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Israeli vehicle attack case: Ensure probe is above board

ADITYA MENON | New Delhi, March 20, 2012 | 11:07



Syed Mohammad Ahmad Kazmi is the latest twist to the investigation into the Israeli case. Saturday's order by the chief metropolitan magistrate asking police officials why they were not wearing uniforms while interrogating terror suspect Syed Mohammad Ahmad Kazmi is the latest twist to the investigation into the February 13 attack on an Israeli diplomatic vehicle in the capital.

The CMM, Vinod Yadav, also ordered the Delhi Police to maintain a list of people interrogating Kazmi, indicating the court's lack of confidence in the manner in which the probe is being carried out.

Cell

Now, it is quite possible that the Delhi Police are on the right track and that they possess enough evidence linking Kazmi to the attack. But if our past experience with terror investigations has taught us anything, it is that questions such as 'who is conducting the probe?' and 'how is the probe being conducted?' are as important as the evidence being gathered.

Given the case's international profile, it should have been handled by the National Investigation Agency, which was created as a specialised anti-terror outfit in the aftermath of the 26/ 11 terror strike. Instead it was given to the Delhi Police's infamous Special Cell. Not wearing uniforms while interrogating a suspect is probably the least of their faults.

According to data elicited through an RTI query, the Cell has a pathetic conviction rate of 30 per cent. Therefore in a case in which the world's eyes are on India, this isn't exactly the agency you would turn to.

Take for instance the Delhi High Court blast case that was assigned to it. In December last year, the Special Cell came back with a bang after a three year lull following the 2008 Batla House encounter, by nabbing seven alleged Indian Mujahideen operatives from Bihar whom it believed to be involved in the HC blast as well as the terror strike near Bangalore's Chinnaswamy stadium. The 'hero' of this resurrection was Additional DCP Sanjeev Yadav, who was brought back to the Special Cell in September 2011. Yadav, who is heading the probe into the attack on the Israeli diplomat, was incidentally involved in the Batla House case.

However, the Cell's claims on the HC blast were belied when the NIA filed its chargesheet in the case last month, with none of the men from Bihar figuring in it.

The uneven track record of Additional DCP Sanjeev Yadav goes beyond his involvement in the controversial Batla House encounter. In January this year, the National Human Rights Commission indicted Yadav and his team for killing five 'notorious gangsters' from Meerut in a fake encounter in the Khajuri Khas area of Northeast Delhi in 2006. Early last year, Yadav, then ACP Mehrauli, was transferred after a vigilance inquiry found that the police in the area were hand-in-glove with the oil mafia.

Actors

Assisting Yadav in the arrest of Kazmi, as well as the Bihar raids, were Inspectors Lalit Mohan Negi and Hriday Bhushan. An integral part of deceased ACP Rajbir Singh's team which also included Mohan Chand Sharma, who was killed in the Batla House encounter, the two have gained notoriety for being encounter specialists, in other words, trigger happy.

Negi and Bhushan also got embroiled in two mix-ups involving their informers. The first came to light in 2007, when the CBI found Special Cell officer Ravinder Tyagi and three of his colleagues guilty of framing two police informers as Al-Badr militants. The CBI noted that the guilty policemen, in order to nab the duo, posed as Negi and Bhushan, who were in touch with the informers. The second instance occurred in January this year when another of their informers, Naquee Ahmed, was held by the Maharashtra ATS in connection with the 13/ 7 Mumbai blast.

Even DCP (Crime) Ashok Chand, to board whom Yadav reports, doesn't have an unblemished record. He was leading the probe into the Parliament attack case, which will be remembered as much for the ghastly attack on the symbol of Indian democracy, as the wrongful incarceration of Delhi University lecturer SAR Geelani. Inspectors Negi and Bhushan were part of Chand's team. Incidentally, Chand - who headed the Special Cell from 1998- 2005 - was also involved in framing journalist Iftikhar Gilani in 2002. Needless to say this has provided Kazmi's supporters enough ammunition to draw comparisons between the two cases. The manner in which they have gone about the probe so far doesn't inspire confidence either.

Kazmi

Take for instance the timing of Kazmi's arrest. The journalist was picked up from the India Islamic Cultural Centre a little before noon on March 6. But the recorded time and place of arrest is 8.30 pm at his residence in BK Dutt Colony. The distance between the two places is about 2.5 km, which would not take nine hours to cover even if the policemen decided to crawl on the road. Where was Kazmi taken for those nine hours?

What followed the arrest was a predictable tale of police opaqueness accompanied by selective leaks to sections of the media, a routine that was perfected during the Parliament attack probe.

Consider this. On March 10, a leading daily quoted a nameless 'senior police officer' as having asserted that Kazmi's name figured in the call list of Saied Moradi, one of the 'Bangkok bombers'. This was contradicted the very next day by another daily, which cited a 'source in the agencies conducting the probe' as saying that Kazmi's name did not figure in the bomber's call list. Since Special Cell officers have a history of posing as one another to frame people, anonymous statements contradicting each other do not come as a surprise. However, the tactic of selective leaks worked wonders. When Kazmi was presented at the Tis Hazari court on March 7, a reporter asked Sanjeev Yadav, "Iss gaddaar ka kya hoga? (What's going to happen to this traitor?)" And the trial has not even begun.

However, those chanting 'Free Kazmi' are treading the same path by taking his innocence as a foregone conclusion. Just as the dubious background of the Special Cell officers does not by itself mean that they are lying, Kazmi's impeccable credentials as a journalist do not necessarily imply that he couldn't have had

anything to do with the attack.

But the moot issue here is that in a delicate case with international ramifications, the probe should be conducted using above-board means, that too by an agency whose credibility is not open to question.

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