

Christians Concerned Over Acquittals in India Violence

✖ Only 24 people have been convicted a year after anti-Christian mayhem took place in India's Orissa state, while the number of acquittals has risen to 95, compounding the sense of helplessness and frustration among surviving Christians.

Dr. John Dayal, secretary general of the All India Christian Council, called the trials "a travesty of justice."

Last month a non-profit group, the Peoples Initiative for Justice and Peace (PIJP), reportedly found that as many as 2,500 complaints were filed with police following the violence in August-September 2008 in the eastern state's Kandhamal district. The violence killed at least 100 people and burned more than 4,500 houses and over 250 churches and 13 educational institutions. It also rendered 50,000 people, mostly Christian, homeless.

Police, however, registered only 827 complaints and arrested fewer than 700 people, even though 11,000 people were named as attackers in those complaints, according to a PIJP survey.

"The manner of the judicial processes in the Kandhamal fast-track courts is tragic where all too many people have managed to escape conviction for crimes as serious as conspiracy for brutal, premeditated murder and deliberate arson," Dayal told Compass.

Among those acquitted was Manoj Pradhan, who allegedly led mobs that killed Christians and burned their houses a few months before he became a state legislator from the Hindu nationalist Bharatiya Janata Party (BJP).

Facing charges in five cases of murder and six of arson,

Pradhan has been acquitted in three cases.

On Sept. 24, the judge of Fast Track Court-II, C.R. Das, acquitted Pradhan and another suspect, Mantu Nayak, on charges of killing Khageswar Digal for refusing to “reconvert” to Hinduism, according to the Press Trust of India (PTI). Digal was a 60-year-old Catholic and resident of Shankarakhol area in Chakapada Block in Kandhamal.

“The court acquitted the BJP MLA [Member of Legislative Assembly] and Nayak due to lack of proper evidence against them,” Special Public Prosecutor Pratap Patra told PTI.

The Rev. Ajay Singh, an activist from the Catholic Archdiocese of Cuttack-Bhubaneswar, said Digal’s son testified in court that he was witness to the killing of his father and knew the killers, and yet the accused were acquitted.

“It was a brutal murder, possibly a case of human sacrifice,” Singh said.

Digal was dragged from a vehicle before being killed on Sept. 24 last year – one month after the assassination of Vishwa Hindu Parishad (World Hindu Council or VHP) leader Swami Laxmanananda Saraswati by Maoists (extreme Marxists), which triggered the violence as Hindu extremists wrongly blamed Christians.

Singh spoke to the son of the deceased Digal, Rajendra Digal, who said his parents left their village after the violence and took shelter in the state capital, Bhubaneswar.

The elder Digal, who owned a grocery shop and 35 goats, returned to his village to see his house and livestock. After selling some of the goats, he boarded a public bus to Phulbani, Kandhamal district headquarters, to start his journey back to Bhubaneswar around noon on Sept. 24. As the bus started, however, some assailants allegedly led by Pradhan stopped the bus and dragged Digal out. They also broke his

leg.

The attackers were said to have taken Digal to his village, where they looted his shop. Then they allegedly took him and eight of his goats to a nearby forest, where they feasted on the goat meat throughout the night.

When Rajendra Digal heard about it, he informed police, who allegedly took no interest in the complaint. Twelve days later, his father's body, naked and burned with acid, was found 25 miles from the village. His genitals had also been chopped off.

Rajendra Digal said he believes his father may have been the victim of human sacrifice involving ritual feasting and torture.

Shoddy Probe, Lack of Evidence

A representative of the Christian Legal Association (CLA) said the police had been conducting investigations improperly.

The CLA source pointed out that in another Fast-Track Court-I case in which Pradhan was one of the accused, police had wrongly recorded the age of the informant, Bhutia Digal.

"The court observed that if the police could not cite the age of the informant correctly, how could they have investigated the case properly?" said the source, adding that such discrepancies were found in far too many cases.

During the violence in August-September 2008, the BJP was part of the ruling coalition with a local party, the Biju Janata Dal (BJD). The latter recently broke ties with the Hindu nationalist BJP, blaming it for violence in March, a month before the state assembly election.

The BJP lost the April-May election, and the BJD emerged as the stand-alone ruling party. It is believed that the state administration began taking action against the assailants only

after the coalition split in March – six months too late, which possibly provided enough time for suspects to remove evidence and threaten witnesses.

Witnesses are still being threatened or bribed, according to rights groups.

On Sept. 24, the day the BJP legislator was acquitted, the fast-track court also released five others accused of arson in the Tikabali area of Kandhamal in a separate case, reported the PTI.

Singh said the witnesses were either intimidated or bribed and therefore turned hostile to prosecutors in court. Friends of the accused took the witnesses to the court in their vehicle, he pointed out

Dayal said the Orissa High Court should have taken notice of the increasing number of acquittals.

“A man now an MLA seems to be beyond the law,” he said. “I would demand a high-powered judicial review by the High Court of Orissa itself, or failing that, by civil society, which should set up an independent commission of retired judges and senior lawyers.”

Singh said police investigations and prosecutions were a “sham.” There is also “a pressing need for witness protection,” he said.

He added that there were reports of witnesses being intimidated and threatened in various villages, such as Dodingia, K. Nuagam, Phiringia and Solesoru. “Police are not entertaining complaints of the threat to the witnesses,” Singh said.

Dayal highlighted three essential problems: The quality of the charge-sheets prepared by police; the role of the public prosecutor in pressing the charges as prepared by police; and

the circumstances under which eyewitnesses, "often sons and daughters of those killed, cannot attest to the truth or are forced into silence," he said.

"India does not have a witness-protection program, and surely Kandhamal has none at all," Dayal said. "Witnesses have to pass through an aggressive environment which affectively silences them. They are human beings and fear future violence, having seen brutal violence in the past."

Singh and Dayal demanded that the cases be heard outside Kandhamal, preferably outside Orissa state.