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# 11,000-page 26/11 Mumbai attack chargesheet had one para on LeT: Book

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11,000-page 26/11 chargesheet had one para on LeT: Book

NEW DELHI: A 11,000-page Mumbai attack case that ran into over 11,000 pages had just one paragraph on Lashkar-e-Taiba, the terror organization behind the attacks and scant reference to ISI.

According to a book set to be published shortly, the chargesheet also left several other lacunae that thoroughly disappointed many, including Chikako Taya, a former Japanese judge who was on the International Criminal Tribunal for former Yugoslavia (ICTY). Justice Taya studied the Mumbai attack case as part of an effort to see if it can be covered under 'joint criminal

enterprise' (JCE), to prosecute those in Pakistan who orchestrated the terror strike under an international tribunal.

"(With its flimsy chargesheet) The prosecution relieved the real criminals behind the actual crime. The name of ISI does not figure in the chargesheet and consequentially the name did not figure in the judgment. As it is said, the LeT is also scantily defined in the chargesheet. The terror organization did not draw much indictment from the court," the book says.

According to 'Fragile Frontiers: The Secret History of Mumbai Terror Attacks', by Saroj Kumar Rath, when Justice Taya visited the 26/11 attack special public prosecutor Ujjwal Nikam in Mumbai, she was surprised to see that the lawyer in India's most important terrorism case had no clue of JCE, a concept that had been innovatively applied by ICTY recently.



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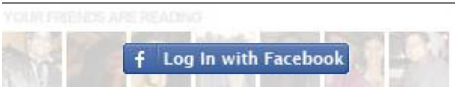
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"Why was the LeT not adequately dealt in the chargesheet, asked Justice Taya? Nikam answered

that 'it has adequately been dealt in the chargesheet'. Justice Taya protested and said only one paragraph in the entire chargesheet was devoted to LeT. Nikam explained that as a criminal lawyer he was well versed in criminal proceeding of the case. As he was out of the investigation team, he did not have much information and the union home ministry might have more information, which would satisfy the quest of his visitor," the book says.

The book goes on to raise several questions over the way the investigations into the 26/11 attacks was handled, and the very shallow chargesheet filed in the case. "The entire 11,280-page chargesheet basically dealt with the loss of lives and property in the aftermath of Mumbai attacks. The entire chargesheet is a compilation of the post mortem report of 166 persons, oral testimony of 2,202 persons, detail of loss of property, ballistic evidence of blasts and firing, and details about the materials carried by the terrorist to the attacks sites," the book says.

When Justice Taya met Nikam, the book says: "Justice Taya started asking question after question on the role of the ISI, the Pakistan army and the LeT in Mumbai attack. All questions were either deflected or answered in the negative by Nikam. On the question of the LeT and the ISI, Nikam admitted his limitation and asked how he could investigate a matter which came under the jurisdiction of Pakistan."



The book is also highly critical of the voluminous judgment delivered in the case, pointing out that it was a compilation of "lofty words and hyperbole, which lacks substance and true wisdom." But to a great extent the blame, the book says, is with the poor evidence presented and weak prosecution.

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