



People's Tribunal on the Atrocities
Committed against Minorities
in the Name of Fighting Terrorism

Selected Testimonies

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TRIBUNAL SCHEDULE FOR AUGUST 22-24, 2008

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Gujarat Case Studies

Name of Victim: Kalim Ahmed Kalimulla Mohd Habib Karimi
Address: Kalupur, Ahmedabad

Source of information : By newspaper
Period of the fact finding : 16-08-2008

1. Details of the case

Sl, N.	Subjects	Details of the case
1.	Nature of offence	Police Torture, Illegal Detention.
2.	Date / time of the incident	APRIL 2002 TO 3, APRIL 2003 at 12
3.	Date /time of FIR/ police station	4/04/2003, 12:00, Crime Branch police stations vide C.R.No I.6/2003 Ahmedabad.
4.	Sections of the case	120B, 121,121A, 122,123 of Indian Pinal Code and under section 3(1)A, B, 3(3), 4, 20, 21, 2(B), 22(3) of Prevention of Terrorism Act (POTA)
5.	Date / time of medical Examination	

Background and summary of the case

Kalim Ahmed Karimi is 33 yrs with a high school certificate and an ITI course certificate in Radio and TV repairs. He used to run a small radio repair business. He has a 7 year old son and a 4 years and 6 six months old daughter. On 3rd April, 2003 he had gone out to get some medicines for his pregnant wife who was unwell. He never came back. Later on, the family came to know that somebody shouted out to him, saying that they were the police and took him in for questioning. Although Kalim was picked up on the 3rd of April from Ahmedabad, the CBI states that they arrested him on the 26th of April in Andhra Pradesh. They asked for him to be remanded for 3 days and then brought him to Ahmedabad.

On 29th April, after being remanded for 11 days, he was produced in the Meghaninagar court. Thus after 14 days, the court was given custody and immediately, on the basis of a transfer warrant, he was arrested by the crime branch. After being remanded for another five days, the crime branch declared that a *Tamncha* was found from Kalim. His father wanted to know where could have Kalim possibly hid this *Tamncha* during his 14 day remand with CBI?

Kalim was illegally detained from the 3rd to the 26th of April. What happened to him during this period has been described by him in a written complaint from jail.

He was charged with the Tiffin Bomb Blast case, the Haren Pandya murder case and a Jihadi Conspiracy.

Statement of the Habib Karimi (Kalim's father)

Habib Karimi from Kalupur, Ahmedabad is 70 years old and runs a small business as a newspaper vendor.

At about 10 pm on the 3rd of April, 2003, 20 to 25 men of the Crime branch, including Inspector Sayeed, Vaghela, Barot, Trivedi, Chauhan etc barged into our home. They started questioning us on the whereabouts of Kalim. We told them that we ourselves were extremely concerned as Kalim was not to be found since the morning of that day. They completely ransacked our home. They asked me to go along with them for questioning, put me in a vehicle and took me to bungalow no-16 (as I later realized). PI Trivedi wrote a statement about my family details after which he asked me to go to sleep. I was rudely woken up around 2:30 in the morning by PI Sayeed and Trivedi. They told me that they wanted me to go along with them to my brother's, Abdul Sattar, house in Juhapura. At 3 am we knocked on the door of my 80 year old brother's house, wherein he and his 76 year old wife were questioned about the whereabouts of Kalim for about two hours. After which they took me back to Shahibaug and asked me to go to sleep.

On the night of the 4th they took me to Gaekwad Haveli station and kept me there till the 9th of April. During this time they continuously kept asking me about my son.

At 10 pm on the 9th of April they told me I could go home. However, before leaving I would have to sign a few papers they said and presented me with a few blank papers. I said that please write whatever you have to write on these and then I'll read it and sign. On this Vaghela went into a rage and said that now I wouldn't be sent home. I pleaded with him, saying that I am an old man and suffer from blood pressure and breathing disorders and I am quite exasperated with all this, so please let me go home. Out of desperation I signed the blank papers after which they said I could go home. They told me that I should not contact any lawyer and that they had men keeping an eye on me. I was also told not to forget that they had my signatures on blank sheets.

On the 11th of April I received a call from Trivedi asking me to come to Gaekwad station. I was taken in a jeep to Kalim's shop, along with Vaghela, Barot, Trivedi, Chauhan, Singhal and about 25 other men. They broke open the shop and ransacked it for about one and a half hours. After which they put their own lock on the shop and asked me to go home.

After about a month the CBI men went to this shop and broke open the crime branch lock and further ransacked it for investigation. Thereafter they put their own lock on the shop. About one and a half month thereafter Mr. Agrawal once again broke open into shop, leaving me with the present damaged condition of the shop.

We are from a very decent family with a business background. Nobody has ever had a police case registered against them in our family. They have beaten and tortured my son in an unspeakable manner and forced him into signing a confession. My son and some others have narrated the torture experience and the forcible confessions to the POTA Judge Sonia Gokani.

My son was illegally detained from 3rd to 26th April. What happened to him during this period has been described by him in a written complaint from jail. I have forwarded the complaint to several authorities including the President of India, NHRC and NCM, amongst several others.

Ahmed Kalim has been sentenced to 14 yrs for the Haren Pandya murder case and to 10 years in the Tiffin Bomb Blast.

The condition of his family is really poor, with the sustainability of the family depending on the sale of newspapers by Kalim's father, Habib Karimi.

Maharashtra Case Studies

Name of accused: Dr Farooq Makhdumi, 33
 Address: Masjid Kahke Saeed Da, Kusumba Road, Malegaon.
 Contact details: (02554) 236078
 Lawyer: Shahid Azmi until recently, when he was no longer wanted by the family, as the lawyer is being investigated by the police.

Source of information: Newspaper
 Period of fact finding: 11/08/2008

1. Details of the case:

SI N	Subjects	Details of the case
1.	Nature of offence	Illegal detention and torture by police
2.	Date/time of detention	6/11/2006
3.	Date/time of FIR	
4.	Sections of the case	MCOCA

List of Victims

SI N.	Details about the victims	Age	Occupation	Address
	Dr Farooq Makhdumi	33	Doctor of Medicine	Masjid Kahke Saeed Da, Kusumba Road, Malegaon.

List of Perpetrators

SI N.	Details about the perpetrators	Age	Occupation	Address

List of Concerned Public Officials

Si N.	Details about the concerned public officials	Age	Occupation	Address

2. Statement of the accused:

At 11pm on the 6th of November 2006 the accused was taken by members of the ATS from the hospital where he ran a private dispensary. He was formally

arrested on the 11th of November under MCOCA. On the 19th of November the accused was taken to Bangalore where he was subjected to two narcotics, or 'truth serum', tests whilst only one of these was authorised. Taken back to Mumbai he was tortured into signing a piece of paper with lots of different statements, a few of which incriminate him in the Mumbai bombings. He was transferred to Arthur Road Jail on the 20th of November and then onto Ratnagari special prison as he began communication with an NGO.

The police claim that an 'approver' claimed that Dr Makhdumi called a meeting – at which he claims to be present - as a member of a covert militant cell on the 7th of September at his clinic at 7pm. On the 7th of September Dr Makhdumi had treated 45 patients and finished work at 6.30pm. On the 8th of September he treated 16 patients before 11.30am and from his clinic went to drop his mother-in-law off at home. He then went to the mosque and heard about the bomb blast from fellow worshippers. He then went looking for his father around the bomb blast site; unable to find him he went to the hospital to treat the injured blast victims. Forensic tests from the accused's house and dispensary found no trace of explosives or other illicit material.

say that his name was Altaf Muletar, a.k.a Raju and he is responsible for the bombings in Samkat Muchan Mandir and the Courts in Lucknow. He was then sent to the civil jail in Lucknow where he was deprived of clothes in the cold and was imprisoned there for twenty two days. While he was in jail police raided his house and took away a lot of documents. He was eventually released on the 17th January.

Media Report:

Newspapers support Aftab, they talk about how, even after being pronounced innocent by the CID, his family is being harassed by the police.

The newspaper story ran that he was in police custody for 22 days with the CID and the CID said he was the area leader for HUJI. They talked of how he was from Bangladesh, even though he lives in West-Bengal and was accused by the police of being responsible for the court room blasts in Lucknow. After his release Aftab asked for Rs. 80000 as compensation from the Chief Minister of West-Bengal, however the JNU spokespeople contacted the police on his behalf asking for 5 lakh rupees as compensation. The people's Union for Human Rights also helped to secure his release.

Released due to innocence on 17th January and was able to keep his job.

Tamil Nadu Case Studies

Name of accused: Yakoob Khan
Address: Coimbatore

Details of the case

S. No	Subjects	Details of the case
1.	Nature of offence	Illegal detention and torture of Muslim youth by Police personnel.
2.	Date /time of FIR/ police station	15th of February 1998; Crime no. 151/98; B1-police station
3.	Sections of the case	Explosives Act: 4-B

List of victims

S. No	Details about the victims	Age	Occupation	Address
1.	Yakoob Khan	27	Manufacturer	Coimbatore

Background and summary of the case:

Yakoob Khan

Yakoob Khan is 27 and he assembles TV stands. He lives in Coimbatore and was arrested at the age of 17.

The police claim that Yakub Khan was the sixty first member of a team of one hundred and sixty six. He is said to have helped transport the blast material that was used in the 4pm, 14th of February 1998 bomb blast. On the 14th of February Yakub was actually in his college at the Industrial Technological Institute. Classmates and teachers have been pressured not to come forward as witnesses.

A month after the 14th of February 1998 blasts when there were constant reports of the police picking up young boys from all over Coimbatore, Yakub's family sent him to a family house in Chennai (Madras). Yakub was to stay there until things were back to normal and then return. He was at this time studying at the Industrial Technological Institute. Soon after his departure the police approached Yakub's family and upon realising that he was absconding released a warrant against him. The family was constantly harassed. All the family, including Yakub's younger brother, were followed wherever they went. Soon after the Police confiscated all the families documents such as proof of age certificates, school papers etc. The family soon gave up to the police pressure and asked Yakub to surrender to the Police.

Yakub surrendered to the police on April the 18th 1998 in Chennai and was charged with section 17/102 (involvement with a banned movement). Soon after being arrested another charge, that of murder was put on him. He was taken to Vellore jail 15km from Chennai and kept here for one and a half months. He was subsequently transferred to Coimbatore jail where he was charged with the additional charges.

On the 2nd of June he appeared in court in Chennai. Every ten days he appeared before the court only to have his remand extended. After three years a government lawyer was appointed for him. The Special court in his case too, refused to let him be tried as a juvenile. In the final judgment Yakub was given seven and a half years of imprisonment. However, since he had already served nine and a half years, he was released.

For the first year and a half Yakub was kept imprisoned without his surrender being registered. He was in this duration beaten up and tortured. He was provided with neither a lawyer nor a hearing in front of a magistrate and denied or given food at the will of the guard.

Yakub's father was a Kuli who also sold wood to make ends meet. In his absence the family lived in a terrible condition as there were no other hands left to work.

The Media reported that Yakoob was a terrorist.

On his release he set up his own TV stand manufacturing business but no bank will give him any type of loan. Whenever he wants to visit his relatives, or leave town, he is stopped and questioned by the police. Whenever there is a religious festival or contentious event he is followed and forced to be at home. Yakub's relatives and friends are for the most part avoiding him.

Case Studies Andhra Pradesh

Name of accused: Dr Juniad
Address: Hyderabad

1. Details of the case

Sl, N.	Subjects	Details of the case
1.	Nature of offence	Police Torture, Illegal detention
2.	Date/time of incident	3 rd of September 2007
4.	Date /time of FIR/ police station	8 th of September 2007
5.	Sections of the case	POTA

List of Victims

SI N.	Details about the victims	Age	Occupation	Address
	Dr Juniad		Doctor	

Statement of accused:

Dr Juniad is a final year student at Unani Medical College, and president of the student union. He was picked up on the 3rd of September 2007 whilst en-route from his hostel to his home. He was produced before the magistrate at his resident on 8th of September 2007. Police claim that he was apprehended at Nampally railway station on the 8th of September. He was accused of conspiring against the state. The evidence given by the police is that some literature was found in his possession.

He was taken forcibly by plainclothes ATS officers on the third. Immediately after being picked up his face was covered by a black cloth. He was put in a TATA sumo. Then third degree torture started. He was given heavy electric shocks, including on his privates. They used filthy language against Muslims and Muslim women. During this time he was forced to sign a blank piece of paper confessing to his guilt. During his interrogation he was constantly asked why he shouted slogans against police violence. They asked him why he raised questions regarding the Sohrabuddin fake encounter and why he attended a conference against it.

They asked him why Muslims have so many children. For two days he was not given anything to eat. Once just before he was about to eat it his face was punched. His face was kept covered in black cloth throughout this ordeal. He was unable to tell the difference between day and night; or walk, or listen properly. A shoe was stuffed in his mouth and he was told to read the Quran with the shoe in his mouth. He was asked to shout 'Jai Rama'.