evidence;
- Medical aid and assistance by the state to victims who are still suffering and who were not suitably attended and treated so far;
- Disarming of both sides engaged in conflict in Nandigram and surrounding areas through talks, and confidence-building measures under an effective and independent agency/observers appointed by the Calcutta High Court;



Full involvement of all political parties at the local level in the peace efforts in Nandigram and adjoining areas and not merely by the party leaderships at the state level;

Among the more long term measures suggested by the Tribunal are that Human Rights Courts as provided by the Human Rights Act (1993) be set up in West Bengal to provide justice in the case of human rights violations and that police reforms be undertaken urgently to de-link the police from anti-social elements and interference from ruling party and politicians. □□□

[People's Tribunal on Nandigram, 26-28th May, 2007. For the full report visit: www.counterviews.org]