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ASIA

India Gears Up for Mumbai Trial

Last November, the Indian nation was shaken by a 60-hour siege of the financial hub Mumbai by a handful of gunmen. The only surviving attacker is now in custody. The 21-year-old Ajmal Amir Kasab is Pakistani. He is scheduled to appear before a special court on Wednesday. Despite the controversy surrounding the case, experts expect him to have a fair trial.



Anjali Waghmare has been appointed to defend Ajmal Amir Kasab

Why should terrorists have a fair trial? Why should they be defended? These are some of the questions being posed in the Indian media and on the streets. As the only surviving gunman, Ajmal Amir Kasab has become the target of much of the anger and pain that the attack on Mumbai unleashed.

Ram Jethmalani is one of the most experienced lawyers in India. He says that although Kasab is being portrayed like a monster in the media, he is entitled to and will receive a fair trial: "There won't be any problems. Witnesses will be cross-examined.

Everything will take place within the law. But in the end, the sentence will depend on the witnesses and the evidence. Looking at the case, I don't think Kasab will get away with it."

Kasab has been charged with 12 criminal counts, including one of murder and one of waging war against India. If convicted, he risks the death sentence. The indictment is over 11,000 pages.

Female lawyer accepts defending role

The 40-year-old Anjali Waghmare has been given the task of defending Kasab by the state of Maharashtra. Before she accepted the job, several lawyers had refused the case, fearing for their own safety.

Apart from defending him, Waghmare also has to explain the proceedings to Kasab in Urdu because professional interpreter has not been appointed. Kasab has so far admitted that he is from Pakistan. Islamabad has confirmed his statement.

Shortly after Waghmare was nominated as Kasab's lawyer, supporters of the Hindu nationalist Shiv

Sena Party attacked her house. Nine were arrested but later released. Their argument was that an Indian should not defend a Pakistani.

Ujjwal Nikkam, a state prosecutor, was outraged: "The hostilities against Anjali Waghmare are an insult to the court. I want to inform everybody that if somebody prevents a lawyer appointed by the court from doing his or her job, it is considered as contempt of the legal order and is a punishable offence."

After the attack, Anjali Waghmare confirmed that she would take on the case. Her nomination has already been controversial for other reasons. She is married to a police officer and several high-ranking police officers died during the attacks.

However, Jethmalani does not think this will make a difference: "She is a good and experienced lawyer. She will carry out her duty. She is completely independent."

Hot potato

Kasab is to be tried by a special court at the Arthur Road prison in Mumbai. The building is currently under sniper protection. For security reasons, Kasab attended the first hearing via video link.

Human rights organisations criticised this measure, saying that Kasab had not been given an adequate chance to express himself.

The trial is a hot potato. A sentence not backed by clear and strong evidence would inevitably increase tensions with Pakistan, as well as damage India's reputation as the world's biggest democracy.

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