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## **Deadlock over Pakistan's Mumbai suspects**

**As the sole surviving gunman from the deadly 2008 Mumbai (Bombay) attacks is convicted by an Indian court, the BBC's Syed Shoaib Hasan in Islamabad examines the case against the men in Pakistan charged with planning them.**

Mohammed Ajmal Amir Qasab is the only one of 10 gunmen to have survived after unleashing three days of terror on the city of Mumbai, killing 166 people.

But the alleged mastermind of the attacks is currently being held in Pakistan.

Zaki-ur-Rehman Lakhvi and six other suspects were arrested and charged under Pakistani anti-terrorism laws in November 2009. All seven have pleaded not guilty. Nine others have been charged in absentia and warrants issued for their arrest.

Mr Lakhvi is the head of the staunchly anti-Indian Lashkar-e-Taiba militant group, which Delhi holds responsible for the 26 November attacks.

He was arrested in a raid by security forces on a Lashkar-e-Taiba training camp in Pakistani-administered Kashmir on 7 December 2008 - just days after the attacks.

Two others arrested later were also named as the main planners: Hammad Amin Sadiq and Shahid Jamil Riaz.

**'No evidence'**

But what progress has there been in this case?

According to the main lawyer representing them, they are likely to be set free.

"There is no evidence against my clients and eventually they will go free," says Khawaja Sultan.

"There is only one piece of evidence - the confessional statement of [Mumbai gunman] Ajmal Qasab.

"But that is of no value unless he is tried in the same court as my clients," Mr Sultan points out.

That is highly unlikely given the fact that Qasab has now been sentenced.

"Other than the confessional statement, the state does not have anything to tie my clients to the case."

These statements are backed up by the facts on the ground. Pakistan's government has not proceeded any further since the preliminary hearings into this case were held.

The prosecution has filed several petitions arguing that Mumbai gunman Mohammad Ajmal Amir Qasab's name should be included in the charge sheet of the accused.

This is so that he can be tried along with the Pakistani detainees.

While the lower courts had initially ruled in the government's favour, the high courts have thrown out at least two petitions because of double jeopardy - the legal principle which prevents people being tried for the same crime twice.

## Karachi clues

And it also appears that Indian hopes about the prosecution of Hafiz Saeed, the founder of Lashkar-e-Taiba and the person many see as the real brains behind the whole operation, are over.

This is a huge contrast from the time when a highly optimistic Pakistani Interior Minister Rehman Malik said all the accused would be sentenced in a matter of weeks.

Mr Lakhvi denied any links to the Mumbai case, but according to Pakistani officials, including Mr Malik, later interrogations led to the first real clues for Pakistani security agencies.

They pointed to Karachi and led to the eventual arrest of Mr Sadiq and Mr Riaz in late December 2009.

A senior security official told the BBC that Mr Sadiq had been responsible for procuring the premises in Karachi that served as the main planning base.

**" Unless the Pakistan government changes the law, my clients cannot be convicted "**  
Khawaja Sultan, lawyer

It was also the last place, according to the official, where the attackers are alleged to have met before embarking on their mission.

"It's a small house located in Al Falah colony," the official said. Al Falah colony is a low-income area in eastern Karachi.

Mr. Sadiq and another man, thought to be Shahid Jamil Riaz, were arrested in the raid on the house.

According to investigators, the most compelling evidence was gathered at the Karachi residence.

They said this included computer disks with detailed information on the attacks.

According to one investigator, Mr Riaz was responsible for arranging the finances.

He is also thought to have procured the boat used in the attack.

There was also ample evidence, according to the investigators, to confirm Zaki-ur-Rehman Lakhvi as the "mastermind" behind the attacks.

On this basis, the prosecution was convinced it had enough evidence to secure convictions.

## Legal deadlock

But getting a conviction from a Pakistani court is generally difficult. Lower court decisions are often overruled by higher courts due to technicalities.

Meanwhile Hafiz Saeed now heads the Islamic charity, Jamaat-ud-Dawa, and says he has nothing to do with his former militant organisation.

India, however, believes he still heads the organization, and is involved in the planning of attacks such as Mumbai.

Pakistani authorities had initially cracked down on Jamaat-ud-Dawa after the UN declared it a terrorist group in the wake of the Mumbai attacks.

Hafiz Saeed and much of the group's senior leadership were taken into custody. But months later Pakistani courts dismissed all charges and ordered them to be released.

They have all kept a low profile since then.

Recently though, Mr Saeed has re-emerged. He led a rally through the centre of Lahore against water shortages that he said were caused by the dams India is building.

As things stand, he is unlikely to be affected by the Mumbai attacks verdict.

"Its not that the Pakistan government is trying to sabotage the prosecution's case here," says Mr Sultan.

"In fact, the government is trying its level best to hold onto my clients and establish some sort of case against them."

But he adds that the lack of evidence, along with Pakistan's legal technicalities, are the real reasons why little progress can be made.

"Unless the Pakistan government changes the law, my clients cannot be convicted", says Khawaja Sultan.

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