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Mumbai attack suspects to seek bail after five years

Amir Mir Tuesday, November 26, 2013 From Print Edition

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ISLAMABAD: On the fifth anniversary of the 26/11 terror attacks in Mumbai, the seven suspects belonging to Lashkar-e-Taiba who are being tried by an Anti Terrorism Court in Rawalpindi are all set to approach the Islamabad High Court for their release on bail.

While the trial of Ajmal Kasab, the lone surviving Mumbai attacker belonging to the LeT, took four years to conclude and culminated in his hanging on the eve of the fourth anniversary of the Mumbai carnage last year, the trial of the LeT's chief operational commander Zaki ur Rehman Lakhvi and his six accomplices is progressing at a snail's pace at the Adiala Jail in the garrison town of Rawalpindi.

The sluggish pace at which the trial is moving forward, has prompted the under trial suspects to ask their lawyers to approach the Islamabad High Court and seek their release on bail. The suspects have also changed their team of lawyers which was pleading their case since 2008.

According to a recently included member of the defence team, the seven LeT suspects will seek bail on the grounds that they have been under detention for over five years, despite the fact that the Pakistani authorities have failed to establish their role in the Mumbai terror attacks.

Most of the accused were arrested from the Muzaffarabad headquarters of the Lashkar-e-Taiba in December 2008, while a case was formally registered in Pakistan on February 15, 2009. However, the case has made little headway since then, with both the countries frequently blaming each other of not doing enough to punish those who had killed 166 people in Mumbai, including many foreigners. The defence lawyers of the suspects say Lakhvi and six others stand bright chances of getting bails because of the faulty charge sheet and lack of evidence to prosecute them.

They further point out that Zaki Lakhvi and his six other accomplices were framed on the basis of the confessional statement by Ajmal Kasab, who had been executed by the Indian government in November 2012. They say it is mandatory as per the law that the accused corroborate the evidence which is presented in the court. And this has become impossible after Ajmal Kasab's hanging.

Kasab, the lone surviving 26/11 attackers had named Zaki Lakhvi as his trainer as well as the principal mastermind of the attacks. The defence team of the seven suspects had sought Ajmal Kasab's statement- either by way of his appearance in court in Pakistan or by way of access which India could have given.

The Rawalpindi ATC had allowed the same, so that Kasab could be examined and cross-examined according to Pakistani law to decide the involvement of Zaki Lakhvi and his aides. Kasab's statement was the best

bet of the prosecution. However, with Kasab already gone, their best bet has also gone with the wind. Therefore, the seven suspects are all set to approach the Islamabad High Court for their release on bail.

On the other hand, however, the Pakistani authorities say, it would be hard for any court to grant bail to the seven LeT suspects keeping in view the solid evidence the FIA has against them. According to them, a senior FIA official who was investigating the Mumbai attacks had told the Anti Terrorism Court Judge Chaudhry Habib-ur-Rehman on November 10, 2012 that those who attacked and killed over 166 innocent people in Mumbai belonged to the Lashkar-e-Taiba and that they had been trained in various cities of Pakistan.

Similarly, five inspectors of the Crime Investigation Department (CID) had deposed before the ATC judge that all the seven terrorists had been trained in camps located in Mansehra, Muzaffarabad in Azad Kashmir, Khairpur, Thatta, Lakro and Gadap Town in Karachi.

To tell the truth, it is not only the Indian government which wants Islamabad to speed up the trial of the seven LeT suspects and take them to task. During his October 24, 2013 meeting with the US President Obama in Washington, the latter had asked Prime Minister Nawaz Sharif why Pakistan had not yet started the trial of suspected Mumbai attackers.

The prime minister had himself revealed this while talking to the media before leaving Washington after a four-day visit to the US. He also talked about the Jamaat ul Daawa, the prime minister said, without giving details. It must be recalled that Hafiz Saeed, the JuD ameer, is one of the alleged masterminds of the 26/11 attacks which also killed several Americans, thus prompting Washington to place Hafiz Saeed on the list of most wanted terrorists. Therefore, any likely relief to the LeT suspects may further strain the Pak-US ties.

Already, the Indian authorities have posed a complicated question to their Pakistani counterparts - how did Zaki ur Rehman Lakhvi was able to father a child despite being behind bars at the high-security Adiala jail in Rawalpindi since his arrest in December 2008.

The Indian authorities had based their question on the confessional statement of Syed Zabiuddin Ansari aka Abu Jandal, an Indian national who allegedly travelled to Pakistan to send off Ajmal Kasab and nine other LeT men from Karachi, a week before they went to Mumbai to carry out the attacks. Abu Jandal was arrested and deported to India [from Saudi Arabia] on June 21, 2012. During interrogation, Jandal had confessed that he was present in the Karachi-based control room of the LeT during the Mumbai carnage. Jandal's confessional statement gave a detailed account of the entire Mumbai operation and Zaki Lakhvi's continuous monitoring of the carnage from Karachi control room.

While sharing Abu Jandal's confessional statement with their Pakistani counterparts, the Indian authorities quoted him as saying that Zaki ur Rehman Lakhvi told him over phone from Adiala Jail in 2010 that he has just fathered a child. Lakhvi also told Abu Jandal that the authorities at the Adiala Jail had allowed his youngest wife (one of the three) to visit him in the jail to perform conjugal rights under a special arrangement. Lakhvi's youngest son from his youngest wife is almost three years old now.

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