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TERROR IN MUMBAI

Towards trial

ANUPAMA KATAKAM

In the Mumbai attack case, the trial, which has to follow the filing of the charge sheet, is expected to be short and quick.



PTI



Kasab, the terrorist who was captured during the fideyeen attack on Mumbai in November 2008, in custody.

THE Mumbai Police have, after a three-month investigation, filed an 11,280-page charge sheet against the perpetrators of the November 26-29, 2008, attack on Mumbai. In it, Mohammad Ajmal Amir Iman, now known as "Kasab", the lone surviving terrorist; two accomplices, said to be local persons; and 35 Pakistani nationals have been charged under various sections of the Indian Penal Code (IPC) for their role in the carnage.

At least 173 people were killed and hundreds were injured when a band of 10 terrorists stormed two luxury hotels, the Chhatrapati Shivaji Terminus (CST), a Jewish religious centre and the Leopold Cafe, all in South Mumbai. The security forces secured the sites after a three-day battle, in which they killed nine terrorists and captured one.

The filing of the charge sheet on February 25 sets the stage for the trial in the case. However, since the attack and the capture of Kasab, there have been a series of public debates about whether these men deserve a trial at all. The Home Ministry has said the crime was committed on Indian soil and, therefore, a trial must take place here. There are a few peculiarities to this case in the absence of an extradition treaty with

Pakistan and they will be tackled when the trial begins.

Kasab still does not have a lawyer to defend him. Two lawyers who volunteered were threatened and beaten up. The trial cannot start without someone representing Kasab, says a defence lawyer. Kasab has been given an Urdu version of the charge sheet, but his appearance in court is doubtful given the security risks involved. While Indian law does not allow trial in absentia, video conference in a special court is possible in high-profile cases, according to the lawyer.

"The trial and conviction will be purely symbolic in this case," he said, and added: "In my view, we should not extend Indian fundamental rights to Kasab. He is not an Indian. It's a waste of resources and time. The only angle is that the government gains because by trying Kasab it is assuring the public that it is doing something." This attack could not be compared with the 1993 Mumbai serial blasts, he said. Indians planted the bombs, so the law and rights of the land applied to them.

Rakesh Maria, Joint Commissioner of Police (Crime) and the only spokesperson for the 26/11 attacks case, said Kasab had sought help from the Pakistan High Commission but had not been provided assistance so far. "He will be produced before the honourable court on March 9 and they will provide him with legal assistance if he has not got any by then," Maria said. As for the trial, he said, it had to take place because the crime was committed on Indian territory.

Public prosecutor Ujwal Nikam told the media after filing the charge sheet that he was confident the trial would end within six months. Incidentally, Nikam was also the public prosecutor in the 1993 serial bombings case. That trial went on for 13 years and ended in 2007.

Charge sheet revelations

A 47-page synopsis of the charge sheet given to the media does not contain the confessions of Kasab. While much of the matter in the charge sheet is already in the public domain, the confessions are expected to give more details of the motive, planning and execution of the terror attack.

In the charge sheet, Kasab and the two reportedly Indian hands, Fahim Ansari and Sabahuddin Ahmed, and the nine dead terrorists have been charged with 25 crimes, including

VIVEK BENDRE



Public prosecutor Ujwal Nikam shows a copy of the charge sheet.

- Encouraging, instigating and waging war against the Government of India;
- Ruthlessly murdering Indian as well as foreign nationals;
- Setting afire private property with an intention to destroy;

- Trespassing without any right, for murdering or for an attempt to murder;
- Preventing a public servant from performing his lawful duty by threatening and harming him seriously;
- Kidnapping and keeping Indian as well foreign nationals captive for achieving objectives;
- Destruction of property belonging to the Indian Railways;
- Attacking passengers of the Indian Railways and killing them;
- Possessing, transporting and exploding dangerous explosives;
- Damaging public property;
- Illegally entering India without valid travel documents;
- Being a member of the banned Lashkar-e-Taiba (LeT) organisation and committing illegal deeds, using explosives, hand grenades, firearms, and so on, and executing terrorist attacks; and
- Procuring SIM cards using fake documents and cheating the vendor.

They have been charged under the Explosives Act (Section 6-A, 9-B), the Explosive Substances Act (Sections 3, 4,5,6), the Prevention of Damage to Public Property Act, the newly passed Unlawful Activities Prevention Act and the Bombay Police Act, and under various sections of the IPC, including that for waging war (Section 121).

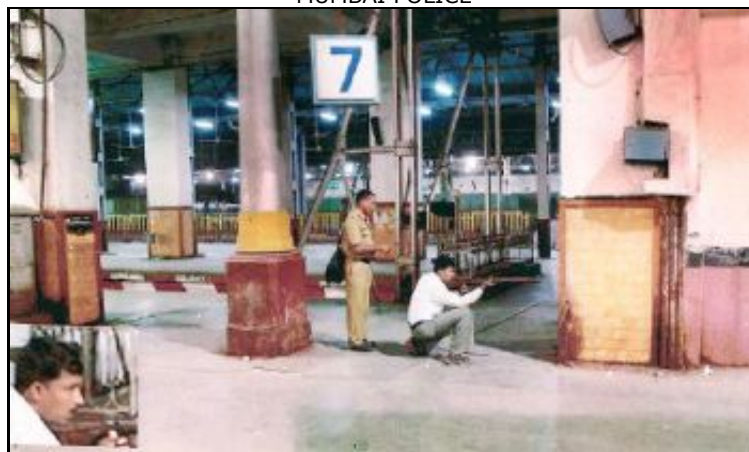
The charge sheet begins with the boat ride from Karachi to Mumbai and describes methodically what happened and how. Much of this information is already in the public domain. However, following the collection of evidence and material used by the attackers, and their subsequent verification by the forensic laboratories, the charge sheet puts down, officially and conclusively, what has been reported in the media and stated by officials in the past three months.

For instance, it categorically states that the men came from Pakistan, and that it was the LeT that planned and executed the attack. It details the sequence of events and the entire operation in each location. In doing so, it debunks conspiracy theories such as the one that Anti-Terrorism Squad chief Hemant Karkare was killed by some "other" groups because of his investigations into the September 29, 2008, Malegaon blast case.

Investigating officials said they put together the charge sheet on the basis of the evidence collected from the boat, mv Kuber, that the terrorists hijacked, the five targeted sites and approximately 150 eyewitness accounts.

Part of larger design

MUMBAI POLICE



At the Chhatrapati Shivaji Terminus on November 26, constable

Ambadas Pawar takes aim at the terrorists. Pawar (also inset), who was shot dead by Kasab, was awarded the Kirti Chakra.

The charge sheet states that the attack on Mumbai was part of a larger design to wage war on India. It has the names of 35 persons from Pakistan who belong to the LeT. These men aided and abetted the execution of the attacks after meticulous planning and training between December 2007 and November 2008 in Pakistan.

The charge sheet states that the training modules, on a graduating scale, were held at, among other places, Muridke, Manshera, Muzaffarabad, Azizabad and Paanch Teni in Pakistan and Pakistan-occupied Kashmir. The 10 terrorists underwent a gruelling training schedule and graduated with flying colours in every phase, and were handpicked for the execution of this audacious mission.

The charge sheet says the men were so highly indoctrinated that there was no hesitation on their part to become "fidayeen" or a terrorist who fights until death.

The names of the 10 were got from the identity cards found on them. They were grouped in sets of two called "buddy pairs". According to the plan, each pair would target one location. Eventually, one pair would join another at the Taj Hotel and the four of them would conduct the operation. Four terrorists were found dead at the Taj when the hotel was secured, perhaps an indication that their planning did not fail.

Local assistance

Lawyers for Fahim Ansari and Sabahuddin Ahmed say that these men did not realise the enormity of the crime they were committing. The charge sheet, however, states that without their assistance, particularly in handing over to the LeT detailed maps of the city, this attack perhaps would not have taken place.

The group had a sizable amount of ammunition. Each person was carrying an AK-47 and ample amounts of ammunition. They had on them RDX-laden improvised explosive devices (IEDs) and hand grenades. Each of the pairs had a GPS (global positioning system) device to help them navigate within the city and within the targets. Each had a mobile telephone handset with Indian numbers and a satellite phone to receive instructions. The group also carried plenty of dry fruits.

The charge sheet says: "Both the terrorists and the co-conspirators were in communication with each other and briefing each other in real time as regards the developments during the ongoing operations." Forty-one calls were made from the Taj Hotel, 62 from the Trident, and 181 from Nariman House. The police traced the incoming and outgoing phone calls to a VoIP (Voice over Internet Protocol) number in the United States. It was through this account the conspirators and terrorists communicated. The person who set up the account is among the 35 wanted men.

Interestingly, Kasab played a central role in the entire attack. It was Kasab who beheaded the navigator of the fishing trawler "by slitting his throat in an absolutely inhuman and ruthless manner..." says the charge sheet. It was he and his "buddy" partner, Ismail Khan, who attacked the CST, killing 52 people – which had the highest death toll among the five targets. The duo was responsible for ambushing Karkare's car and killing him and two senior police officers, Vijay Salaskar and Ashok Khamte. It was Kasab whose image was caught on camera by a news photographer and splashed across the media during the attack.

According to Maria, Kasab is "only 21 years old and is highly indoctrinated". He comes from an extremely poor family in Faridkot village in Pakistan. He was educated up to class four, following which he did some small jobs before getting sucked into the world of fundamentalism and terror. Kasab's case is typical of the many boys who get preyed on by terror groups for indoctrination because they have few

other alternatives.

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