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**Deputy Assistant Secretary Zimmerman's Meeting with
Members of Congress on Narendra Modi Case
Friday, June 28, 2013, 10:45am**

CONTEXT

(SBU) During their March 2013 visit to Gujarat, India, Congressmen Schock (R-IL), Lummis (R-WY), and McMorris Rodgers (R-WA) invited Chief Minister Narendra Modi to visit the United States. The Department revoked Modi's visa to the U.S. in 2005 under section 212(a)(2)(G) of the Immigration and Nationality Act, which makes foreign government officials responsible for particularly severe violations of religious freedom ineligible for admission to the United States. The representatives have requested a briefing on Modi, the 2002 Gujarat riots, and the Department's decision to deny Modi's visa. They will likely press for Modi to be allowed to enter the U.S. **Your role will be to outline the facts of the 2002 riots, Modi's ties to the riots, and subsequent legal and humanitarian developments.** SCA A/S Blake will discuss India political issues, and CA A/DAS Heflin will handle all matters related to U.S. visa policies.

TALKING POINTS

1. **(SBU) Overview of 2002 Gujarat riots:** On February 27, 2002, a train carrying Hindu pilgrims and activists returning from Ayodhya, a holy city for Hindus and the site of a 500-year-old mosque which was demolished by a Hindu mob in 1992, was allegedly attacked by Muslims in Godhra. Two train cars caught on fire and 58 passengers were killed. In response, over the following days and weeks, Hindu mobs in Gujarat and Maharashtra destroyed Muslim businesses, mosques and residences, and killed an estimated 1,200 to 2,000 people. The anti-Muslim violence ultimately displaced approximately 250,000 people.
 - Rioters subjected Muslim women to extreme sexual violence, including rape, gang rape, and molestation.
 - Property damage was significant, with large numbers of Muslim homes, businesses, and religious site destroyed.
 - A former Parliamentarian belonging to the Congress Party, Ehsan Jafri, and 68 others were killed when rioters set fire to the housing complex in which they had taken refuge. Jafri and Congress Party politicians had repeatedly called police and other government officials for help in dispersing the mob that had surrounded the housing complex. Jafri's

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widow, Zakia Jafri, has stated that her husband had reached out to Mr. Modi directly for assistance. However, no help ever arrived.

- Sporadic violence continued throughout 2002. Currently, approximately 10,000 families remain internally displaced and IDPs allege that the government has failed to adequately assist them. In April 2012, our Consul General visited a community of displaced people who, ten years after fleeing their homes during communal violence, have virtually no access to schools, health care, potable water or other basic services. Media reports indicate some Muslims continue to fear violence from Hindu neighbors as they await resolution of pending court cases related to the 2002 events.

2. (SBU) Modi's connections to the riots: As head of the state government in Gujarat from 2001 to present, Chief Minister Narendra Modi was accountable for the actions of state institutions during and after the 2002 riots.

- The State Department's HRR and IRFR cite the Indian National Human Rights Commission report, which concludes there was "a comprehensive failure on the part of the state government to control the persistent violation of rights of life, liberty, equality, and dignity of the people of the state."
- Local and international human rights organizations reported that Gujarat police received specific instructions not to act to prevent a possible violence. A senior police official alleged that Modi had instructed police in his presence to "allow the Hindus to vent their anger." According to Human Rights Watch (HRW), rioters had detailed lists of Muslim residents and businesses, and violence occurred within view of police stations. An independent media organization, *Tehelka*, used hidden cameras to capture some of the accused speaking openly of how the attacks had Modi's blessings. Widespread reports by media and human rights activists indicate that police refused to come to the aid of Muslim victims, and in some cases even participated in attacks on Muslims and Muslim-owned businesses. Police reportedly told Muslim victims, "We don't have orders to help you."
- Phone records indicate that, on learning of the Godhra incident, Modi telephoned members of a right-wing Hindu nationalist group before contacting his Home Minister, the police or other state authorities. As has become clear from several court convictions, that group's members were the primary instigators of the subsequent anti-Muslim violence.

3. (SBU) Status of Judicial Proceedings: While investigations in the anti-Hindu train attack proceeded relatively rapidly, HRW noted that investigations into cases related to the anti-Muslim riots that followed were deliberately slowed or simply not pursued. Local and international NGOs have consistently alleged that officials of the Gujarat state government, led by Modi, failed to conduct serious investigations and obstructed justice. State courts dismissed many cases for lack of evidence after prosecutors effectively acted as defense counsel or witnesses refused to testify after receiving threats. Scores of witnesses reported pressure to change or recant their testimony, including 41 of 73 witnesses in one case. Numerous cases remain pending, and Modi has neither been definitively cleared of involvement in the violence, nor has he been found directly culpable. HRW concluded in 2012 that in the decade since the anti-Muslim violence, increasing evidence has emerged of the complicity of Gujarat state authorities in the violence. After the Indian Supreme Court ordered several cases turned over to a Special Investigative Team (SIT), courts in 2012 convicted several high-level Gujarat officials for involvement in the riots.

4. Other religious freedom violations: Since 2002, the Department has tracked continued complaints of discriminatory treatment by the Modi-led Gujarat State government:

- In 2003, Modi allegedly directed Gujarat authorities to undertake an aggressive survey of Christian families and organizations. Local and international NGOs alleged that the survey was designed to intimidate and harass individuals who had converted from Hinduism to Christianity. The survey, which was carried out by uniformed police, included questions about the number of converts in the household or parish, the circumstances of conversion, and the sources of funding received from abroad. The survey continued for three months after it was ruled illegal by the Gujarat High Court. Soon after, Gujarat adopted a controversial anti-conversion law.
- In the mid-2000s, Gujarat police carried out a number of extrajudicial killings of Muslims via "staged encounters," in which they claimed the victims were terrorists killed in shootouts. Modi's former Home Minister, Amit Shah, is now under indictment for murder, accused of ordering and organizing at least one of these extrajudicial killings.
- In 2005, Indian media reported allegations by a high-ranking Gujarat police official that Modi had issued orders to "eliminate" minorities who attempted to block Hindu political and religious processions.
- In 2006, during a Hindu festival, Modi and other speakers condemned conversion activity by Christian missionaries and exhorted Christians to

“return home” to Hinduism. Modi told the gathering that it was his “constitutional duty” to prevent conversions by Hindus to Christianity and another Hindu leader stated that Christians and Muslims should be “Indianized,” since they “could not be thrown into the sea.”

- In 2008, Gujarat authorities refused to compensate relatives of 800 persons categorized as “missing” after the 2002 violence, in spite of funding from the Central government for that purpose.
- In August 2012, another of Modi's former cabinet ministers, Maya Kodnani, was convicted of murder for her role in leading the February 28, 2002 "Naroda Patiya" massacre, in which 97 Muslims were hacked or burned to death.
- In February 2013, Modi refused to implement a scholarship funded by India's Central government for minority students. Gujarat authorities claimed that this fund violated the “secular values” enshrined in India's constitution. After significant pressure from Central authorities, Modi ultimately agreed to implement the program.

Participants

Department of State

SCA A/S Robert Blake
 DRL DAS Jane Zimmerman
 CA A/DAS Don Heflin
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 DRL/IRF Dan Nadel
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 H/RGF Adam Center

Members of Congress

Aaron Schock (R-IL)
 Cynthia Lummis (R-WY)
 Randy Hultgren (R-IL)
 Pete Sessions (R-TX)
 John Shimkus (R-IL)
 Rodney Davis (R-IL)

WATCH OUT FOR

1. (SBU) Why Modi?
2. (SBU) Why is this only case of a visa denial on IRF grounds?
3. (SBU) If Modi is exonerated by the Indian court system, will he be eligible for a visa?

Attachments:

Tab 1 – Modi Biography
 Tab 2 – IM to A/PDAS Kozak on Modi
 Tab 3 – 2005 Visa Revocation Decision

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