

[Home](#)[RSS](#)[Subscribe](#)[Why Subscribe ?](#)[Popularise CC](#)[Join News Letter](#)[Twitter](#)[Face Book](#)[Editor's Picks](#)[Feed Burner](#)[Read CC In Your Own Language](#)[Mumbai Terror](#)[Financial Crisis](#)[Iraq](#)[AfPak War](#)[Peak Oil](#)[Alternative Energy](#)[Printer Friendly Version](#)

From Murder Mystery To Spy Thriller: The Continuing Saga Of The Mumbai Terror Attacks

By Raveena Hansa

13 May, 2010

Countercurrents.org

A great deal of new evidence concerning the 26 November 2008 terrorist attacks in Bombay has emerged over the past year. This includes the book *Who Killed Karkare: The Real Face of Terrorism in India* by S.M.Mushrif, a former police officer with a distinguished record, who uses news reports during and just after the attacks to question the official story; the book *To the Last Bullet* by Vinita Kamte (the widow of Ashok Kamte) and Vinita Deshmukh; revelations concerning Hemant Karkare's bullet-proof jacket and post-mortem report; the David Coleman Headley trial; and the trial of Ajmal Kasab, Fahim Ansari and Sabauddin Shaikh. I do not include the Ram Pradhan Commission report on police responses to the attack, for reasons I will explain.

The Headley Affair

Climate Change

US Imperialism

US Elections

Palestine

Latin America

Communalism

Gender/Feminism

Dalit

Globalisation

Humanrights

Economy

India-pakistan

Kashmir

Environment

Book Review

Gujarat Pogrom

WSF

Arts/Culture

India Elections

The Headley affair has, predictably, grabbed a great deal of publicity. The fact that the FBI had been investigating the involvement of this American in conducting reconnaissance for the 26/11 attacks seems to have come as a revelation to the Indian investigators, who had a chance to apprehend him but instead chose to detain two Indian Muslims, Fahim Ansari and Sabauddin Shaikh, for preparing maps of 26/11 targets.

It has been established that Headley was an agent of the US Drug Enforcement Administration, and his plea bargain leads us to conclude he was also a US intelligence agent: in other words, a spy. It is also known he was involved with the Lashkar-e-Taiba (LeT), and supplied information to them about targets attacked on 26/11. There are three possible explanations that would fit these facts:

1) He started off as a US intelligence agent, but was won over by the LeT, and was acting on their behalf.

2) The US intelligence agency employing him was complicit in the 26/11 attacks. Since the most likely fallout of such attacks would be increased tension and even armed clashes on the Pakistan-India border, and since it appears to be a priority of US foreign policy to reduce such tension, this would suggest that Headley was being handled by a rogue element in US intelligence.

3) The third possibility is that he remained loyal to the US agency, which in turn was following US policy. His brief, unknown to the FBI, was to infiltrate the LeT, find out their plans, and report to the US agency so that those plans could be foiled. In order to

Archives**Links****Submission Policy****About CC****Disclaimer****Fair Use Notice****Contact Us****Search Our Archive**

Site Search

 Our Site Web**Subscribe To Our News Letter**

Name:

E-mail:

Subscribe

Unsubscribe

infiltrate the LeT, he had to win their trust by participating in their activities, including preparations for their Bombay attacks, and while he was doing so, the FBI got on his trail. He did, in fact, pass on intelligence of the planned 26/11 attacks to his US handlers, who in turn passed it on to Indian intelligence.

All these are plausible scenarios, but what more or less rules out 1) and 2) is that, as Mushrif reminds us, US intelligence *did* alert the Research and Analysis Wing (RAW) on 18 November 2008 that an LeT ship was trying to infiltrate Indian waters with hostile intent and provided its coordinates, after having earlier warned of an attack from the sea on coastal hotels (pp.182-87). Headley was the likely source of this intelligence. If he was an LeT agent, why would he pass it on to the US agency? And if the latter wanted the attack to succeed, why would they pass on the intelligence to RAW? So 3) seems the most likely explanation (Miller 2010).

If it is doubted that a US intelligence agency could conduct operations without the knowledge of the FBI, we have an example closer to home which illustrates precisely such a possibility. On 6 December 2008, Tausif Rehman and Mukhtar Ahmed were arrested by the Kolkata police for supplying three SIM cards for the cellphones of the Mumbai attackers. Initially seen as a breakthrough in the investigation, the arrests soon became an embarrassment when it was discovered that Ahmed was an Indian intelligence operative who had infiltrated the LeT. Clearly, this was a case of Indian intelligence acting without the knowledge of the Indian police. These SIM card numbers (among others) were passed on to the Intelligence Bureau (IB) on 21 November with strict

instructions to monitor them, and they were, in fact, used by the terrorists to keep in touch with their handlers in Pakistan (Mushrif, p.185).

According to news reports, it appears that on 19 November, RAW passed on the US intelligence to the IB, which on 20 November passed it on to the Coast Guard and the Principal Director of Naval Intelligence. However the Coast Guard was unable to locate the ship (possibly because it was still in Pakistani waters) and asked the IB Joint Director for more information. He promised to revert, but never did. Nor, according to Mushrif, was the Mumbai police, Maharashtra government, or Western Naval Command alerted to the looming threat. This proved all the more disastrous because the Mumbai police had suspended its normal coastal patrols near Badhwar Park (where the terrorists landed) forty days before the attack, despite warnings of an attack from the sea (Mushrif, pp.182-87).

If the Western Naval Command had joined the search, if the Mumbai police had stepped up instead of suspending its coastal patrols, and if the SIM cards had been monitored to find out the precise location of the terrorists, they would surely have been intercepted, either on the high seas or when they came in to land. This looks like something much more sinister than an intelligence failure, namely complicity by elements in Indian state institutions in waging war against India.

The fact that the terrorists were not apprehended before they could carry out their deadly attacks would have put Headley in a very difficult position. If he had been a fictional hero like Samir Horn in the Hollywood thriller *Traitor* – who, like Headley, uses his mother's

surname and participates in US undercover operations without the knowledge of the FBI – Headley would have taken on the Pakistani handlers, emerged victorious, and aborted the mission. But in real life, given that it was more likely he would have been killed and the attack would have occurred anyway, he presumably decided not to risk it. If this is what happened, is Headley responsible for the attacks? Yes and no. Yes, because he staked out the targets and provided information to the LeT in his capacity as a US spy. No, because he provided precise, actionable intelligence that could have been used to prevent the attacks. This is surely what accounts for the lenient treatment he has received at the hands of the US authorities.

Why would prior intelligence of the attacks be blocked?

But why would Indians block intelligence that could have prevented the terrorist attacks of 26-29 November 2008? Mushrif's explanation is that the IB has been infiltrated by Hindu extremists who in the last few years have changed their strategy from fermenting communal pogroms to carrying out terrorist attacks and blaming them on Muslims. Hemant Karkare, in his capacity as Anti-Terrorist Squad (ATS) Chief, had begun to uncover this network, and had to be stopped at all costs; the terror attacks on the Taj and Oberoi Trident hotels and Nariman House provided a perfect cover for a parallel operation which was aimed at eliminating Karkare. (See Hansa 2009a and 2009b for my earlier observations on this issue.)

Savarkar's directive in 1942, asking Hindu nationalist cadre to infiltrate organs of the state, supports Mushrif's allegation of Hindu extremists infiltrating the IB, which is also

borne out by *Open Secrets*, the memoirs of former IB chief M.K. Dhar. According to K.P.S. Gill, Dhar 'starts out in life as a self-confessed hater of Muslims,..never loses his sneaking sympathy for the "Sangh parivar" and makes no secret of his sympathy for, and sustained association with, some of its prominent leaders' (Gill 2005). Indeed, Mushif may be understating the case by leaving out other organs of the state that are similarly infiltrated. Communal bias within the police force is demonstrated in every pogrom, and Karkare's investigations provided evidence that the rot had spread even into the armed forces.

Evidence that Muslims have been framed in real or imaginary terrorist plots is plentiful too. In a few cases in which they were killed, relatives have brought charges against the police: for example, Sohrabuddin Sheikh and his wife, Ishrat Jahan and three others, and Khwaja Yunus, accused of involvement in the Ghatkopar blasts of 2002 (Janwalkar 2008). In most cases, their lives and reputations are ruined by their being held in jail for years and tortured on terrorist charges without any evidence against them. Thus the police response to the Hyderabad blasts of May and August 2007 was to round up Muslim youths indiscriminately and torture them to obtain confessions. Twenty-one victims of torture who were later released without charge were given a small compensation, but no action was taken against the police who had incarcerated and tortured them (*IBNLive* 2008).

This consistent pattern of framing Muslims even for attacks in which the overwhelming majority of victims were Muslims, as in the case of the Samjhauta Express train blasts in

2007, could not have been sustained without the participation of the IB and police. Investigations into the Nanded blasts in 2006 revealed that bombs made by the RSS and Bajrang Dal had earlier been set off at mosques in Parbhani (2003), Jalna (2004), and Purna (2004), and were about to be used in another terrorist attack in Aurangabad when they went off prematurely. But half-hearted prosecutions allowed members of the network to get away. Ironically, local protests at the way the case was being mishandled led to its being transferred to the Central Bureau of Investigation (CBI), which further diluted the charges (Mushrif 153-67)! Initial investigations by the local police pointed to Hindutva groups as the perpetrators of the blasts at a Muslim festival in Malegaon in 2006 that killed over 30 and injured hundreds, yet again the police, the Maharashtra ATS (then headed by K.P.Raghuvanshi) who took over from the police, and the CBI who took over from the ATS charged Muslims against whom there was no evidence whatsoever (Khan 2010). It appeared that Hindutva terror groups could commit mass murder with impunity (Gatade 2008).

It is against this dismal background that the first *bona fide* investigation into a terrorist attack, carried out by Karkare in 2008 after the second round of Malegaon blasts, stands out in such sharp relief, because it followed the clues in a logical manner, did not accuse innocent Muslims of crimes they had not committed, and did not cover up the role of Hindutva terrorist networks. What was particularly sensational about these findings was that they revealed how wide and deep the network had become, and unearthed evidence that earlier bomb blasts (for example the Ajmer Sharif and Mecca Masjid blasts in 2007) for which Muslims had been blamed, arrested, jailed and tortured, sometimes for many

years, were actually the handiwork of Hindu extremists. Abhinav Bharat, headquartered in Pune, appeared to be the centre of these operations. Mushrif's book sifts through evidence suggesting that these and many more terrorist attacks were planned and executed by Hindutva terror networks.

Karkare's revelations were confirmed recently, when the Rajasthan ATS arrested two Hindutva activists linked with Abhinav Bharat and suspected of involvement in the Ajmer Sharif, Mecca Masjid and Malegaon blasts (*Insurance News* 2010; Nair 2010). And Mushrif's allegation that Karkare had been killed by the same network in order to preempt their own exposure gains credibility from the murder of advocate Shahid Azmi on 11 February 2010. Like Karkare, but in his capacity as a lawyer rather than detective, Azmi had time and again exposed police investigators who framed Muslims in terror attacks alleging that they were members of the Students Islamic Movement of India (SIMI), Indian Mujahideen, and other real or fictitious Islamic terrorist organisations (Sahi 2010). His defence of Fahim Ansari, one of the accused in the 26/11 case, is a good illustration of his methods as well as those of the police and prosecutors. Public prosecutor Ujjwal Nikam's story was that Ansari had made maps of the city and handed them over to co-accused Shaikh in Nepal; Shaikh in turn allegedly handed them over to Zaki-ur-Rehman Lakhvi in Pakistan, and one of them was supposedly found in the pocket of Abu Ismail after he was killed. Azmi's cross-examination of Nooruddin, who claimed he had seen Ansari hand over the maps to Shaikh in Nepal, revealed there was no evidence that Nooruddin had ever been to Nepal; and showing the court the blood-soaked clothes of Ismail, Azmi asked, 'How could the police recover the map spotless and

uncreased?' These arguments clearly carried weight with Justice Tahaliyani, as did the unanswered question why they would have relied on hand-made maps when better ones were available on the internet (Holla 2010)! But to those involved in framing Ansari, Shaikh and hundreds of other innocent Muslims, Azmi was clearly a thorn in flesh who, like Karkare, had to be eliminated.

Evidence of Two Distinct Operations, One Aimed at Killing Karkare

Mushrif lists several reasons why the operation at CST (VT) station-Cama Hospital-Badrudin Tayabji Lane could not have been part of the same operation as the Colaba attacks at Café Leopold-Taj-Oberoi/Trident-Nariman House. (1) 284 Voice Over Internet Protocol (VOIP) messages were received by the gunmen in Colaba from their handlers in Pakistan, but not a single one by the gunmen of the former operation, who, on the other hand, dropped mobile phones with SIM cards registered in Satara. (2) The gunmen in Colaba were instructed by their handlers to spare Muslims, whereas 40 per cent of the victims killed by the gunmen in CST station were Muslims, most of whom looked Muslim. (3) The gunmen in Cama Hospital spoke fluent Marathi – a fact reported in various newspapers and confirmed by a senior IAS officer – and spared an employee when he told them he was a Hindu (pp. 190-95). To these, one might add a few more observations: The targets of the Colaba operation were high-profile ones frequented by the Indian elite and foreigners, whereas VT station would have been frequented by middle to lower-class people, and Cama Hospital by the poor. The timing is different too: the Colaba operation went on for three days, while the other one ended as soon as

Karkare was dead; the gunmen could have ensconced themselves either in the station or in the hospital and fought to the death like the others, but instead they went scuttling around from place to place: a completely different *modus operandi* .

The mystery that continues to surround the circumstances in which Karkare and his colleagues were killed, and what looks like a deliberate cover-up by the police, strengthens the impression of an assassination. **First, there is the riddle of the missing CCTV footage of the carnage at VT station.** Immediately after the attack, the media reported that the entire episode had been captured on the sixteen CCTV cameras in the mainline station (Mushrif, pp.210-211), but some time later, it was reported that they had all been malfunctioning. *All?* One or two, perhaps, but are we seriously being asked to believe that not a single one was working on that particular night, whereas all the cameras in the suburban section were functioning? It seems highly probable that this is a case of tampering with the evidence, which could only have been done by agencies which had access to the tapes. (K.P.Raghuvanshi was chief of railway police at the time, and would certainly know who did it.) Why would the police tamper with this critical evidence? In the first place it would have established that **there were not two but four terrorists, as eyewitnesses and all the newspapers reported the following day; and secondly, it might well have cast doubt on the allegation that Kasab was one of them.**

Then there is the scandal of Karkare's missing bullet-proof jacket. In response to a Right to Information (RTI) application by his widow Kavita Karkare and a complaint filed by a social activist, it became clear that the jacket had gone missing. At first the police alleged

that a sweeper at JJ Hospital, where the post-mortem was conducted, had thrown it away, but Ms Karkare angrily dismissed this story as a fabrication, and the sweeper himself later denied it. One explanation for its disappearance was that this was an attempt to cover up the fact that it was part of a defective batch, but in that case, why didn't all the other jackets in the batch disappear too (*SahilOnline* 2009)? The police officers taking Kakare's body to the hospital would certainly have been aware that 'Under the norms stipulated by the criminal procedure code (CrPC), the police taking an injured or dead person to the hospital have to draw a panchnama in presence of the hospital staff, listing all the items found on the body of the victim. Not only this, these items are then to be sealed and referred to the forensic science laboratory, if needed, or kept in safe custody till the trial in the case is over' (Parmar 2009). If, in contravention of normal procedure, the bullet-proof jacket of such a senior police officer was destroyed, this clearly amounts to tampering with the evidence.

In response to allegations that the jacket had been removed to destroy evidence of police corruption in the buying of bullet-proof jackets, Karkare's post-mortem report, which had initially been denied even to his widow, was released to the press. It showed that there were five bullet entry wounds on top of his right shoulder-blade, between his neck and shoulder, and three exit wounds in his right chest and right shoulder, while two bullets remained in his body (Menon 2009). This casts serious doubt on the official version of Karkare's death, according to which terrorists in the lane ambushed the vehicle in which he was travelling along with other police personnel. In the absence of a convincing analysis showing how they could have shot him on the top of the shoulder-blade with the

bullets going downwards, and identification of the bullets and gun with which he was shot, there is considerable room for doubt about what actually happened. If he was indeed killed in the vehicle, the autopsy report appears to be more consistent with his being shot by the police personnel inside it. Furthermore, it does not look as if the wounds would have been fatal if he had received immediate medical attention. Finally, the trajectory of the three bullets that exited his body suggests that one of them might have lodged in the *inside* of his bullet-proof jacket; if it came from a police weapon, that could have been the reason why the jacket was tampered with.

Curiously, the verdict says that all the bullets passed through Karkare's body (Plumber and Shetty 2010). **So what happened to the two bullets that were found in his body at the autopsy?** What happened to the bullets that passed through him? Were they found in the vehicle, in his bullet-proof jacket, or elsewhere? **Why has the gun from which they came not been identified?**

All this makes clarification of the events of the 26/27 November night in Badruddin Tyabji Marg (locally known as Rangbhavan Lane), where Karkare, Kamte, Salaskar and other police personnel were supposedly killed, all the more important. The best account we have is by Vinita Kamte, herself a lawyer, who interviewed eyewitnesses and used the RTI Act to extract information from an obstructive police force. It appears that Commissioner of Police Hasan Gafoor decided to lead the operations at Trident Hotel, leaving the Control Room in charge of Joint Commissioner of Police (Crime Branch) Rakesh Maria. Ms Kamte knew from a telephone conversation with her husband that

Gafoor had summoned him to the Trident: how, then, did he end up at Cama? Maria told her that he did not know, yet when she got access to police call logs, they revealed that he himself had directed Ashok Kamte to Cama. Karkare too was at the back of Cama, inside which firing and grenade blasts were taking place. At 23.24 on the 26th he called the Control Room saying he was there and requesting that a police team be sent to the front of Cama Hospital to encircle it. He reiterated his request to the Control Room for reinforcements at 23.28 so as to encircle Cama. There were three police posts two to five minutes away, yet no reinforcements were sent.

Instead of reinforcements, two young people with backpacks arrived at the corner of St Xaviers College, at the end of the lane. At around 23.45 they gunned down Inspector Durgude when he tried to warn them there was firing at Cama, then fired at the car driven by Maruti Phad. Phad's family, who were watching from their apartment above the lane, as well as other residents and two constables from Azad Maidan Police Station, all called the Control Room for help, but still none arrived. According to eyewitnesses, the terrorists were wandering around the lane for over fifteen minutes. Around midnight, officers Karkare, Kamte and Salaskar got into a vehicle and proceeded towards the CID Special Branch office, which is on the way to the lane's exit beside St Xaviers. Karkare had told the constables and officers at the rear gate of Cama that he was proceeding to the front gate in order to help rescue the police personnel injured and trapped inside the hospital, where firing was still going on. *Despite all the desperate calls to the Control Room from residents and police, Karkare was not informed that there were terrorists ahead of them in the lane.*

At around 00.03-00.04 on the 27th, the police vehicle was ambushed in the lane, and residents reported an exchange of fire between a man in police uniform who got out of it (presumably Kamte) and the terrorists, in the course of which one of the terrorists was shot in the hand and dropped his gun. Another police vehicle with flashing beacon went past the ambushed vehicle while the terrorists were still in the lane, but neither stopped to help the injured men and confront the terrorists, nor informed anyone that help was needed. Not until 00.47 were the three officers picked up and taken to hospital, by which time it was too late to save their lives. At 00.56, Gafoor called Maria in the Control Room to enquire about Karkare's and Kamte's safety, and Maria feigned ignorance of their whereabouts despite the fact that call logs show Karkare had called the Control Room at 11.24, 11.27, 11.28 and 11.58 giving their location at the back of Cama, and others had called the Control Room at 00.25, 00.33 and 00.40 saying that they were injured in the lane, and finally at 00.49 saying that they were being taken to hospital. Vinita Kamte keeps asking 'Why?' and she is surely entitled to know (Kamte and Deshmukh 2009, pp. 36-61).

The Ram Pradhan Committee failed to uncover any of this information, and refused to allow Vinita Kamte to depose before them (Kamte and Deshmukh, p.68). Instead, as former police officer Y.P.Singh puts it, their report 'chastises the whistle-blower and exonerates the culprits'. Gafoor, who had charged police officers for failing to go to Cama when they had been instructed to do so, was criticised by the report for leading the action at Trident instead of stationing himself in the Control Room, and was removed from his post, despite the fact that it was entirely within his discretion to do this (Singh 2009). No

one else was criticised. In other words, the Ram Pradhan Committee report scapegoated Gafoor and whitewashed the rest of the police force.

Vinita Kamte's account makes it clear that terrorists attacked the police officers in Rangbhavan Lane while firing was still going on in Cama, that reinforcements were not sent despite repeated requests, and that help was not sent to the injured officers until they were almost sure to be dead. It is commonly assumed that the terrorist whose hand received a gunshot wound was Kasab, but that is impossible since Kasab had no bullet injuries when examined in Nair Hospital (Hemmady 2008). However, the CNN-IBN report from Metro Junction shortly afterwards, where a man who looks like Karkare and is identified as such by the reporter is being carried into a car unconscious, shows a youth with a bleeding hand: could he have been the one in the lane? In fact, the Metro incident has never been explained satisfactorily, nor have the people in the clip been identified; this remains to be done.

The Kasab Trial

On 3 May 2010, the trial of Ajmal Kasab, Fahim Ansari and Sabauddin Shaikh in Bombay ended with an acquittal for Ansari and Sabauddin and a guilty verdict on over 80 counts for Kasab, who was sentenced to death on May 6th. His so-called flip-flops, sometimes confessing to most of the crimes with which he had been accused and at others pleading his innocence, alleging he had been framed and that the confessions were extracted from him by coercion, make it particularly important to review the evidence against him. From his experience as a police officer, Mushrif points out that DNA samples and fingerprints

supposedly recovered from the fishing vessel Kuber that had been out at sea for many hours could hardly be credible evidence, since it could so easily be tampered with. The only witness who saw the terrorists disembark from the rubber dinghy at Badhwar Park and actually spoke to them, Anita Uddaiya, said there were six people not ten, and Kasab was not one of them. Despite her proving her reliability as a witness by identifying all six in the morgue, she was not only dropped as a witness, but charged with 'misleading the investigators' as a punishment for refusing to change her story under pressure (Mushrif, pp.202-206). This leads to the suspicion that other witnesses too were coerced into corroborating the official story, and dropped if they refused. How else can one explain why Cama employee Tikhe had to drink ten glasses of water before identifying Kasab as the terrorist who spoke to him (Baghel 2010)? Or why the other Cama employee, who was questioned in Marathi by a terrorist pointing a gun to his head and saved himself by replying in Marathi (Mushrif, pp.192-93), was not called as a witness?

In the absence of CCTV footage that could prove Kasab's presence in VT station, the two photographs snapped by Sebastian D'Souza (photo editor with Mumbai Mirror) became, as a comprehensive report of the verdict put it, 'the most irrefutable evidence against Ajmal Qasab in the 26/11 trial' (Baghel 2010). Kasab denies that he is the person in the photograph, and if we look at another photo of the same person, which is easier to compare with images of Kasab because it is taken from the front (*topnews.in* 2010), there is indeed room for doubt that it is Kasab. It is also notable that both gunmen snapped in VT had saffron wristbands worn by Hindus; it surely would not have been necessary for Muslim *jihadis* to wear these as a disguise! So this evidence does not seem

irrefutable after all, unless analysis of the photographs by an expert identifies the person in them definitively as Kasab, something that Kasab's lawyers did not ask for.

However, we cannot really blame Kasab's lawyers for failing him. As his earlier lawyer, Abbas Kazmi, complained bitterly, "I was not allowed to talk to him alone. He would be in the courtroom, in the box, and I would go up to him and speak to him in the presence of the security guards who could hear everything. Even the media could hear half of what he was telling me... In such a situation, where the normal interaction between the lawyer and his client was not confidential, how could he talk about anything freely? On one occasion he told me, 'yeh jail bhi unka hai, yeh judge bhi unka, yeh prosecutor bhi unka hai, aur mera vakil bhi unka hai [This jail is theirs, this judge is also theirs, this prosecutor is also theirs, and even my lawyer is theirs]'. He obviously had misgivings". After Kazmi was dismissed by the court and replaced by Pawar, the trial proceeded at breakneck speed (383 witnesses in 15-20 days), and the final defence was summed up in just one-and-a-half days (Baghel 2010).

Apart from eyewitness accounts and the photographs, the main evidence against Kasab comes from his own confession, which he later retracted, saying it was extracted from him under duress. *One can only say that if the part of his confession implicating Ansari and Shaikh was a police fabrication, the rest of it could have been a police fabrication too; and if the police and prosecution could have planted maps to incriminate Ansari and Shaikh, they would have been equally capable of planting a gun to incriminate Kasab.*

Finally, Mushrif questions the whole story of the capture of Kasab at Girgaum Chowpatty, and surely it would have been psychologically impossible (not to mention a dereliction of duty) for Sub-Inspector Ombale's police colleagues to allow a gunman to pump bullets into him without attempting to save him by shooting the gunman dead! And that, indeed, is what appears to have happened. According to newspaper reports the next day, as well as an audio tape of wireless communications between the Mumbai Police Control Room and the Commissioner of Police, *both* gunmen were killed at Chowpatty. Could one of them have been Kasab, who was pronounced by doctors at Nair hospital to have no bullet injuries and only minor abrasions and bruises (Hemmady 2008)? Is it credible that the police could have been so stupid as to report a terrorist dead when he was practically uninjured?

Under these circumstances, is it safe to conclude that Kasab is guilty of the eighty-odd charges beyond all reasonable doubt? Not really. Anita Uddaiya's testimony suggests there is no evidence he landed at Badhwar Park or had any connection with the Colaba operation. Since the crucial CCTV footage is missing, there are only photographs, which have not been analysed sufficiently, to connect him with the carnage in VT. Even the verdict admits there is no evidence he killed police officers Karkare, Kamte and Salaskar (Plumber and Shetty 2010). It is unlikely Kasab was one of the Marathi-speaking gunmen in Cama, and even more unlikely he was one of the gunmen who was killed at Girgaum Chowpatty. Given the seriousness of the charges and the fact that they carry the death sentence, a miscarriage of justice in this case would not only result in the execution of an innocent man, but would also discredit the Indian legal system. Worse still, if it results in

the illusion that those who were responsible for the carnage in VT and the murder of police officers Karkare, Kamte and Salaskar have been punished, whereas the real culprits are free to wreak more havoc, it would directly undermine the safety and security of the public. It would therefore be desirable for Kasab's guilty verdict to be appealed. The trial in a higher court should answer all the questions raised above about tampering with evidence and witnesses, as well as explain the extraordinary sequence of events at Cama Hospital, Rangbhavan Lane and Metro Junction. And Kasab should be able to communicate with his lawyer without being overheard by his captors, thus facing a threat to his person should he contradict their story.

Mr Chidambaram, the Home Minister, is quite right when he says that extra anti-terrorist legislation is not needed for dealing with terrorists (*The Hindu* 2010). What is needed, however, are honest and intelligent detectives like Hemant Karkare. Given the suspicion of IB and Maharashtra police involvement and/or complicity in the 26/11 attacks, it would be desirable that investigations into them be conducted by a completely different team of detectives, perhaps from the National Investigation Agency, who are of the calibre of Hemant Karkare. Since the US has agreed to allow Indian investigators to question David Headley, he would obviously be the best person to cast light on the Colaba attacks, and there should be pressure on the government of Pakistan to provide access to the Pakistani conspirators whom he names as well. But there should also be investigations into who in India was responsible for blocking the intelligence and preventing the attackers from being intercepted. Investigations into what exactly happened in VT station, Cama Hospital, Badruddin Tyabji Road and Metro Junction

should be able to clarify what happened to the CCTV footage from the mainline station, Karkare's bullet-proof jacket, and the two bullets from his body. All other evidence, including the photographs taken at the station, TV footage of the incident at Metro, post-mortem reports, police wireless logs, the cellphones dropped by the terrorists at VT, and the vehicle in which the police officers were supposedly killed should also be seized and analysed. The same team should investigate the murder of Shahid Azmi, who was defence lawyer for one of the accused, and the other terror attacks in various parts of the country which were being investigated by Karkare prior to his death.

If extremists are allowed to infiltrate India's state institutions unchecked, its constitution and secular character would eventually be destroyed. Hemant Karkare and Shahid Azmi lost their lives while trying to save India from this dire fate. We must ensure that they did not die in vain.

References

Baghel, Meenal, 2010, 'The Verdict,' *Mumbai Mirror*, 4 May, [http://www.mumbaimirror.com/printarticle.aspx?page=comments&action=translate§id=15&contentid=201005042010050403512667936e2841f&subsite =](http://www.mumbaimirror.com/printarticle.aspx?page=comments&action=translate§id=15&contentid=201005042010050403512667936e2841f&subsite=)

CNN-IBN, 2008, 'Muslim men wrongly held: govt., 9 November, <http://ibnlive.in.com/news/muslim-men-wrongly-held-govt--clerics-slam-terror/77755-3.html>

Gatade, Subhash, 2008, 'Terrorism's New Signature,' *Mainstream*, 26 January,

<http://www.mainstreamweekly.net/article521.html> <http://www.mainstreamweekly.net/article521.html>

Gill, K.P.S., 2005, 'I Confess, Said the Sleuth,' *Outlook*, 7 March, <http://www.outlookindia.com/article.aspx?226663>

Hansa, Raveena, 2009a, 'The Curious Tale of Mumbai Terror,' *Tehelka*, <http://winterparking.blogspot.com/2009/02/tehelka-curious-tale-of-mumbai-terror.html>

Hansa, Raveena, 2009b, India's Terror Dossier: Further Evidence of a Conspiracy,' <http://kafila.org/2009/02/09/indias-terror-dossier-further-evidence-of-a-conspiracy-raveena-hansa/>

Hemmady, Jaidev, 2008, 'No bullet hit Kasab, no active treatment on, says hospital's dean,' *Indian Express*, 2 December, <http://www.indianexpress.com/news/no-bullet-hit-kasab-no-active-treatment-on-says-hospitals-dean/393116/0>

Holla, Anand, 2010, 'Shahid Azmi's parting gift to his 26/11 client,' *Mumbai Mirror*, 1 April, <http://www.mumbaimirror.com/article/2/2010040120100401020146144d05df58e/Shahid-Azmi%E2%80%99s-parting-gift-to-his-2611-client.html?pageno=1>

IBNLive, 2008, 'Muslim men wrongly held: govt. Clerics slam terror,' 9 November, <http://ibnlive.in.com/news/muslim-men-wrongly-held-govt--clerics-slam-terror>

/77755-3.html

Insurance News, 2010, 'Rajasthan ATS nabs second suspect in Ajmer blast case,' 3 May,

<http://insuranceneWSnet.com/article.aspx?id=185964&type=newswires>

Janwalkar, Mayura, 2008, 'CID Files Chargesheet in Khwaja Yunus Case,' 16 November,

<http://www.xdot.in/view/278850/>

Kamte, Vinita, 2009, *To the Last Bullet*, Ameya Prakashan, Pune

Khan, Mustafa, 2010, 'Malegaon People's Appeal to the Government,' 24 March,

<http://www.countercurrents.org/khan240310.htm>

Menon, Vinod Kumar, 2009, 'Could vest have saved Karkare?' *MidDay*, 27 December,

<http://www.mid-day.com/news/2009/dec/271209-hemant-karkare-bullet-proof-vest-autopsy-report.htm>

Miller, Jonathan, 2010, 'Exclusive: Mumbai terror suspect warned of attacks,' *Channel 4*

News, January, http://www.channel4.com/news/articles/world/asia_pacific/exclusive+mumbai+terror+suspect+warned+of+attacks/3511237

Mushrif, S.M., 2009, *Who Killed Karkare? The real face of terrorism in India*, Pharos Media and Publishing, New Delhi

Nair, Smita, 2010, 'Malegaon, Ajmer, Hyderabad blasts... Joining the dots,' *Express*

India, 10 May, <http://www.expressindia.com/latest-news/Malegaon-Ajmer-Hyderabad-blasts-Joining-the-dots/616424/>

NDTV, 2009, 'In some ways he caught Ajmal Kasab', http://www.ndtv.com/news/india/in_come_ways_he_caught_ajmal_kasab.php

Parmar, Baljeet, 2009, 'Karkare's case: Cops goofed up in drawing panchnama,' *DNA*, 25 December, http://www.dnaindia.com/mumbai/report_karkare-s-case-cops-goofed-up-in-drawing-panchnama_1327273

Plumber, Mustafa and Sukanya Shetty, 2010, 'Court: Kasab killed Omble not Kamte; unsure about Karkare, Salaskar,' *Indian Express*, 4 May, <http://www.indianexpress.com/news/court-kasab-killed-omble-not-kamte;-unsure-about-karkare-salaskar/614602/0>

Sahi, Ajit, 2010, 'A Grain in My Empty Bowl,' *Tehelka*, 27 February, http://www.tehelka.com/story_main43.asp?filename=Ne270210a_grain.asp

SahilOnline, 2009, 'Hemant Karkare's bulletproof vest missing,' 13 November, <http://sahilnews.org/english/news.php?catID=nationalnews&nid=6798>

Singh, Y.P., 2009, 'Flawed!' *The Week*, http://www.manoramaonline.com/cgi-bin/mmonline.dll/portal/ep/theWeekContent.do?BV_ID=@@@&contentType=EDITORIAL§ionName=TheWeek%20Current%20Events&programId=1073754900&contentId=6506339

The Hindu, 2010, 'Conviction came without anti-terror law: Chidambaram,' 6 May,
<http://beta.thehindu.com/news/national/article423365.ece>

TopNews.in, 2010, 'Mohammad Ajmal Kasab to receive death penalty!' 5 March,
<http://www.topnews.in/mohammad-ajmal-kasab-receive-death-penalty-2260436>

ShareThis
