

# Kasab sentenced to death for Mumbai terror attacks

Mumbai attacker silent as death sentence is passed.

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Mumbai A Pakistani man was sentenced to death on Thursday for his role in the 2008 Mumbai terror attacks.

Mohammad Ajmal Kasab, 22, was the only one captured alive of ten gunmen who carried out coordinated attacks on key landmarks in India's financial capital, including two luxury hotels and the main train station.

## [Mumbai attacks: Gulf News Special coverage](#)

The Mumbai attacks, blamed on the Pakistan-based militant group Lashkar-e-Taiba, brought to a halt peace talks between India and Pakistan.

### **Conspiracy**

Kasab was sentenced by Judge M.L. Tahaliyani of the Special Court for the offences of conspiracy to murder, waging a war against India and committing terrorist acts under the Unlawful Activities (Prevention) Act.

The terror attack by the ten Pakistani men who had sailed from Karachi to reach the shores of Mumbai left 166 people, including policemen, dead and nearly 300 injured. Nine of the attackers were killed by Indian security forces.

"This man has lost the right of getting humanitarian treatment," the judge said.

Keeping Kasab alive posed a "constant danger and menace to society" he said.

He said a situation similar to a swap of Pakistani men held in Delhi for the lives of hostages in an Indian Airlines hijack incident in Kandahar could occur if Kasab were held in jail.

Before pronouncing the sentence, the judge asked Kasab to stand up and asked him if he wanted to say anything. Kasab declined by shaking his head. The diminutive figure then sat down, as usual with his head resting on his hand.

When the judge told him he had been sentenced to death, he stood with his eyes covered.

Judge Tahaliyani found that "there is no mitigating factor in Kasab's favour".

### **No reform**

He rejected defence counsel K.P. Pawar's arguments that Kasab was acting under duress, was mentally disturbed and was capable of reform.

Special public prosecutor Ujjwal Nikam had pointed out Kasab's brutality when he indiscriminately fired at women and children at Chhatrapati Shivaji Terminus.

The death verdict will now be referred to the Bombay High Court for confirmation, as the defence decides on whether to appeal or not.

Kasab was accused of the most lethal episode of the siege - when he and an accomplice killed and wounded dozens of people at one of Mumbai's busiest train stations.

Photographs of that brutal assault became iconic images of the siege.

India blames a Pakistan-based militant group, Lashkar-e-Taiba, for masterminding the attack.

The judge rejected arguments by Kasab's attorney, K.P. Pawar, that he had committed the crime under duress and pressure from Lashkar.

The judge said Kasab joined the militant group on his own and trained to be a fighter. "Such a person can't be given an opportunity to reform himself," the judge said.

Kasab covered his face with hands and wept when the sentence was announced. Death sentences in India are carried out by hanging.

The special prosecutor in the trial, Ujjwal Nikam, said in an interview Wednesday that he expected it would take at least a year for Kasab to be executed.

Kasab's lawyer said that no decision had been made yet on whether to appeal the sentence.

"We're all very satisfied," said Deven Bharti, a senior police official involved with the investigation into the attacks. "I hope it will be a deterrent for Pakistan so they will stop exporting terrorists across the border."

Though India voted against a moratorium on capital punishment at the United Nations in 2007 and 2008, in practice, the country has been veering away from applying the death penalty.

Only one person has been executed since 1998 - a man convicted of raping and murdering a 14-year-old girl, who was sent to the gallows in August 2004.

Many convicts simply wait, as bureaucratic disregard - which some say is purposeful neglect by politicians leery of capital punishment - effectively transmutes a death sentence into life in prison. People responsible for the 1991 assassination of former Prime Minister Rajiv Gandhi and a 2001 attack on India's Parliament have yet to be executed.

Officials from the Home Ministry said Wednesday that they didn't have information available on the number of Indians currently awaiting execution.

### **War against India**

Kasab was the only gunman caught alive during the assault in November 2008 that left 166 people dead, and the two most serious crimes he was convicted of - murder and waging war against India - are punishable by hanging.

Public prosecutor Ujjwal Nikam called for the death penalty because of the premeditated nature of the attacks, which saw 10 Islamist gunmen attack hotels, a railway station, a restaurant and a Jewish centre during a 60-hour siege.

Observers said any imposition of the death penalty by Judge M.L. Tahaliyani is likely to trigger a lengthy, possibly open-ended, appeal through the Indian courts.

The government officially supports capital punishment for what the Supreme Court in New Delhi has called the "rarest of rare" cases but no execution has been carried out since 2004 and only two since 1998.

Many pleas for clemency to the president are still pending, including ones from the killers of former prime minister Rajiv Gandhi, who was assassinated in 1991, and a Kashmiri separatist who attacked India's parliament in 2001.

### **Wealth of evidence**

The prosecution had a wealth of evidence against Kasab, including DNA and fingerprints, security camera footage, photographs and hundreds of witnesses.

An image of him carrying a powerful AK-47 assault rifle and backpack at Mumbai's main railway station, where he and an accomplice killed 52 people, has become a defining image of the atrocity.

Families of some of the victims have long called for Kasab's execution, and the clamour for him to be put to death grew louder after Monday's widely expected guilty verdict.

Defence lawyer K.P. Pawar has argued against capital punishment, suggesting that his client was brainwashed into committing the offences while under the influence of Pakistan-based extremists.

Pawar and prosecutor Nikam, who flashed a victory sign at reporters as he got out of his car, were both seen filing into the prison court to hear the judge's decision.

Even after Thursday's sentence, there will remain a feeling in India that closure on the devastating attacks will only come if the alleged masterminds of the attacks in Pakistan are convicted.

### **Strong message**

The Indian government said the verdict on Kasab sent a strong message to Pakistan not to "export terror" beyond its borders.

New Delhi, which suspended peace talks with Islamabad after the attacks, now wants Pakistan to convict the the founder of the Lashkar-e-Taiba (LeT) militant group, Zakiur Rehman Lakhvi, and key operative Zarar Shah.

Hafiz Saeed, head of the Jamaat-ud-Dawa charity which is seen as a front for the LeT, is the third mastermind blamed by India.

The Mumbai court ruled that all three were part of the conspiracy. Lakhvi and Shah are currently on trial in Pakistan.

"Kasab was a mere cog in the machine," wrote commentator Manoj Joshi in the Mail Today tabloid.

"The real machine, Lashkar-e-Taiba, continues to flourish in Pakistan, brainwashing more young men, and arming and equipping them to wreak more mayhem."

Other commentators doubt that Kasab's case will have any effect on either curbing extremism or improving relations between the two neighbours, which have fought three wars since independence from Britain in 1947.

The executive director of the Institute of Conflict Management in New Delhi, Ajai Sahni, said the Kasab case was "completely irrelevant" to the wider context.

"If he's convicted and hanged, it's still going to be years given our legal system," the specialist on extremist groups told AFP.

"The fundamentals of the conflict between India and Pakistan and the trajectory of terrorism are not going to be radically affected by this (case)."

— *With inputs from agencies*