



The
**2008 Mumbai
Terrorist Attacks**
Strategic Fallout

RSIS Monograph No. 17

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Timothy Hoyt
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THE 2008 MUMBAI TERRORIST ATTACKS
CHAPTERS



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- 1 Introduction
 - 2 Prelude: Wars, Crises and A
Faltering Peace Process
 - 3 The Crisis: Pavlovian Response
and Cooperative Management
 - 4 Analysis: Patterns and Strategic
Implications

INTRODUCTION

On the night of 26 November 2008, a band of 10 well-armed terrorists, who had set out by boat from Karachi in Pakistan, launched an onslaught on India's commercial capital, Mumbai, slaughtering 166 people and holding the city in fear and thrall for three days.¹ Those killed in Mumbai included 25 foreign nationals, which immediately made the attacks more than a bilateral India-Pakistan issue. The main targets of the terrorists, who were organized in five two-man teams, were two luxury hotels, the Taj Mahal and the Oberoi-Trident; the Chhatrapati Shivaji Terminus, a railway station heavily used by both local commuters and long-distance travellers; a Jewish cultural centre, Chabad House, located in a building called Nariman House; and Café Leopold, a popular restaurant patronized by foreign tourists as well as locals. Other targets attacked included the Cama Hospital (apparently by mistake), a petrol pump, the vicinity of the Metro Cinema and two taxis, one of which blew up far from the remaining targets. The attacks occurred at a time when Pakistan's Foreign Minister, Shah Mahmood Qureshi, was visiting India to discuss important issues relating to the ongoing dialogue process including Kashmir, the Chenab River Water and trade ties between the two countries. The instantaneous effect was a severe setback to India-Pakistan dialogue and the onset of another subcontinental crisis, the fourth since the two countries carried out a series of nuclear weapons tests in 1998. The previous crises (in 1999 and from 2001 to 2002) had portended war, including the possibility of nuclear conflict. The immediate fear was yet another confrontation of similar dimensions.

Why did the attacks occur? Of the 10 terrorists who participated directly in the attacks, nine were killed. The lone individual captured, Mohammed Ajmal Amir “Kasab,” is the source of considerable information about what happened. Investigation into the event is still under way at the time of writing (the autumn of 2009) and the full story has yet to unfold, but in the meantime, several reasons may be adduced. The permissive causes are basically two. On the Indian side, despite a history of terrorist attacks, relatively lax security and inadequate intelligence have facilitated the regular targeting of Mumbai, with major attacks claiming 257 lives in the 1993 serial bombing of 13 buildings and 186 lives in the bombing of seven trains in July 2006. On the Pakistani side, terrorist groups attacking Indian targets have received regular support from the state since the early 1990s and, more recently, have flourished as a result of domestic political turbulence in the country.²

The more immediate causes of the attacks are less clear. There is a history of terrorist violence carried out by a number of extremist groups aiming at minimum to “liberate” Kashmir and—on a more expansive scale—to conduct a global jihad in the name of pure Islam. The Lashkar-e-Taiba (LeT) is believed to have masterminded the Mumbai attacks. Did the Pakistani state or elements within it sponsor the attacks? Indian fingers have on occasion pointed towards the Pakistani establishment, but there has till now been no direct evidence of this, though mutual suspicions have been high and periodic accusations and counter-accusations of cross-border terrorism have been made by both sides. That said, four causes may be deduced. First, the LeT (and/or other groups) may have calculated that India-Pakistan tension would reduce the pressure brought on them by the U.S.-led war on terrorism with Pakistani state support. Second, from a more optimistic (terrorist) standpoint, an actual conflict between India and Pakistan could bring about regional chaos and enhance the chances of a jihadi takeover of the Pakistani state and possibly parts of Indian territory, mainly in the state of Jammu and Kashmir. If a war involving nuclear weapons were to occur, the prospects of such an eventuality would be greatly enhanced. Third, regardless of the specific effects of the attack, the terrorists were motivated by an ideological desire to advance the larger jihadi cause. This is clear from the telephonic instructions given to the terrorists by their superiors

during the attacks to kill non-Muslims and in the targeting of a Jewish centre. And fourth, from Kasab's confession, we know that revenge for the killing of large numbers of Muslims in pogroms in India (notably in the state of Gujarat in 2002) was a powerful motive for the attacks.

The immediate impact of the Mumbai attacks was a sharp downturn in India-Pakistan relations. The peace process that had been launched in early 2004 was suspended amid mutual recriminations as India blamed Pakistan for the outrage and Pakistan denied responsibility. In the backdrop were major crises in 1999, when their forces engaged in border fighting for several weeks in the summer months, and the 10-month-long crisis of 2001–2002, when both countries mobilized their forces on a massive scale and seemed poised for war. In the 2008 crisis, the prospect of war did loom early on, but the tension subsided somewhat over the weeks. Nevertheless, the renewed tension raised familiar questions once again. Where are India-Pakistan relations going? Will things get better? Or, under the pressure of future events that might be much more disastrous, will they get worse? Will the unpredictable element weigh down heavily upon the economies of the two countries, scaring investment away at a critical moment in their histories? What role have nuclear weapons played in shaping the relationship and what is the prognosis vis-à-vis nuclear risk?

This study reviews and analyses the attack and assesses its strategic implications. To have a better sense of where the India-Pakistan relationship is going, it is useful to be clear about where it is coming from. In the next chapter, we sketch a broad outline of its history from the violent tearing asunder of colonial India at the moment of independence to the series of wars and crises spanning the following six decades and the effort to transcend the past through the peace process launched in the early twenty-first century. We ask two critical questions: what caused India and Pakistan to shed many of the rigidities of the past and why was the peace process stagnant on the eve of the Mumbai terrorist attacks? Some of the insight gained from this review will help gauge the future prospects for the relationship. In Chapter 3, we look closely at the onset of the crisis and how it evolved up to the time of writing, when the trend towards cooperation, however much marked by ups and downs, was becoming apparent. We identify the positive and negative elements of the action-

reaction process of the investigation of the attacks as it developed. Finally, in Chapter 4, we analyse the crisis and its aftermath. We identify the chief drivers of the process, discern patterns in the ways that the politics of the crisis has played out, assess its strategic implications and conclude with our answers to the central questions raised above.

Notes

1. For early accounts of the attack and investigation, see Arabinda Acharya, Sujoyini Mandal and Akanksha Mehta, *Terrorist Attacks in Mumbai: Picking up the Pieces*, International Centre for Political Violence and Research, S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore, n.d. [2008]; Rohan Gunaratna, "Mumbai Investigation: The Operatives, Masterminds, and Enduring Threat", *Peace and Security Review*, 2, 1 (First Quarter), pp. 1–16; and Angela Rabasa et al, *The Lessons of Mumbai*, Occasional Paper, RAND, Santa Monica, CA, 2009. The figure for the death toll is taken from the Government of India, Ministry of Home Affairs, *Annual Report 2008–09*, p. 20.
2. Peter Chalk, "Pakistan's Role in the Kashmir Insurgency", *Jane's Intelligence Review*, 1 September 2001, reproduced on the website of the RAND Corporation, accessed on 14 February 2003 at www.rand.org/hot/op-eds/090101JIR.html. In July 2009, Pakistani President Asif Ali Zardari admitted that previous governments had "deliberately created and nurtured" terrorism as a policy for "short-term tactical objectives". Nirupama Subramanian, "Pakistan Admits to Creating Militant Groups", *Hindu*, 9 July 2009.

PRELUDE

WARS, CRISES AND A FALTERING PEACE PROCESS

India's response to the Mumbai attacks in 2008 was outrage, as was its response to the attack on the Indian Parliament in 2001, but it was tempered by the previous experience, which had produced a prolonged crisis without a clear denouement. In hindsight, it might be argued that this was not even a crisis, and that, learning from their recent confrontation, India and Pakistan came to terms quite quickly. But at the time, as events were unfolding, there was no certainty that this would indeed be the case and the armed forces of the two countries were on alert. What the new crisis did was to highlight once again the precarious nature of the India-Pakistan relationship, for the issues that had generated a high degree of instability between two nuclear-armed states remained unresolved. The critical question was: Would the peace process under way since 2004 collapse? Worse: would the prospect of a major war—with all that is implied by the possession of nuclear weapons by both sides—be realized this time? This analysis attempts to answer these questions by examining it in the context of its political dynamics and to assess the implications of the crisis for the future of the region.

THREE TRENDS

The Mumbai attacks occurred at the confluence of three major trends. First, the attacks are one more milestone in a bilateral relationship dogged by a territorial dispute and by a series of wars and crises. The continuing contest over Kashmir, which remains divided between India and Pakistan since 1947, is not merely a living symbol of an unresolved cartographical

quarrel, but a symptom of incomplete identities, and for that reason a continuing reminder of an extraordinarily violent separation that cost as many as two million lives without a war being fought.¹ The actual wars fought in the region's pre-nuclear weapons era (in 1947–1948, 1965 and 1971) were minor in comparison, but nevertheless carried the historical weight of partition. The qualitative shift to a nuclear rivalry (covertly sometime during the 1980s; overtly from 1998) brought the possibility of mass death far worse than the slaughter of partition. But, precisely because war had become increasingly unthinkable, the advent of nuclear weapons generated a twin proclivity for crisis and caution. The “stability/instability paradox”, which brought a tendency to confrontation short of war, produced at one level a high degree of stability: India and Pakistan were careful to keep a tight rein on their nuclear weapons and to avoid operationalizing them visibly.² At another level, the strategic temperature rose rapidly as they engaged in a series of confrontations that, inevitably, raised the spectre of unintended war, possibly nuclear war. In 1999, Indian and Pakistani troops fought a limited border conflict (akin to the Sino-Soviet clashes of 1969), but neither side sought to mobilize for a full-scale war. In 2001–2002, both sides mobilized for a regular war, but no armed engagement occurred. Instead, once the heat had dissipated, they began a comprehensive “Composite Dialogue” on a wide range of political and strategic issues and agreed to reduce nuclear risks through more effective communication by means of a hotline between their foreign secretaries and notifications of missile tests and nuclear-related accidents.

A second trend is the rise of terrorist violence in both countries, reflecting a serious problem of governance on both sides of the border. India has a long history of political violence stemming from ethnic separatism and class conflict. Serious terrorist violence in Kashmir has had relatively recent beginnings in the 1990s. This violence has occupied a prominent place in the public consciousness because of its linkage with independence and partition, and because of what is widely recognized as Pakistan's role in exacerbating terrorist violence that initially had local origins by backing mujahedeen groups fighting the Indian government in Indian-controlled Kashmir.³ Thus, any major terrorist attack on Indian soil is regularly attributed to “Pakistan”, although there is a degree of uncertainty in the Indian mind as to whether Pakistani authorities are

directly culpable for specific acts or indirectly responsible for allowing terrorist groups to flourish.⁴ Besides, as the government's own figures show, the number of fatalities caused by Maoist violence and by diverse groups in India's northeast now exceeds those occurring in Kashmir.⁵ Pakistanis too have regularly attributed insurgent violence within their territory, notably in the restive province of Balochistan, to Indian support.⁶ For Pakistan, though, the terrorist threat has grown sharply with the rapid rise of the Tehreek-i-Taliban Pakistan (TTP) in the western portion of the country adjacent to Afghanistan. The growth of extremism arises from a radicalization process that can be traced to numerous factors, including the weakness of Pakistani national identity, efforts by elites, and especially the Army, to draw support from extremist elements for domestic as well as external reasons, and the spillover from the U.S.-led "war against terror" in Afghanistan.⁷ According to one estimate, the death toll from terrorist violence rose from 189 in 2003 to 6,715 in 2008.⁸ Clearly, neither country has been able to stem the terrorist tide and both remain vulnerable to it. Indeed, the continuing India-Pakistan tension provides opportunities for terrorist groups to generate further instability by inducing crises.

Third, the continuing tension between the two nuclear neighbours and the permeation of the region by terrorist violence has involved the United States (and to a much lesser extent, others) ever more deeply as a key player in the trilateral politics of India, Pakistan and regional terrorist groups. American policy reflects long and troubled relations with both South Asian powers; a rapidly improving relationship with India; a residual sense of guilt about abandoning Afghanistan in the past; concern over Pakistan's domestic stability (related to but different from the issue of strategic stability); and an ongoing but erratic commitment to democracy as a preferred form of government in the region. Its most pressing concerns during the past decade have been the desire to eliminate the threat from Al-Qaida and by the need to pour oil on the region's troubled nuclear waters in order to ensure strategic stability. The two aims have periodically come into conflict as India-Pakistan tensions and crises have threatened to complicate the ongoing U.S. campaigns in Afghanistan and the Pakistan-Afghanistan border region. For all its newfound interest in "dehyphenating" India and Pakistan, the United States has

found that the two countries themselves and the terrorist groups active in them have tended to rehyphenate the relationship.⁹ Each crisis has brought the United States further into the region's strategic politics, yet has sustained the challenge faced by the United States of trying to play the honest broker while simultaneously facing resistance to American pressure from both countries.

FALTERING PEACE PROCESS

South Asia's strategic landscape on the eve of the Mumbai attacks may be best described as an unstable equilibrium. For some time, there had been unprecedented warmth in the India-Pakistan relationship. Following the defusing of the 2001–2002 crisis, the Composite Dialogue had commenced in January 2004, the LoC in Kashmir had begun to take on the characteristics of a “soft” border as travel and trade across it was accelerated and—most importantly—both sides had begun to move away from their zero sum positions on Kashmir.¹⁰ But, movement was slow and, as Musharraf's political position became vulnerable owing to domestic difficulties, the negotiating process ground to a virtual halt. Simultaneously, other problems began to come to the fore. While there was no serious hostility between India and Pakistan, the bilateral barometer indicated steadily rising tension.

Relations began to lose their positive momentum in the months preceding the Mumbai attacks. Musharraf was beset by two major crises in the summer of 2007. The Lal Masjid (Red Mosque) episode involved a military assault on a mosque in Islamabad that had become a centre of violent radicalism in the heart of the country. Shrouded in secrecy, the operation apparently caused a large number of deaths (including those of civilian hostages held in the mosque) and sharply reduced the President's credibility.¹¹ It was, moreover, followed by a rapid rise in terrorist attacks, including a spate of suicide bombings. Musharraf's difficulties were compounded by the campaign of angry protests launched by the lawyers' community against his decision to dismiss the Chief Justice of the Supreme Court of Pakistan, Iftikhar Chaudhry, and serious doubts quickly arose about his ability to remain in power. As Musharraf's internal legitimacy began to erode in the wake of countrywide political protests spearheaded by the lawyers, New Delhi became increasingly sceptical

of his ability to forge a national consensus to implement his “out of the box” thinking on Kashmir. As a consequence, the planning for a landmark visit by Prime Minister Manmohan Singh to Islamabad in the latter part of 2007—during which the two leaders were expected to announce a comprehensive peace settlement aimed at burying the hatchet over Kashmir—had to be shelved.

According to Prime Minister Manmohan Singh, “I and General Musharraf had reached nearly [sic] an agreement, a non-territorial solution to all problems but then General Musharraf got into difficulties with the chief justice and other fronts and therefore the whole process came to a halt.”¹² The assassination on 28 December 2007 of Pakistan People’s Party (PPP) Chairperson Benazir Bhutto, who had returned to the country following a deal with Musharraf, created further political instability. The PPP’s advent to power following the February 2008 national elections and the abysmal showing of the pro-Musharraf Pakistan Muslim League (Q)—known as the “King’s party”—against its principal political rival, Nawaz Sharif’s Pakistan Muslim League (PML-N), forced Musharraf into a tight political corner. The PPP’s Asif Ali Zardari (the late Benazir’s husband) and Nawaz Sharif agreed “in principle” to impeach Musharraf.¹³ These developments raised a question mark over the India-Pakistan peace process. With Pakistan in a state of political uncertainty, it was not clear whether Musharraf could obtain the requisite political backing for the deal he had been instrumental in working out.

Meanwhile, the tension between India and Pakistan was growing. Pakistan increasingly viewed India’s growing closeness to Afghanistan as antagonistic to its interests.¹⁴ A series of ceasefire violations occurring over the Line of Control (LoC) in Kashmir led to accusations and counter-accusations of bad faith between the subcontinental neighbours.¹⁵ On 7 July 2008, the Indian embassy compound in Kabul was hit by a powerful blast. The blast killed 58 people including two senior Indian officials. Afghan President Hamid Karzai was quick to blame Pakistan for the attack.¹⁶ Indian National Security Advisor M K Narayanan asserted that “we do not suspect but have a fair amount of intelligence” on the involvement of the Pakistani military’s Inter-Services Intelligence (ISI).¹⁷ In the wake of this event, the fifth round of the composite dialogue got under way in New Delhi with foreign secretary-level talks on 21 July.

However, no schedule for meetings on the various subjects that it covers was announced. Indian foreign secretary Shivshankar Menon observed, “India’s peace process with Pakistan is under stress.”¹⁸ Pakistan’s foreign secretary Salman Bashir acknowledged India’s “misgivings” but denied any culpability and rejected Indian accusations “in the absence of any truth and credible information.”¹⁹

An opportunity to make a dramatic breakthrough, it appears, was lost as Musharraf’s political star faded and India-Pakistan relations entered yet another tense phase. But hindsight—especially of the kind that laments what might have been—provides an uncertain measure of reality and we cannot know whether Musharraf’s political survival might indeed have wrought a transformation of India-Pakistan relations. From the Indian standpoint, the Kabul embassy bombing, which occurred more than a month before Musharraf resigned (18 August), marked a turning point after which a deal became increasingly difficult.²⁰ In any event, mutual bickering increased over diverse issues such as river water sharing, LoC ceasefire violations and support for cross-border terrorist activity. In September 2008, India denied visas to a Pakistani hockey team. Thus, on the eve of the Mumbai terrorist attacks, the peace process that had begun with much fanfare and had indeed yielded unexpectedly positive results had become stagnant under the twin pressures of Pakistan’s domestic turbulence and the emerging tensions between the two neighbours.

U.S. INTERESTS

The United States, deeply engaged in the region, was beset by cross-cutting interests. Having relied heavily on Musharraf as an ally in the war against terrorism, the Bush Administration found itself in a bind as he was swept away by the democratic upsurge that eventually—following Benazir Bhutto’s assassination—catapulted Asif Ali Zardari to the presidency. With the American campaign in Afghanistan faltering, there was a growing perception in Washington of a wider “Af-Pak” problem as the Taliban flowed ceaselessly across the Afghanistan-Pakistan border and grew in strength on both sides.²¹ As the violence within Pakistan grew, some sections of the U.S. policymaking elite began to fear another military intervention in politics. The still greater worry for some was over the vulnerability of Pakistan’s nuclear weapons. Because Pakistan’s nuclear

deterrence relies on mobile land-based ballistic missiles for survivability, at medium levels of alert, missiles with warheads may be moved out of secure depots, at which point they could be intercepted by terrorists. As the Taliban's resurgence brought it closer to Islamabad in the summer of 2009, the problem began increasingly to be viewed as a "Pak-Af" one.²²

In addition, U.S. and Pakistani interests in Afghanistan appear to have been at odds. The United States wished to see the Karzai regime succeed and was committed to securing a stable, non-Taliban Afghanistan. Pakistani elites, on the other hand, believed that the United States would eventually withdraw from the region before Afghanistan became stable, in which context it was politically judicious for Pakistan to sustain its links with the Taliban. The U.S.-Indian relationship, which had grown remarkably close, also carried contradictions since Indian pressure on Pakistan tended to detract from the U.S.-Pakistan campaign against the Taliban. Thus, the United States had difficulty aligning all of its objectives and trying to maintain three separate bilateral relationships—with India, Pakistan and Afghanistan—that were simultaneously of critical strategic importance and in some respects mutually incompatible.

The Mumbai attacks raise important questions about the future of the region and about the quadrangular politics of India, Pakistan, the United States and the terrorist groups. The chief concern is whether the nuclear neighbours' wretched relationship has any prospect of being transformed into, at minimum, a more tolerant and relatively stable one or, for the more optimistic, a truly peaceful one. Have they learnt from their crisis-ridden history or are they condemned to repeat it? This raises larger issues: if they cannot resolve their problems, what lies ahead for India and Pakistan? Their ability to come to terms with each other has a bearing on their individual futures as stable polities and therefore on the extent to which each can devote its resources to its citizens. To the extent that they need to draw upon resources from other societies by way of money, materials and markets, their wider global relationships will also depend on their mutual and individual stabilities. In the reverse direction, their economic partners are naturally concerned about India and Pakistan as existing and potential markets and avenues or sources of investment.

Looking deeper, we may locate more narrow questions. Do the elites in India and Pakistan show signs of learning from their experience and discarding the historical burdens that weigh them down? Do they have the wisdom and the capacity to focus on critical governance issues that retard their individual and joint futures? Will terrorism remain a blight or will they address its roots while simultaneously mitigating its symptoms? Will the United States be able to play a useful role in the process? The task is an onerous one and we do not, in this brief analysis, expect to do more than touch upon its essentials.

Notes

1. Ishtiaq Ahmed, "The 1947 Partition of India: A Paradigm for Pathological Politics in India and Pakistan", *Asian Ethnicity*, 3, 1, p. 9 (March 2002).
2. On the stability-instability paradox, see Glen Snyder, "The Balance of Power and the Balance of Terror", in Paul Seabury (Ed.), *The Balance of Power*, San Francisco: Chandler, 1965. The original formulation envisaged a high risk of conventional war in the nuclear context. In the Indian context, the focus shifted to a lower level of confrontation. See Michael Krepon and Chris Gagné (Eds.), *The Stability-Instability Paradox: Nuclear Weapons and Brinkmanship in South Asia*, Washington, DC: Henry L. Stimson Center, June 2001.
3. Chalk, "Pakistan's Role in the Kashmir Insurgency".
4. India's Minister for Home Affairs, Shivraj Patil, observed in July 2007 after a visit to Kashmir that "we should not blame Pakistan for every wrong thing, either increase in infiltration or spurt in violence here". See "BJP Flays Patil's Remark on Pak", *Tribune*, 3 July 2008.
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15. “Rivals Trade Blame over Kashmir”, *BBC News*, 29 July 2008.
16. *The Daily Times*, 8 July 2008.
17. “ISI Involved in Indian Embassy Bombing: NSA”, *The Times of India*, New Delhi, 14 July 2008. This may have been information obtained from U.S. intelligence, which is reported to have drawn this conclusion. See Mark Mazzetti and Eric Schmitt, “Pakistanis Aided Attack in Kabul, U.S. Officials Say”, *New York Times*, 1 August 2008.
18. *The News*, 22 July 2008.
19. “Tough Talking Accusations”, *Daily Times*, 22 July 2008.
20. Interview with C. Uday Bhaskar, security expert and former Deputy Director, Institute for Defence Studies and Analyses, New Delhi, 11 February 2009.
21. This change in U.S. strategy was ultimately codified by the Obama administration in early 2009. See *White Paper of the Interagency Policy Group’s Report on U.S. Policy toward Afghanistan and Pakistan*, available at www.whitehouse.gov/assets/documents/Afghanistan-Pakistan_White_Paper.pdf, accessed on 20 August 2009.

22. See Daniel Markey, *From AfPak to PakAf: A Response to the New U.S. Strategy for South Asia: A Policy Options Paper*, Council on Foreign Relations, New York, April 2009, accessed on 20 August 2009 at www.cfr.org/publication/19125/.

THE CRISIS

PAVLOVIAN RESPONSE AND COOPERATIVE MANAGEMENT

The crisis began on a relatively mild note but quickly spiralled to harsh words and rhetoric in a rapid action-reaction process. Initially, India did not blame the civilian government in Pakistan for being directly involved in the incidents, but accused the LeT of perpetrating the attacks. But Pakistani responsibility was underlined by Minister for External Affairs Pranab Mukherjee, who held “some elements” in Pakistan for being responsible and demanded that its government not permit the use of its territory for terrorism against India.¹ On 1 December, India handed over two demarches to Pakistan. In the first demarche, India accused “elements from Pakistan” of carrying out the terrorist attack in Mumbai and said it expected Islamabad to “match its sentiments with deeds by taking stern action against the groups that could have been involved in the attack.”² The second demarche was more specific and sought the extradition of three wanted persons—Maulana Masood Azhar, Tiger Memon and Dawood Ibrahim. It also urged action against the Jamaat-ud-Dawa (JuD). India’s Minister of State for External Affairs Anand Sharma told the media agency Agence France-Presse (AFP) that the Mumbai attacks had dealt a “grave setback” to relations with Pakistan. Sharma said the gunmen were “all from Pakistan” and stressed that it was time Islamabad delivered on its promise to prevent Pakistani soil being used for attacks on India.³ On 9 December 2008, the Mumbai police released the names, hometown and identification of nine terrorists involved in the attacks—all belonging to Pakistan.

Pakistani leaders in Islamabad were quick to condemn the attacks

as “detestable” and “heinous”, while Foreign Minister Shah Mahmood Qureshi, who was on a visit to India when the assault began, described the attacks as a “horrendous tragedy”⁴. But the leadership initially refused to accept that the attackers were Pakistanis. Instead, it asked India to avoid “knee-jerk” reactions and to provide proof of its accusations.⁵ The Government of Pakistan also refused to acknowledge Kasab’s admission of his nationality. It was only on 7 January 2009 that Pakistani officials admitted that Kasab was a Pakistani citizen. Even then, he was not given consular access by his government. The Pakistani strategy was to deny culpability, insist that both countries were victims of terrorism and should “stand up to this threat together”, assert that “there is no terrorist infrastructure in Pakistan” and point out that the attacks could not have occurred without “local” assistance.⁶ It was also pointed out that India was raising “the convenient Pakistan bogey” to divert attention from its own security lapses and that “India has a massive problem of domestic terrorism which it appears ill-equipped to respond to”⁷.

Was there a risk of war? In comparison with the two preceding crises of 1999 (when fighting actually took place) and 2001–2002 (when India threatened war and both mobilized fully), the situation in 2008–2009 seemed less grave. Yet, there is evidence that some form of military action was contemplated by India and that Pakistan was aware of the risk and was on alert. On 2 December, unnamed Indian officials took pains to dispel the perception that military action was ruled out and let it be known that all options were on the table should Pakistan’s response be unsatisfactory.⁸ U.S. sources, CNN reported, confirmed that the Indian Air Force had gone on alert and prepared for strikes against terrorist bases inside Pakistan.⁹ Pakistan’s response was to emphasize its preparedness.¹⁰ On 4 December, Pakistani nuclear scientist Samar Mubarakmand emphasized in a television interview that Pakistan was capable of launching a nuclear missile against India with ten minutes’ notice, noting that the force that launched first had an advantage.¹¹ The Indian threat was kept alive by periodic statements to the effect that the military option was still open.¹² In hindsight, it is easier to say that war was not a serious option, that statements coming from both sides were more in the nature of rhetoric, and that in fact no concrete action was taken by either country as a first significant step to cross the threshold to war. At the time, the possibility

of armed combat could not have been ruled out. There was a sense of crisis, even if less severe than in previous confrontations.

Despite the Pavlovian responses of blame and denial, cooperation was forthcoming on both sides, but its pace was retarded by domestic pressures, disagreements and occasional confusion. There were clearly differences within Pakistan on how to respond to the situation and to Indian pressure. At the outset, when Prime Minister Gilani agreed to the Indian request to send the Director General (DG) of the ISI to India, the security establishment opposed the move and as a result the political leadership backtracked from its earlier willingness to send the DG-ISI. The initial decision to send the DG was apparently taken by the Prime Minister and the President without consulting the army, the foreign office or the political opposition.¹³ The army spokesman, Director General Inter-Service Public Relations (ISPR) Major-General Athar Abbas, expressed surprise that the ISI chief was being sent for consultation and pointed to lack of precedents in this regard.¹⁴ He said the Army had received no orders and, unless written orders were received giving details of the purpose of the visit, he could not make any comment.¹⁵ Following a meeting between the civilian leadership (Zardari and Gilani) and Army chief General Ashfaq Kayani, it was decided that it was “premature” to send the ISI chief to India.¹⁶ The Prime Minister’s Office issued another statement at midnight saying that the ISI chief would not go to New Delhi, and that instead a lower-level official would go. The episode indicated a disjunction between the government and the security establishment on ways and means to handle the affair. In the view of some political and security analysts, this was not unusual: the fears of Pakistan’s security establishment emanated from years of suspicions about the intentions of the Indian authorities to undermine Pakistan.¹⁷ More importantly, it showed that the new civilian government did not as yet exercise full control over the decision-making process and had still to defer to the Army’s preferences on key matters of policy.

Immediately after the Mumbai outrage, India also handed Pakistan a list of 20 persons allegedly involved in terror incidents in India and demanded their extradition to India for trial. Pakistan’s response was tactically legalistic. President Zardari argued that this was a “procedural matter”.¹⁸ Interior Minister Rehman Malik denied the presence of Dawood

Ibrahim and Tiger Memon on Pakistani soil and asked for evidence on Masood Azhar.¹⁹ Prime Minister Gilani asserted that ““We will go according to our own law” and that “there is no such thing [sic] of handing over to India.”²⁰ Foreign Minister Qureshi pointed out that there was no extradition treaty between the two countries.²¹ In a tit-for-tat response, Malik also asserted that if India insisted on anyone being handed over, Pakistan too would ask for the perpetrators of the Samjhauta Express blast to be transferred to it.²²

In India's view, Pakistan was being uncooperative. Its initial denial of Kasab's nationality, its reluctance to accept responsibility, its reversal of the decision to send the ISI chief and its virtual rejection of the Indian list of 20 angered the Indian leadership, which did not take seriously the Pakistani offer of a joint investigation. In India's view, the credibility of such an offer from President Zardari was weak, since real control in Pakistan lay with the military, which was suspected to be behind the attacks.²³ India raised the pressure both bilaterally and through third parties. Unnamed “official sources” said that all options were on the table, thereby generating renewed fears of a potential armed conflict.²⁴ The fifth round of the Composite Dialogue was suspended. Indian diplomacy went all out to put Pakistan under pressure from other countries, and this was forthcoming from various sources, notably the United States and the United Kingdom.²⁵ In response, Pakistan on 9 December arrested LeT leader Zaki-ur-Rehman Lakhvi and 12 other activists. On 10 December, the United Nations Al-Qaida and Taliban Sanctions Committee established by UN Security Council Resolution 1267 banned three organizations operating in Pakistan: the Jamaat-ud-Dawa (JuD), the al-Rashid Trust and the al-Akhtar Trust. The Committee also added four leaders of JuD to a list of people and groups facing sanctions for ties to Al-Qaida or Taliban including a freeze in their assets, travel ban and arms embargo.

Pakistani resistance to pressure from India and the global community took different forms. Though the government did act against the JuD, the crackdown was not swift and comprehensive. It took the Punjab government more than two months after the Mumbai attacks to take over the JuD's headquarters at Muridke, which it did on 25 January. This effectively gave the organization time to create a different identity for itself under the name Falah-e-Insaniat Foundation. The military also applied

pressure on the United States by indicating that Pakistan might lower its effort to fighting the Taliban. A senior Pakistani security official said Islamabad would divert troops to its border with India and away from fighting militants on the Afghan frontier if the tension spilled over.²⁶

Dissatisfied with the Pakistani response, Indian Prime Minister Manmohan Singh in a speech in Parliament on 12 December called Pakistan “the epicentre of terrorism” and pointed out that the restraint exercised by New Delhi should not be “misconstrued” as a sign of weakness. Expressing his dissatisfaction with the steps taken by Pakistan, he demanded that “the infrastructure of terrorism” in Pakistan be dismantled.²⁷ India also put in a formal request to the UN Security Council seeking a ban on the JuD. On 19 December, Pranab Mukherjee, who had categorically ruled out military action earlier, stated that New Delhi would “consider the entire range of options” in order to “protect our interests and people from this menace”.²⁸ India’s new Minister for Home Affairs, P. Chidambaram, who had replaced Shivraj Patil soon after the terrorist attacks, warned that Pakistan must give “cast iron guarantees” that its territory would not be used for launching terrorist attacks and that it would have to pay an “enormous price” in the event of a repetition of the attack.²⁹

While attempting to pressurize Pakistan, the Indian government also acted to build cooperation. In response to Pakistan’s demand for proof, India on 5 January handed over to Pakistan a 69-page dossier of evidence on the Mumbai terror attacks.³⁰ The information contained in the dossier included telephonic transcripts between the gunmen and their LeT commanders, decoded Skype calls over the Internet made between the gunmen and their LeT controllers, a list of weapons recovered after the 26/11 carnage, and the interrogation report of Ajmal Kasab. India also used the dossier in its diplomatic offensive to convince the international community of its case. It organized briefings for all resident heads of missions, while Indian ambassadors did the same in their countries of accreditation. Foreign Secretary Shiv Shankar Menon briefed heads of missions of the countries whose nationals had been killed in the Mumbai attacks. In the first week of January, Menon briefed about 50 envoys from Europe, the Middle East, Africa and Latin America on the attacks. Separately, Menon addressed envoys from 15 countries, including the United States, the United Kingdom, Israel and France. As part of the

effort to build pressure on Pakistan, Chidambaram travelled to the United States to share evidence on the Mumbai attacks. India also shared the dossier with visiting Saudi intelligence chief Prince Muqrin bin Abdul Aziz-al-Saud, who met National Security Advisor M. K. Narayanan, and with Chinese Vice Foreign Minister He Yafei. India also gave copies of the dossier to the United Kingdom, France, Russia, key European Union (EU) nations and major Islamic and Arab states.

In the first week of January 2009, Home Minister Chidambaram made plain the official view that the high degree of sophistication in training and equipment displayed by the terrorists reflected the involvement of the Pakistani state.³¹ Prime Minister Singh repeated the allegation a day later.³² The United States, fearing yet another escalation of tensions and the risk of war, tried simultaneously to diffuse the tension and to put pressure on Pakistan to cooperate with India. U.S. ambassador to New Delhi, David Mulford, described the evidence contained in the Indian dossier as “credible.”³³

Pakistan’s response was to indicate a willingness to cooperate on the investigation, but there was also resistance to what was perceived as coercion reminiscent of the crisis of 2001–2002. On 7 January, amidst conflicting statements, Pakistan acknowledged that Ajmal Kasab, the captured terrorist, was a Pakistani national and a resident of Faridkot. There is no evidence that the security establishment either differed with or overruled the government position. But there was confusion and lack of coordination within the civil establishment—between the foreign office, National Security Advisor Major General (retd) Mahmud Ali Durrani and the information ministry—over the admission. Durrani was sacked for his alleged “irresponsible behaviour” in making the admission prematurely.³⁴ Ironically, the Pakistani media, including the newspaper *Dawn*, had located Kasab’s family in Faridkot much earlier.³⁵ On the same day, President Zardari and Prime Minister Gilani gave the assurance that a credible investigation and follow-up action would be carried out on the basis of the information provided by India.³⁶ But on 14 January, Gilani told the National Assembly that the dossier of evidence given to Pakistan by India contained only “information” and not “evidence.”³⁷

Nonetheless, Pakistan did cooperate. It set up a three-member Federal Investigation Agency (FIA) team to scrutinize the Indian dossier on the

Mumbai attacks. The team was tasked with conducting an investigation on the basis of the Indian dossier on the Mumbai attacks. It was asked to submit its initial report within 10 days. Interior Minister Malik said the government would try to convert the information given by India into evidence so that cases could be registered against the perpetrators in Pakistan in order to bring them to trial in the country.³⁸ He asked India to come up with more information to help the Pakistani end of the investigation and gave the assurance that any Pakistani found involved in the attacks would be tried in Pakistan in accordance with the country's laws. On 30 January, the FIA submitted its investigation report to the Ministry of the Interior and Islamabad shared with New Delhi the progress made in the investigations. The final report was submitted on 23 February.

The pace of cooperation gradually stepped up. On 13 February, in its first detailed response to the dossier provided by India, Pakistan's Interior Ministry acknowledged that the Mumbai attacks were partly planned in Pakistan. It announced that it had identified Hammad Amin Sadiq as the alleged "mastermind" of the whole conspiracy and said criminal cases had been registered against nine suspects on charges of "abetting, conspiracy and facilitation" of a terrorist act.³⁹ However, links were found in other countries, including Austria, Spain, Italy, Russia and the United States. The Ministry's spokesperson stated that the plotters had transferred money from Spain in order to acquire the Internet domain name that they used for communications and that the domain was registered in Houston in the United States. A Pakistani living in Barcelona was arrested in connection with the payment and repatriated. Another domain name used by the attackers was registered in Russia, while the satellite phone they used was registered in a Middle Eastern country that he declined to name. He said the attackers left from Karachi on a boat hired from Balochistan and that an e-mail claiming responsibility for the attack was sent by Zarrar Shah of the Lashkar-e-Taiba.⁴⁰

Pakistan's Interior Ministry called for more evidence from India, including DNA samples of Ajmal Kasab and the nine other terrorists killed by Indian security personnel in order to establish their identity. Islamabad forwarded a set of 32 questions to India which sought evidence needed to support and further the investigation process in Pakistan. It sought Ajmal Kasab's statement to Indian authorities, his fingerprints and details on

the accomplices who had participated in the attack, such as transcripts of intercepted conversations, information on seven SIM cards used by the attackers, their ID cards and photo images of the nine dead terrorists.⁴¹ On 13 March, India provided information in reply to questions raised by Pakistan that included DNA samples, details of fingerprints, closed-circuit TV images of attackers, transcripts of conversations between the attackers and their handlers, forensic analysis reports of the accused, Global Positioning System (GPS) data, and details on ammunition and other equipment used in the Mumbai attacks.⁴²

The process of cooperation remained uneven, with each country periodically calling on the other to do more. In June 2009, JuD leader Hafiz Saeed, who had been under house arrest for six months, was set free by the Lahore High Court due to lack of sufficient evidence.⁴³ The fact that Saeed had been arrested and released repeatedly in the past suggested to many observers that there was a purposeful policy at work.⁴⁴ Pakistani calls for more information were met by Indian accusations of stonewalling. But nonetheless cooperation continued. Both periodically provided each other with information on the on-going investigation. In July, President Zardari distanced himself from the previous government by admitting publicly that Pakistan had, in the past, “deliberately created and nurtured” extremist groups for “short-term tactical objectives”.⁴⁵ Soon after, Prime Ministers Singh and Gilani met on the sidelines of the Nonaligned Movement summit in Sharm-el-Sheikh, Egypt. Their joint statement agreed that “terrorism is the main threat to both countries” and that “dialogue is the only way forward”.⁴⁶ India also made a major concession that “action on terrorism should not be linked to the composite dialogue process”.⁴⁷ Pakistan informed India that it had arrested, along with others, Zaki-ur-Rehman Lakhvi, a senior LeT leader identified by Kasab as the mastermind of the Mumbai attacks.⁴⁸

THE ROLE OF THE UNITED STATES

Although there had been prior warning of possible attacks on soft targets in Mumbai, the assault came as a surprise. Given the sophisticated technology and organization of the attack, U.S. authorities immediately suspected an outside source for the attack, the two most likely candidates in their view being Al-Qaida or a Pakistani-backed group, or perhaps a

combination with the former providing support for the latter. American thinking wrestled with three different possible interpretations: (i) the attack was an independent action on the part of LeT, perhaps with some training and/or support from Al-Qaida or other transnational groups; (ii) it was directly linked to the Pakistani government, which was considered least likely; and (iii) the LeT had received training and logistics support from Pakistani sources, who may or may not have been working under orders from either ISI or the military leadership. The last came to be seen as a significant probability.

The crisis occurred during a period of transition between the Bush and Obama administrations, which complicated efforts to grapple with it. American interests were affected in at least four ways. First, American lives had been lost in the attacks and U.S. policy had to engage actively with the crisis. Second, the crisis revived the decades-long U.S. dilemma of how to manage relations with two friendly countries that are mutually antagonistic. In the case of India, the United States knew that an approach that appeared too conciliatory to Pakistan would prompt the re-emergence of suspicion and anti-U.S. sentiments rooted in the Cold War. At the same time, the deaths of innocent Americans in the attack and initial reports that the attackers were deliberately targeting foreigners and particularly British and American citizens, created greater complementarity of views between the United States and India than in previous terrorist incidents. A third problem was the Pakistani government's—and particularly the military's—reflexive response, which was to deny any involvement and to shift the focus from the Afghan border to the Indian border. And fourth, there was serious concern about the possibility of war even though there were no major indicators that war was imminent. As a result, the United States hastened to involve itself in the crisis, though it was not inclined to react as dramatic a way as it had in May/June 2002 or to intervene directly with the Pakistani leadership as it had in July 1999.

American strategy was to ensure that India knew the United States appreciated its concerns and to apply a degree of pressure on Pakistan to cooperate in the investigation, yet to do so judiciously so as not to adversely affect the military campaign against the Pakistani and Afghan Taliban. This in turn involved calming Indian tempers. The strategy,

in short, was to manage the crisis and remain—as far as possible—an objective and honest broker of sorts for both parties. U.S. Secretary of State Condoleezza Rice telephoned President Zardari within 24 hours of the Mumbai attacks, which prompted the Pakistani government's hasty decision to send the head of the ISI to New Delhi.⁴⁹ Subsequently, Rice visited Pakistan personally and delivered the tough message that even if only non-state actors were involved, it was Pakistan's responsibility to take action. She told Pakistan that there is "irrefutable evidence" of involvement of elements in the country in the Mumbai attacks and that it needed to act urgently and effectively to avert a strong international response.⁵⁰ Countering Pakistani denials, Director of U.S. National Intelligence Mike McConnell on 3 December directly blamed the LeT for the Mumbai attacks, thus increasing pressure on Pakistan to take action against the group.⁵¹ The change in administrations had no major effect. Pakistanis were disturbed by presidential candidate Barrack Obama's hardline statement that India "would be within its rights if it took retaliatory action against militants hiding inside Pakistan."⁵² However, Obama as President was more circumspect.

The investigation itself drew enormous benefit from the role of the U.S. Federal Bureau of Investigation (FBI), which used its enormous technical and organizational resources to unearth key evidence, such as the international payments made by them, the navigational path they used on the sea (obtained from GPS data) and so on.⁵³ The FBI received unprecedented access to the Indian investigative machinery and was even allowed to interview Kasab.⁵⁴ Yet, while exerting pressure on Pakistan, the United States opposed Indian calls for punitive action against Pakistan.⁵⁵ On 31 December 2008, President Bush had separate telephonic conversations with the Indian and Pakistani leaders in which they agreed to avoid any moves that could escalate tensions between the two countries.⁵⁶ On 10 January, the United States contended that the dossier given by India to Pakistan on the Mumbai attacks was "credible", but suggested that New Delhi should allow time to Islamabad to act on it.⁵⁷

How effective was the United States in reducing tensions? More will be said about this in the next chapter, but at this point, it may be said that the interests of the United States were well-served by its diplomatic efforts. It managed to retain goodwill in both India and Pakistan and

simultaneously to sustain its campaign against terrorism in the region. This is very different from saying that its efforts were critical to shaping the crisis. The true determinants of the outcome of the crisis probably lie in India's restraint and in Pakistan's divided leadership, which clearly conveyed the message that the Mumbai attacks were not the policy of the new civilian government. All three—India, Pakistan and the United States—had a strong interest in preventing the outbreak of war and in preserving and strengthening civilian rule in Pakistan, which therefore created a common interest in deescalating the crisis to the maximum extent possible.

Clearly, differences of perception played a critical role in the crumbling of the peace process. Both the antagonists adopted combative stances very quickly. From the Indian standpoint, Pakistan was largely to blame. There was some acknowledgement of internal failure—the poor preparedness displayed by the security machinery was undeniable—yet the tendency was to focus almost entirely on the external realm.⁵⁸ Pakistanis attributed this single-mindedness to a knee-jerk reaction and to a tendency to evade responsibility. On its part, Pakistan tended to deny almost any role to begin with and to point to India's failings rather than its own. Each did what it accused the other of doing: magnifying the adversary's culpability and minimizing its own. Yet, despite the politicians' rhetoric and the shrillness of the media, there was also a measure of caution, introspection and, most importantly, a willingness to return to the negotiating table. India exercised restraint in not seriously contemplating the coercive diplomacy it had resorted to in 2001–2002. Pakistan, despite initial reluctance, took up the investigation of the attack. Each kept the other informed about developments. In spite of the usual noise, both gave out positive signals that kept the relationship relatively stable.

The central point that emerges from this brief review of the conflict is that India and Pakistan are caught in the twilight zone between war and peace. In the post-nuclear era, there is too much to be lost by fighting; yet, if they have learned that war must be avoided, they have yet to learn how to establish a stable peace. The stagnation of the Composite Dialogue and the rapid deterioration of relations as a result of the Mumbai

attacks show just how fragile the fabric of cooperation is despite claims that the relationship had been on the cusp of a breakthrough. Four patterns stand out. One, unlike the two preceding crises of 1999 and 2001–2002, this one was less threatening as it involved no fighting and no mobilization. Two, despite the lessons of the two earlier episodes, a familiar action-reaction process of accusation and denial quickly derailed the peace process. Three, a return to the search for peace was facilitated both by the impossibility of fighting and by the diplomacy of a state—the United States—that neither fully trusted. And four, at the time of writing, the fragility of the relationship remained in place, vulnerable to further shocks from rampaging terrorists.

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ANALYSIS

PATTERNS AND STRATEGIC IMPLICATIONS

In this chapter, we ask three key questions. First, what was the impact of the Mumbai terrorist attack on India, the target country? Second, how did the attack affect the India-Pakistan strategic relationship? And third, what are the global implications of the attack? We end with a brief set of general policy prescriptions for the three main players: India, Pakistan and the United States.

IMPACT ON INDIA

The targeting of two of Mumbai's most well-known hotels, which are patronized by the national and international business community, was an indication that the terrorists may have wanted to influence business sentiment as in 1993, when the Mumbai Stock Exchange was bombed. The main initial worries in India were that the attack would hit investor confidence, immediately through the respective values of the rupee and equities and in the longer term through reduced flows of domestic and foreign investment—in the latter case, particularly if foreign firms became concerned for the safety of their employees and assets—and tourist arrivals.¹ However, the actual negative effects do not seem to have been significant, though it is difficult to separate the impact of the episode from the broader and deeper effects of the global financial crisis and recession that had set in during 2008.

As Arvind Panagariya observes, the far more dramatic and destructive attacks of 11 September 2001 had limited effects: the American economy, which had experienced three consecutive quarters of contraction, resumed

growth in the post-9/11 quarter.² The Indian economy rebounded very quickly from the disaster of November 2008—within hours, trains were running normally at the busy CST railway station and the Mumbai Stock Exchange not only re-opened after just one day (with the attack still occurring), but rose 0.7 per cent.³ Nor was longer-term investment affected: data from the quarterly ING Investor Dashboard Survey released in April 2009 showed a 75 per cent increase in favourable investor sentiment vis-à-vis India for the first quarter of 2009.⁴ Tourist arrivals from abroad dropped by 10 per cent in the post-attack period, but had begun to revive by the middle of 2009.⁵ Above all, economic prospects looked better by the summer of 2009: despite a decline in comparison with the preceding year, the Indian economy grew at a better-than-expected 6.5 per cent during 2008–2009, second only to China among the major economies.⁶

It appears that Indian resilience to terrorist attacks remains firm. A significant political reflection of this is evident from the fact that the Congress Party, which was at the helm of government during the terrorist attacks, recorded a strengthened performance in the state elections just a few days later in November–December 2008 (winning in three of five states that went to the polls) and romped home to power in the national elections of April–May 2009. The election results of 2009 increased the probability of stable government and a business-friendly environment less hampered than before by the vagaries of domestic politics. Still, there was a sense among the Indian business community that it was time for government to be more effective. As Rajeev Chandrashekhar, President of the Federation of Indian Chambers of commerce and industry (FICCI) bluntly put it, Indian business had thus far been “mute and detached”, but “it is time we all join this debate on terrorism and demand stronger and firmer leadership”.⁷

On the security front, the slow reaction of counter-terrorist forces to the attack, which enabled a handful of armed men to hold out for as long as 60 hours, exposed the negative side of this resilience. It hardly escaped notice that the terrorists were armed with the latest in lethal and non-lethal equipment, whereas the police in Mumbai still carried rifles dating back to the Second World War. More troubling was the evidence of poor training, especially the large number of instances when policemen fired at the terrorists and missed.⁸ The government’s poor preparation

for such an incident was evident. Though major urban attacks had usually been by way of bomb blasts rather than commando-style assaults, statistics show that armed attacks have been the chief source of fatalities in the country. Between 1998 and 2004, they accounted for as many as 1,803 deaths out of 3,008, with by far the highest ratio of fatalities to incidents.⁹ Among the many failings of India's counter-terrorism policy exposed by the Mumbai attacks were the failure to coordinate intelligence, weak coastal surveillance, inadequate organization and training for rapid response, and poor quality armaments and protective equipment used by security forces.¹⁰

In response, the government has launched a series of reforms. These include enhanced coastal security under the Navy, which supersedes the Coast Guard; the opening of regional hubs for the National Security Guard (NSG), which is the chief central counter-terrorism force; and the establishment of a National Investigation Agency (NIA) to deal with terrorism as well as other major crimes such as counterfeiting, human trafficking, narcotics, organized crime, plane hijacking and violations of laws regulating weapons of mass destruction. India has also engaged in talks with a number of countries—notably Germany, but also France, Israel, the United Kingdom and the United States—to sharpen its counter-terrorism efforts.¹¹ How far the effort will improve upon existing capabilities remains to be seen. India is a large country with so many pressing problems of day-to-day existence for most people that even major events like the Mumbai terror attacks are relatively distant events or fade quickly from the public mind. The other face of resilience is often apathy or simply preoccupation with more immediate concerns. The possibility that a combination of factors such as bureaucratic inertia, corruption, inadequate state capacity and weak leadership will permit terrorists sizeable operational space remains. The Indian state's lack of a strong response to the expanded scale of Maoist violence in the heart of the country is reflective of this. Hence, repetitions of the Mumbai attacks or worse are a possibility that cannot be ignored.

INDIA-PAKISTAN RELATIONS

The critical question, of course, is about the future of India-Pakistan relations. From the events surrounding the Mumbai attacks, we may discern

the driving forces that shape the relationship. How likely are they to tilt the balance from a longstanding conflict orientation to one of stability and perhaps peace?

Governance and domestic politics

The Mumbai attacks reveal governance flaws on both sides. In both cases, it is an open question whether the failings will be remedied sufficiently to produce enduring regional stability. India, as we have observed, has been vulnerable to terrorist attack over the years and has been laggardly in mobilizing national energies and resources to tackle the threat of domestic terrorism. A good part of the problem is the turbulent nature of Indian democracy, with its social and tensions, its periodic explosions of violence and its pervasive corruption. As noted above, the degree of commitment to countering the threat has yet to be adequately demonstrated. Across the border, Pakistan suffers more serious problems of governance. In addition, the Pakistani state—now seriously threatened by a wave of terrorism—has tended to view terrorists selectively, with some being seen as a useful policy tool against India. In particular, the army has a history of resorting to risk-taking tactics—notably, backing mujahideen fighting the Indian government—which it believes are effective in putting India under pressure.¹² The army has been firmly entrenched in power, which is reflective of the country's deep political vulnerability and inability to negotiate domestic conflict.¹³

Both countries appear to be on the verge of democratic consolidation. India, which has since the 1990s gone through a prolonged period of weak coalition governments often held hostage by small parties, appears to have entered a more stable period following the 2009 elections, which have brought the Congress more firmly to power. Pakistan, though wracked by terrorist violence, stands at the threshold of a new era reflected in the democratic wave that ejected Musharraf and saw the ousted Chief Justice of the Supreme Court, Iftikhar Chowdhury, returned to his position. Its potential transition from a “hybrid democracy” where the armed forces hold sway to one more solidly grounded on popular sentiment promises a fundamental shift in its political trajectory.¹⁴ On the cards, it follows, is the beginnings of a democratic peace if the political paths of both countries converge. If they do not, internal pressures in both will

likely delay compromise for an indefinite period of time. In particular, the nature of civil-military relations in Pakistan is critical to Pakistan's future and to its relationship with India. The army's influence on policy during the Mumbai attacks crisis was very visible when, immediately after the incident, the civilian government withdrew its offer to send the ISI chief to India under military pressure.¹⁵

The ability of India and Pakistan to tread a sustained path towards stable democracy has important implications for the dispute over Kashmir. That hapless land, with its unending history of political violence, is a symbol of the tragedy of Partition, which displaced some 12 to 15 million people, killed two million and produced a "paradigm of pathological politics" in the subcontinent.¹⁶ Decades of inter-state and intra-state conflict have entrenched the notion that Kashmir represents the "unfinished business" of Partition and that the India-Pakistan conflict over Kashmir is essentially a conflict over identity, with each claiming it in order to bolster its national identity.¹⁷ Yet, the fundamental social reality, as anthropologists know, is that ethnic identities are often "emic" or self-defining rather than "etic" or empirically definable with reference to given cultural characteristics.¹⁸ Key components of collective identity are "feeling" or belonging and "doing" or participation. In the context of political systems, it may be said that only a properly functioning democratic system provides both components to the citizen. Hence, the embedding of democracy in India and Pakistan is likely to make the possession of Kashmir and indeed hostility to the external other less necessary for the reinforcement of national identity in both countries. It also bears noticing that if a breakthrough in India-Pakistan relations was—as is claimed—imminent in 2007, then obviously Kashmir was no longer an "intractable" dispute. Moreover, both countries had already begun to shift away from their formerly rigid positions on Kashmir and to contemplate out-of-the-box solutions such as a soft border much earlier.¹⁹ Thus, there is a precedent for a future deal, including an understanding of some kind on Kashmir, provided domestic political interests allow it.

Power politics and nuclear weapons

The conflict between India and Pakistan has usually been viewed as a territorial dispute intensified by identity politics. But, there is also a

fundamental power politics dimension to it, change in which has altered the essential characteristics of the relationship. Scholars of international relations have long held that war is the central feature in a world of sovereign states unregulated by higher authority. War is the ultimate arbiter of the fates of nations and the fact that it can occur at any time generates a politics of insecurity, military competition and occasional crisis.²⁰ From this standpoint, as neighbours, India and Pakistan have been predisposed to view each other as threats. Moreover, the difference in size between the much larger India and the relatively small Pakistan has produced a politics of hegemony and resistance—a pattern of hostility commonly visible in relations between similar pairs.²¹ This has been a significant part of the foundation of hostility between the two countries. The advent of nuclear weapons has altered this politics in a fundamental way.

Nuclear weapons enhance threat perceptions between rival states so sharply that they simultaneously breed heightened fear of and hostility towards each other as well as caution and a willingness to compromise in order to avoid war. For the pessimist, they raise the risk of unanticipated war as a result of misperception or unauthorized initiation of combat. For the optimist, precisely because they are so dangerous, nuclear weapons generate caution and thus have stabilizing effects.²² The South Asian case remains hotly contested along these lines.²³ In practice, a review of nuclear rivalries shows that both sides are correct: that such relationships are characterized by coexisting stabilities and instabilities. Hostile states with nuclear weapons tend to enter into crises but also to be prudent in avoiding actual war.²⁴ Willingly or not, they cooperate to prevent conflict and to try and stabilize the situation.²⁵ This has been the case with India and Pakistan. After a series of wars, they settled after nuclearization into a pattern of confrontation marked by aggressive rhetoric and prudent action on the ground.

The Mumbai attacks triggered fresh fears about the risk of war in a nuclear environment. As mentioned above, there was no serious effort to mobilize for combat, nor is there any evidence of a nuclear alert on the part of either country. Interviews with those in the know suggest little official perception that there was any appreciable risk of nuclear use. Yet—to repeat—it would be overly sanguine to say that there was no nuclear component to the crisis. In fact, nuclear mobilization to any serious level has never occurred on the subcontinent. The nuclear

content of all India-Pakistan crises, so far as we know, has always been at the level of, first, signalling via verbal warnings and missile tests and, second, consciousness of the risks involved, which has produced a great deal of caution during crises. In 2008–2009, the only signalling was verbal. We have mentioned above the media statement of a Pakistani nuclear scientist. In addition, on 11 February 2009, Indian Defence Minister A. K. Antony resurrected an old claim (made by a predecessor, George Fernandes, in 2001–2002) that India would not be deterred by Pakistani nuclear weapons from carrying out a military strike.²⁶ But, such statements did not arouse the kind of anxieties that they had in the 2001–2002 crisis and External Affairs Minister Pranab Mukherjee, who had in the very beginning cautioned against viewing India's demands as being backed by a military threat, reiterated on 19 February that India was opposed to military action.²⁷

An important lesson has been learnt and re-learned. War is no longer an option, but rather an event to be avoided. There are only two options: confrontation without war and peace. India and Pakistan have gone through cycles of both. Periodic confrontation produces risk without yielding the desired end result of "victory" except in an ephemeral and symbolic sense. In effect, the lesson of nuclear rivalry and confrontation is that the potential costs of confrontation are high, whereas in contrast the potential benefits of cooperation are considerable. Though there have been several crises since the 1990s, the pattern that emerges from an overview is that they have gone through an arc. In 1990, there was a relatively minor crisis with no fighting and no significant mobilization—though some accept the unsubstantiated claim that Pakistan placed its nuclear arsenal on alert. In 1999, there was a high risk of full-scale war because actual fighting took place in the mountains of Kargil, even though offensive mobilization did not occur. In 2001–2002, the risk was arguably higher still: both sides were fully mobilized for war and a spark could have set the region aflame. Awareness of the risk brought a positive change. Thereafter, a series of terrorist attacks that it blamed on Pakistan-based terrorists did not arouse an angry response from India; and the Composite Dialogue moved the relationship to a more stable plane. The Mumbai attacks raised the temperature again, but clearly, the lesson had been learnt that the only way out is to talk.

Terrorism and policy

Terrorist violence remains the chief destabilizer for India-Pakistan relations. All the three major players—India, Pakistan and the United States—have been severely hurt by terrorist activities and have an interest in countering it in the region of South Asia and elsewhere. The Mumbai terrorist attacks bring out three aspects of the terrorist threat: the close connection between terrorism and domestic governance; the use of terrorism as a policy instrument by states; and the transnational character of terrorist groups active in South Asia. Each has a powerful influence on the individual and combined futures of India and Pakistan.

Within India, the permissive causes of the Mumbai attacks are primarily two. First, prolonged political turbulence and instability in the Indian state of Jammu and Kashmir (J&K) has bred deep anger in the state. This is the foundation for the insurgency and violence that erupted in the early 1990s and soon developed, with assistance from outside the country, into endemic terrorist activity. Pakistan-based groups like the LeT and the Jaish-e-Muhammad (JeM) have played a dominant role in J&K along with the Hizbul Mujahideen (HM), which has a larger local membership. A second permissive source of terrorist violence has been the regular outbursts of violence targeting Muslims over the past two decades. The 1990s saw the rise of a Hindu fundamentalist wave in much of India. The Bharatiya Janata Party (BJP), backed by the Rashtriya Swayamsevak Sangh (RSS) and its more militant fraternal organizations, the Vishwa Hindu Parishad (VHP) and the Bajrang Dal, both exploited and stoked its fires. A symbolic moment was the destruction of the fifteenth-century Babri Masjid (Mosque of Babur) in December 1992. Two major pogroms in which large numbers of Muslims were massacred took place in Mumbai and elsewhere in December-January 1992–1993 and in Gujarat state in 2002. These bred a deep anger that fuelled repeated acts of violence by Muslim extremists affiliated with the Students Islamic Movement of India (SIMI), LeT, Al-Qaida and other groups. The attacks on Mumbai were both inspired by these developments and drew local support as a consequence of them.

However, the rising tide of communal violence led to considerable reflection on the part of the Indian Muslim community. Following the

attacks, the influential Muslim clergy declared terrorist acts as un-Islamic, appealed for greater inter-religious understanding and called for a united front against terrorism.²⁸ In Mumbai, the Muslim community spontaneously protested strongly against the outrage and went to the extent of refusing burial to the dead terrorists. In March 2009, The Dar-ul-Uloom at Deoband, a leading Indian centre of Islamic theology, declared India a Dar al-Aman (country friendly to Islam).²⁹ In the meantime, as noted earlier, the Mumbai attacks had little impact on the state elections at about the same time as the attacks and on national elections a few months later. These developments indicated that the Mumbai event had not resulted in widening the schism between Muslims and Hindus and strengthening the domestic roots of Islamic extremism in India. However, it is too early to say with confidence that there is little scope for terrorism to strengthen its domestic base in India.

The most immediate source of the Mumbai attacks, which lies in Pakistan, has two aspects to it. First, as observed earlier, terrorist groups have been backed by the Pakistani state in its quest for a means to put pressure on India to make concessions on Kashmir. This is hardly a new phenomenon. Pakistanis—and not a few Indians—have pointed out that Indian authorities backed the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka during its early years and that the United States gave millions to the Mujahideen in Afghanistan during the Cold War. The lesson of these historical episodes is that the serpent can bite the hand that feeds it—which has happened in all of the above cases and is the source of the current turbulence in Pakistan. The civilian government at the helm in Islamabad has publicly distanced itself from such policies. Faced with armed militancy within its territory, the Pakistan Army has also shown signs that it has begun to view the armed groups as a strategic liability.³⁰ But, the key may lie in governance again: it is a moot point whether the strategy of pressurizing India through groups like the LeT will be fully abandoned until democracy comes to occupy a firm place in Pakistan.³¹

Strategic policy aside, the source of the Mumbai attacks and the prospects for the morrow may well lie in the governance of Pakistan in another way. Currently in the throes of a struggle for survival against the pervasive threat of terrorism and extremism both on its Afghan border

and in its heartland, Pakistan stands at a critical point. The story of the deterioration is too complex to be told here. Suffice it to say that the Pakistani state has been brought to its present condition by the disadvantages it has faced since independence, which run the gamut from weak political institutions and a fragmented ethnic composition to a military far too ready to intervene in politics and maintain national security policy as a private preserve and a venal leadership that has alienated large sections of the population.³² On the other hand, there are signs that the tide may be turning. The military has lost much of its credibility owing to its failure to arrest national decline under Musharraf; the civilian government under President Zardari and Prime Minister Gilani has shown a strong inclination to counter terrorism and simultaneously to promote a more decentralized form of governance; and resistance to the Taliban has emerged within its heartland along the Pakistan-Afghanistan border. As with India, it is not possible to be definitive about the change, but the signs are certainly positive. History advises caution: Civilian power in itself may not suffice to bring to an end the old strategy of bringing subconventional pressure to bear against India. During the 1990s, Nawaz Sharif as prime minister persisted with it. Beyond the taming of the military, Pakistani politics requires a rethink that takes into account (a) that the yield from such a strategy is limited gain (Indian agreement to negotiate), but also considerable loss (Pakistan's virtual acceptance that the borders can no longer be altered in its favour); and, more importantly, (b) that Pakistan's future as a political community lies not in its capacity to absorb all of Kashmir, but rather in its capacity to build an identity internally through the democratic process.

Terrorism as a transnational threat

From a different perspective, the bigger threat to the region comes from the transnational character of Islamic terrorism. By themselves, the LeT and possibly other terrorist groups active in India and Pakistan which perpetrated the Mumbai attacks pose less of a threat. The groups named above—LeT, JeM and HM—and others are part of a wider global structure linked to Al-Qaida, which provides ideological ballast and disseminates aid, advice and organizational strength to regional groups.³³ Their larger ideologically driven objectives

encompass the unification of the Muslim community (Ummah) under the banner of their conception of a pure form of Islam. In this sense, if not more directly, the Mumbai attacks had a global element embedded in them. Hence, the idea that Islamic terrorism constitutes a common threat to India, Pakistan and the United States has substance to it. This is true as well of future threats. The modus operandi of the Mumbai attacks may well present a model for future attacks anywhere. The assault on the Sri Lankan cricket team in Lahore on 3 March 2009 was a similar commando-style attack carried out on the Mumbai pattern.³⁴ It is possible that the dramatic effects of these attacks may appeal to terrorist groups elsewhere, including groups not connected with LeT or Al-Qaida, causing them to carry out copycat attacks. Similar apprehensions have already been expressed in other countries.³⁵ Such tactics may fail to produce effects on the scale of the Mumbai attacks. A commando-style attack by 10 well-armed terrorists on the police academy in Lahore in March 2009 resulted in relatively limited damage—less than a dozen deaths—over a period of eight hours. Nonetheless, the possibility of a disaster of a much greater magnitude than Mumbai cannot be ruled out.

The capacity of transnational terror to penetrate India and Pakistan may have yet to peak. In this context, the role of the United States is significant. In one sense, the presence of American forces has acted as a catalyst inflaming regional sentiment, notably as a consequence of the repeated incidence of civilian deaths caused by drone attacks. But in another, American wealth and technology has provided the states of the region with the wherewithal to combat a force that they might not have had the capacity to otherwise. The use of drones has played havoc with the Taliban and its affiliates along the Pakistan-Afghanistan border. Among their notable successes has been the elimination of Baitullah Mehsud, the Pakistani Taliban leader, in August 2009. The United States needs to streamline its efforts to avoid so-called “collateral damage” and to ensure that aid is more effectively channelled towards counter-terrorism efforts and improved governance in Afghanistan as well as in the tribal areas of Pakistan. Closer intelligence cooperation between the United States and the South Asian powers should go a long way towards limiting transnational terrorist threats to the region.

CONCLUSION

The history of India-Pakistan relations has been one of rising instability till the 2001–2002 crisis and a decline in tensions thereafter as a result of the spectre of nuclear war which that event brought to the forefront. The positive trend received a major shock with the Mumbai terrorist attacks, but, at the time of writing, has not been severely damaged. The stagnation of the peace process and the rising tension that preceded the event tells us something of the depth of the problem. At this point of time, it appears that while war is becoming increasingly unlikely—a point reinforced by the lower intensity of the fresh crisis—the sources of tension retain considerable strength. The critical variables are three and, in each case, there is room for cautious optimism—cautious because the risk of a reversion to the past remains alive.

First, and most fundamental, governance is showing early signs of strength with the consolidation of democracy in India and the reassertion of democratic norms in Pakistan. If the momentum is sustained, the potential for antagonistic sectional interests—religious fundamentalism and military interests—to derail the stalled peace process will be reduced and the scope for terrorists to wreak havoc by taking advantage of political turmoil diminished. Further, the possibility of achieving a democratic peace will be strengthened, though the process will undoubtedly take time.

Second, creative leadership is required to build on stable governance. The current peace process was built by two hardliners, Indian Prime Minister Atal Behari Vajpayee and Pakistani President Musharraf, both of whom were able to think out of the box and move closer by giving up their rigid zero-sum positions on Kashmir. The current crop of leaders are less tough and, for this reason, more susceptible to accusations of the Munich syndrome. But, they are also in a good position to make concessions because in India, the Congress is no longer hobbled by dependence on small parties to hold its coalition together, while in Pakistan, popular sentiment clearly favours a civilian-led future. In a sign of changing times, the Indian and Pakistani prime ministers in July 2009 declared terrorism a common enemy.³⁶ But, the road ahead remains unclear as yet. In both countries, the leadership needs first to manage its internal problems effectively—particularly in managing terrorist threats—as a precursor to reaching for stability with its old external foe.

Third, terrorists represent the most serious threat to stability in South Asia. Their capacity to transform the region in accordance with their ideological preferences may be limited, but by their destabilizing influence, they could undermine governance, generate domestic conflicts and trigger another round of tensions between India and Pakistan. A worst-case scenario might see terrorists unleash a major attack using some form of weapons of mass destruction. While the possibility of terrorists obtaining a nuclear weapon may be low, a far easier act of detonating a radiological dispersion device (RDD) or “dirty bomb” could have devastating political effects, particularly in generating India-Pakistan conflict or in stemming the flow of investment to one or both countries. The high degree of planning, training and organization of the Mumbai attacks shows that terrorist groups in the region, with their networks of external support, are capable of taking unanticipated initiatives that take the international community by surprise. There is as yet little room for confidence that they will not do so again.

Finally, the role of the United States remains significant. Apart from soothing inflamed tempers and encouraging negotiations, the United States has two long-term interests: combating terrorism in Pakistan and Afghanistan, and facilitating improved domestic security and governance by means of technical, financial and organizational assistance. The history of its presence in the region has been scratchy and intermittent. It needs to sustain a new friendship with India, convince Pakistan of its reliability and persist with its backing of the fledgling democracy in Afghanistan.

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THE 2008 MUMBAI TERRORIST ATTACKS
APPENDICES



Appendix 1

Text of the Charge Sheet filed by the
Mumbai Police on the Mumbai Terror
Attacks Cases, 25 February 2009

Appendix 2

Text of the Confession Made by Mohammed
Ajmal Amir “Kasab” in the Additional
Sessions Court, Mumbai, 21 July 2009

Appendix 1

TEXT OF THE CHARGE SHEET FILED BY THE MUMBAI POLICE ON THE MUMBAI TERROR ATTACKS CASES, 25 FEBRUARY 2009

Final Form / Report
(Under Section 173 Cr.P.C.)

In The Court Of
Addl. Ch. M.M., 37th Court, Esplanade, Mumbai

The Chief Investigating Officer of the sensational and diabolic attacks by the terrorists at different iconic locations in Mumbai on 26th November 2008, hereby submits a report under Section 173 of Criminal Procedure Code, 1973 as under.

A heinous criminal conspiracy has been planned and hatched in Pakistan by the internationally banned Lashkar-e-Taiba to execute a series of attacks at prominent places in Mumbai, the financial capital of the country on 26th November 2008. This was with the express intention to destabilize India, wage war against this country, terrorize its citizens, create financial loss and issue a warning to other countries whose citizens were also targeted, humiliated and cold-bloodedly killed. This Fidayeen Mission was part of a larger criminal conspiracy planned in Pakistan for attacking the commercial capital of India with intent to wage war, to weaken India economically and to create terror and dread amongst the citizens of the Mumbai metropolis in particular and India in general and, thereby, through the said unlawful activities its perpetrators committed terrorist acts.

Lashkar-e-Taiba (Lashkar-e Tayyiba; literally means Army of the Good, translated as Army of the Righteous, or Army of the Pure) – also pronounced and spelt as **Lashkar-i-Tayyaba**, **Lashkar-e-Tayyaba**, **Lashkar-e-Tayyiba**, **Lashkari-Taiba**, or **LeT** – is one of the largest, most active and lethal militant organizations in South Asia.

Lashkar-e-Taiba – ‘The Army of the Pure’ is a militant offshoot of Markazud-Dawa-wal-Irshad (MDI), an Islamic fundamentalist organization. Markaz-ud-Dawatul-wal-Irshad has since been renamed as Jamaat-ud-Dawa.

It was founded by Hafiz Muhammad Saeed and Zafar Iqbal in the Kunar province of Afghanistan in 1989. It has its headquarter at Muridke near Lahore, Pakistan. It operates numerous training camps in Pakistan occupied Kashmir as well as in other parts of Pakistan. Lashkar has forged cooperative and operational ties with religious militant groups throughout the Middle East, South East Asia and also in other parts of the world.

The Militant group’s defining objective is to Islamicise South Asia with its

main aim being freedom for Muslims in India-administered Kashmir.

The Lashkar-e-Taiba is banned as a terrorist organization by India, Pakistan, the United States, the United Kingdom, the European Union, Russia, Australia besides a host of other countries. Hafiz Saeed has been listed as the leader of the Lashkar-e-Taiba. The United Nations Security Council has also listed Zaki-ur-Rehman Lakhvi, Haji Mohammad Ashraf, and Mahmoud Mohammad Ahmed Bahaziq as senior members of the Lashkar-e-Taiba.

Zaki-Ur-Rehman Lakhvi is listed as the terror group's chief of Anti-India operations. Haji Mohammed Ashraf is the group's chief of finance whereas Mahmoud Mohammed Bahaziq, a Saudi national who served as the leader of Lashkar-e-Taiba in Saudi Arabia, is a senior financier.

Jamaat-Ud-Dawa has been recently declared as a terrorist front group by the United Nations (UN) as per its Resolution 1267. UN believes that this organization also supports Al-Qaeda and the Taliban.

I. Attack on Mumbai: A larger design:

The military precision with which all these attacks were conducted, the commando like action, the complexity of the operation, the detailed and meticulous planning, the familiarity and dexterity in the handling of sophisticated weaponry and electronic equipment all undoubtedly and conclusively point to training by professionals in Pakistan.

The mindless killing and wanton destruction of property executed with heartless inhumanity resulted in the tragic death of 166 civilians and huge economic loss. These hardened terrorists who are willing recruits as 'Fidayeens' and the ruthless LeT operators, pursued their single-minded objective of the blood-thirsty slaughter of innocent, unarmed victims without any touch of remorse or regret.

It is, indeed, very clear and apparent from the manner in which these attacks were conducted by the terrorists that the assault was meticulously planned and executed only after the completion of long and arduous training with thorough and well thought-out preparation and briefing. It was also the primary intention of the terrorists to create unprecedented raw fear and panic in the minds of the Indian citizenry and the foreign visitors to Indian soil.

On 26th Nov, 2008, in the attacks by the terrorists in the locations spread across the jurisdiction of various police stations at Mumbai, a total of 166 innocent citizens from India, U.K., U.S.A, Israel and other countries were killed and 304 citizens were wounded. Government as well as private property totally valued at approximately Rs. Forty one crores and seventy two lacs was destroyed (excluding the Taj Mahal Hotel). Besides, 4 sailors from the 'M.V. Kuber' trawler were also mercilessly killed by the co-conspirators in pursuance of the criminal conspiracy hatched in Pakistan. The terrorists targetted and attacked iconic targets in the city of Mumbai which is the Financial Capital of India. These

attacks are nothing but an offshoot of the programmed and undeclared proxy war against India by terrorist organizations and their support agencies. These attacks were carried out simultaneously by multiple teams on locations where the citizens of Mumbai as well as foreign nationals move around or stay such as the historic Taj Mahal Hotel, The Oberoi Trident Hotel, Chhatrapati Shivaji Terminus (which is normally the transport lifeline of lacs of railway commuters), Cama & Albless Hospital (where expectant mothers and ailing women are admitted) at the unsuspecting public at the Cama hospital compound, near Metro Cinema area and at the Leopold Cafe (a tourist hub frequented by foreigners and the local populace of Mumbai). These attacks were launched through the indiscriminate and random firing from deadly AK-47 assault rifles and by lobbing lethal hand grenades. Not satisfied with this mindless bloodshed, the terrorists planted IEDs (RDX based) out of which two were placed in taxis in which the terrorists traveled to the targetted sites. These two IED laden taxis exploded near the Domestic Airport on the Western Express Highway, Vile Parle (East) and near the B.P.T Colony Road at Mazagaon (Byculla). Besides, the heavily armed terrorists also took over buildings and hostages, indulged in drive-by shootings in sequential and simultaneous attacks.

Two terrorists from this team of 10 Mujahideens, hijacked a Skoda car by threatening the two occupants and its driver and firing with their sophisticated AK-47 rifles near Vidhan Bhavan Road. It was fortuitous that whilst the two terrorists were traveling in this hijacked car, they were stopped near Girgaon Chowpatty by a police team at a Nakabandi (roadblock).

Not deterred in the least, the two terrorists fired indiscriminately at the police and attempted to run away from the spot. However, Mumbai police acted swiftly and in a retaliatory offensive were successful in killing one of the terrorists on the spot and capturing another alive. The ingress of the terrorists into the city of Mumbai is conclusive proof of the meticulous preparation, planning and training.

II. Planners and Trainers behind the Attack:

During the investigation of these crimes, it has transpired that the below mentioned 35 wanted terrorist accused who belong to the infamous Lashkar-e-Taiba and their accomplices in Pakistan and other places have aided and abetted in executing these attacks after Military precision-like planning and training between December 2007 to November 2008 in Pakistan.

- 1) Hafeez Muhammad Saeed @ Hafiz Saab,
- 2) Zaki-Ur-Rehman Lakhvi,
- 3) Abu Hamza,
- 4) Abu Al Kama @ Amjid,
- 5) Abu Kaahfa,
- 6) Mujjamil alias Yusuf,

- 7) Zarar Shah,
- 8) Abu Fahad Ullah,
- 9) Abu Abdul Rehman,
- 10) Abu Anas,
- 11) Abu Bashir,
- 12) Abu Imran,
- 13) Abu Mufti Saeed,
- 14) Hakim Saab,
- 15) Yusuf,
- 16) Mursheed,
- 17) Aakib,
- 18) Abu Umar Saeed,
- 19) Usman,
- 20) Major General Sahab – Name not known,
- 21) Kharak Singh,
- 22) Mohammed Ishfak,
- 23) Javid Iqbal,
- 24) Sajid Iftikhar,
- 25) Col. R. Saadat Ullah,
- 26) Khurram Shahdad,
- 27) Abu Abdurrehman,
- 28) Abu Mavia,
- 29) Abu Anis,
- 30) Abu Bashir,
- 31) Abu Hanjla Pathan,
- 32) Abu Saria,
- 33) Abu Saif-ur-Rehman,
- 34) Abu Imran and
- 35) Hakim Saheb.

III. Training of the Terrorists:

Investigation has revealed that the terrorists involved in the terrorist attacks underwent a rigorous, arduous and disciplined training schedule. Only on successful completion of the training module did they graduate for the next phase. Training was a very important component of the planned conspiracy and was very vital for the successful execution of the diabolic and nefarious designs of the Lashkar-e-Taiba. It was revealed during investigation that the terrorists were trained at various locations inside Pakistan and Pakistan occupied Kashmir. The training modules, on a graduating scale, were held at Muridke, Manshera, Muzaffarabad, Azizabad, Paanch Teni, etc. in Pakistan and Pakistan occupied Kashmir. The ten terrorist accused underwent a gruelling training schedule, graduated with flying colours at every phase, ultimately to be hand-picked for

the execution of this audacious and bold mission. They were trained for physical fitness, swimming, weapon handling, tradecraft, battle inoculation, Guerrilla warfare, firing sophisticated assault weapons, use of Hand Grenades and Rocket Launchers, Handling of GPS and Satellite Phone, Map Reading etc. They were also indoctrinated in the tenets of Jihad and the recitation of Quran and Hadis. The trainers, namely Abu Fahadullah, Abu Mufti Saeed, Abu Abdurrehman, Abu Maavia, Abu Anis, Abu Bashir, Abu Hanjla Pathan, Abu Saria, Abu Saif-ur-Rehman, Abu Imran, Zaki-ur-Rehman, Hakim Saheb, Hafiz Saeed, Kaahfa, Abu Hamza and others were experts in their field and trained them to a degree of perfection.

During the last phase of their training, the selected 10 accused terrorists were shown the maps of the targeted sites of Mumbai City by their co-conspirator Abu Kaahfa. On being questioned as regards the authenticity and accuracy of the maps, Abu Kaahfa informed the terrorist accused that the maps had been meticulously prepared by arrested accused Fahim Arshad Mohammad Yusuf Ansari @ Abu Jarar @ Sakib @ Sahil Pawaskar @ Sameer Shaikh@ Ahmed Hasan, aged-35 yrs, Sabauddin Ahmed Shabbir Ahmed Shaikh @ Saba @ Farhan @ Mubbashir @ Babar @ Sameer Singh@ Sanjiv@ Abu-Al-Kasim@ Iftikhar@ Murshad @ Mohammad Shafik@Ajmal Ali, aged-24 yrs. It is further revealed during the investigation that wanted accused Zaki Ur-Rehman Lakhvi handed over the maps of targetted locations to the attackers before they left Karachi for Mumbai with a direction that the said maps of the sites at Mumbai were prepared by arrested accused Fahim Ansari and Sabauddin Ahmad and with the help of the said maps they could reach their assigned targets easily.

IV. Ground Work:

The success of the terrorist operation on 26-11-2008 would simply not have been possible without the in-puts and assistance provided by the arrested accused Fahim Arshad Mohammad Yusuf Ansari @ Abu Jarar @ Sakib @ Sahil Pawaskar @ Sameer Shaikh@ Ahmed Hasan, aged-35 yrs, Sabauddin Ahmed Shabbir Ahmed Shaikh @ Saba @ Farhan @ Mubbashir @ Babar @ Sameer Singh@ Sanjiv@ Abu-Al-Kasim@ Iftikhar@ Murshad @ Mohammad Shafik@Ajmal Ali, aged-24 yrs. The arrested accused Mohammed Ajmal Mohammed Amir Kasab and the nine deceased terrorist accused could precisely reach the targeted locations due to the maps and other details provided by Fahim Arshad Mohammad Yusuf Ansari @ Abu Jarar @ Sakib @ Sahil Pawaskar @ Sameer Shaikh@ Ahmed Hasan, aged-35 yrs, Sabauddin Ahmed Shabbir Ahmed Shaikh @ Saba @ Farhan @ Mubbashir @ Babar @ Sameer Singh@ Sanjiv@ Abu-Al-Kasim@ Iftikhar@ Murshad @ Mohammad Shafik@Ajmal Ali, aged-24 yrs. Investigations have further revealed that a map of important locations in Mumbai was found in the possession of the deceased terrorist, Abu Ismail. Further, it has also transpired that this map was the one prepared by arrested accused, Fahim Ansari.

The arrested accused Fahim Mohammed Yusuf Ansari @ Arshad @ Hasan @ Hammad @ Abu Jarar is originally a resident of Room No. 2409, Chawl No. 303, Motilal Nagar No.2, M.G. Road, Goregaon (West), Mumbai 400062. However, during the month of December 2007 and January 2008 under the alias of Sahil Pawaskar, he attempted to rent a room at Badhwar Park on leave and licence; but could not succeed. The location of Badhwar Park was important to the scheme of the conspiracy, keeping in mind its proximity to the targeted locations in South Mumbai. This fact is further corroborated by the terrorists selecting Badhwar Park, Machhimar Colony as the point of landing on Indian shores and dispersing towards their respective destinations from there on the fateful evening of 26-11-2008. Ultimately, he rented a room at 98-B Batatawala chawl, Room No. 14, Ground floor, Pathe Bapurao Marg, Mumbai – 400008 from where he conducted elaborate reconnaissance of the iconic and important locations in Mumbai. For the purpose of communication, he procured under the assumed name of Sahil Pawaskar, a Reliance mobile bearing No. 9322504557. To camouflage his nefarious activities, he secured admission at Soft Pro Computer Educational Council, situated at Engineer premises, opposite Bombay Stock Exchange, Mumbai Samachar Marg, Mumbai – 400001. This place is located very close to the Badhwar Park, Colaba. Fahim Mohammed Yusuf Ansari @ Arshad @ Hasan @ Hammad @ Abu Jarar conducted detailed reconnaissance of the targetted locations, the information of which was provided by him to Sabauddin Ahmed @ Sabba @ Farhan @ Mubashir @ Abu Qasim @ Sajju @ Ashok @ Shabbir Ahmed. Both the arrested accused viz. Fahim Mohammed Yusuf Ansari @ Arshad @ Hasan @ Hammad @ Abu Jarar and (2) Sabauddin Ahmed @ Sabba @ Farhan @ Mubashir @ Abu Qasim @ Sajju @ Ashok @ Shabbir Ahmed were in constant touch with each other through e-mail messenger. The accused Fahim Mohammed Yusuf Ansari @ Arshad @ Hasan @ Hammad @ Abu Jarar after reconnaissance and preparation of detailed maps of the targetted locations, handed over the same to arrested co-accused Sabauddin Ahmed @ Sabba @ Farhan @ Mubashir @ Abu Qasim @ Sajju @ Ashok @ Shabbir Ahmed at Kathmandu in Nepal some time in January 2008. The arrested accused Sabauddin Ahmed who was a very important functionary of the LeT in India thence got in touch with his LeT bosses viz: Zaki-ur-Rehman Lakhvi and Abu Kaahfa and informed them as regards the receipt of these important documents so very essential for the success of the Mumbai Mission. The LeT co-conspirators then made arrangements for fetching the maps etc. from Sabauddin Ahmed @ Sabba @ Farhan @ Mubashir @ Abu Qasim @ Sajju @ Ashok @ Shabbir Ahmed at Kathmandu, Nepal. It was these maps and directions which enabled the arrested terrorist Mohammed Ajmal Mohammed Amir Kasab and the 9 dead terrorists to arrive with absolute precision at the targeted locations and further to comprehend the topography and lay out of the targets.

V. Terrorists who participated in attacks in Mumbai:

During the investigation of the attacks, it is evident that along with the wanted terrorists residing in Pakistan, the following arrested terrorists and below mentioned killed terrorists have committed terrorist acts. The dead terrorists were killed by security forces/police personnel during the terrorist operations launched by the latter.

Arrested Terrorists:

- 1) Mohammad Ajmal Mohammad Amir Kasab alias Abu Mujahid, aged 21 yrs., r/o:- Village-Faridkot, Tal. Dipalpur, Dist. Okara, Punjab, Pakistan.
- 2) Fahim Arshad Mohammad Yusuf Ansari @ Abu Jarar @ Sakib @ Sahil Pawaskar @ Sameer Shaikh@ Ahmed Hasan, aged-35 yrs, r/o:- Room No. 2409, Chawl No. 303, Motilal Nagar No.2 M.G. Road, Goregaon (w), Mumbai.
- 3) Sabauddin Ahmed Shabbir Ahmed Shaikh @ Saba @ Farhan @ Mubbashir @ Babar @ Sameer Singh@ Sanjiv@ Abu-Al-Kasim@ Iftikhar@ Murshad @ Mohammad Shafik@Ajmal Ali, aged-24 yrs. r/o:- At post-Gandwar (Sakri Police Station) via Pandol, Dist-Madhubani, Bihar State.

Deceased Terrorists:

- 1) Ismail Khan alias Abu Ismail, r/o:- Dera Ismail Khan, Punjab, Pakistan.
- 2) Imran Babar alias Abu Aakasha, r/o:- Multan, Punjab, Pakistan.
- 3) Nasir alias Abu Umar, r/o:- Faisalabad, Pakistan.
- 4) Nazir Ahmad alias Abu Umer, r/o:- Faisalabad, Pakistan.
- 5) Hafiz Arshad alias Abdul Rehman Bada alias Hayaji, r/o:- Multan Road, Punjab, Pakistan
- 6) Abdul Rehman Chhota alias Saakib, r/o:- Arafwala, Multan Road, Punjab, Pakistan.
- 7) Fahad Ullah, r/o:- Ujarashamukam, Dipalpur, Harun Shekh Kasoor Road, Pakistan.
- 8) Javed alias Abu Ali, r/o:- Distt-Okara, Punjab, Pakistan
- 9) Shoaib alias Abu Shoheb, r/o:- Naroval, Shakkar Road, Sialkot, Punjab, Pakistan.

VI. Meticulous Planning and Detailed Preparations:

During the investigation of these offences it has come to light that for the purpose of attacking the targeted sites in Mumbai, a total of 10 terrorists were selected and grouped in 5 'Buddy pairs' of two terrorists each. Each of these 10 highly trained and motivated terrorists was equipped and provided with the following fire arms, live ammunition, explosives and other material as follows:

Sr. No.	Material	Quantity
1	AK 47	1
2	Pistol	1
3	Hand grenades	8 to 10 each
4	AK 47 Magazine	8 (Each magazine hosting 30 rounds)
5	Pistol Magazine	2 (Each magazine hosting 7 rounds)
6	Khanjir	1
7	Dry fruit (Badam, Manuka etc.)	2 kg.
8	Cash (Indian rupees)	Ranging from Rs. 4000 to Rs. 6000/- each.
9	Nokia mobile handset	1 each
10	Headphone	1 each
11	Water bottle	1 each
12	G.P.S.	1 (Each Group)
13	RDX-laden IED (with timer)	1 (Approximately each 8 kgs.)
14	9 Volt battery	3
15	Haver Sack	1
16	Bag (for carrying RDX-laden IED)	1
17	Satellite Phone	1 (for all)
18	Rubberized dinghy with Outboard Engine	1

Investigation into these crimes has also revealed that the terrorist accused involved in this heinous crime used sophisticated Communication gadgetry and services to remain in constant touch/ contact with co-conspirators in Pakistan. During the course of these telephonic contacts, the terrorist accused received a continuous flow of operational and motivational inputs from foreign soil i.e. Pakistan. Following is the information to that effect.

Sr. No.	Deceased Terrorist	Place of offence	Mobile no. through which contact established
1	Hafiz Arshad alias Abdul Rehman Bada	Hotel Taj Palace & Towers, P. Ramchandani Marg, Colaba, Mumbai	9910719424 9622588209
2	Javed alias Abu Ali	As above	As above
3	Abu Shoaib	As above	As above
4	Abu Umer	As above	As above
5	Abdul Rehman Chotta alias Sakib	The Oberoi Trident Hotel, Nariman Point, Mumbai	1) 9769679723 (Witness Mrs. Lisa Ringer's mobile) 2) 9820704561 (Deceased Mrs. Rita Agrawal's mobile)
6	Fahadullah	As above	As above
7	Babar Imran alias Abu Aakash	Nariman House, Colabawadi, Shahid Bhagatsingh road, Colaba, Mumbai	9819464530 (Deceased Mr. Gabriage Harmbarg's mobile)
8	Nasir alias Abu Umar	As above	As above

VII. Fake Identity Cards:

During the investigation of these offences, it has been revealed that the terrorists who had actually participated in the dastardly attacks in Mumbai at various locations had carried with them fake duplicate identity cards of Indian colleges to mislead the investigating agencies as to their true identities and nationality. The investigating agency has been successful in recovering some of these from the terrorists. The information about the seized bogus and misleading identity cards is as follows:

No.	Name of the Terrorist	Name on Bogus Identity Card	Information on the Bogus Identity Card
1	Mohammad Ajmal Mohammad Amir Kasab alias Abu Mujahid (arrested)	Samir Dinesh Chaudhari, 254 Teachers Colony, Nagarabhavi, Bangalore	Arunodaya Degree And P.G. College
2	Ismail Khan alias Abu Ismail	Naresh Vilas Varma House No.28/B, Mamata Nagar, Nigol, Hyderabad	Arunodaya Degree and PG College, Vedre Complex, Dilsukh Nagar, Hyderabad, PIN CODE: 500 060.
3	Babar Imran alias Abu Akasha	Arjunkumar Virakumar 13/2, S.K. Apartment, Indira Nagar, Hyderabad	Arunodaya Degree and PG College, Vedre Complex, Dilsukh Nagar, Hyderabad, PIN CODE: 500 060.
4	Nasir alias Abu Umar	Dinesh Kumar Ravikumar 781, Huda Colony, Sarur Nagar, Hyderabad-35.	Arunodaya Degree and PG College, Vedre Complex, Dilsukh Nagar, Hyderabad, PIN CODE: 500 060.
5	Hafiz Arshad @ Abdul Rehman Bada Alias Hayaji	Raghubir Singh Ranajit Singh Plot No.673-4V, Elisbridge, Ahmedabad	Arunodaya Degree and PG College, Vedre Complex, Dilsukh Nagar, Hyderabad, PIN CODE: 500 060.
6	Abdul Rehman Chhota alias Sakib	Arun Vikram Sharma Plot No.36-A, Ganga Colony, Navi Delhi	Arunodaya Degree and PG College, Vedre Complex, Dilsukh Nagar, Hyderabad, PIN CODE: 500 060.
7	Fahad Ullah Rohit Dipak Patil 313 SK Apartments, Indira Nagar, Vijay Nagar Colony, Hyderabad	Arunodaya Degree and PG College, Vedre Complex, Dilsukh Nagar, Hyderabad, PIN CODE: 500 060.	

VIII. How the attacks were carried out:

Upon entering the Indian territorial waters and territory, the arrested accused terrorist Mohammad Ajmal Mohammad Aamir Kasab alias Abu Mujahid and the dead terrorist accused (1) Ismail Khan alias Abu Ismail (2) Imran Babar alias Abu Akash (3) Nasir Alias Abu Umar (4) Nazir Ahmad alias Abu Umar (5) Hafiz Arshad alias Abdul Rehman Bada alias Hayaji (6) Abdul Rehman Chota alias Sakib (7) Fahad Ulla (8) Javed alias Abu Ali (9) Shoaib alias Abu Shoeb have committed the following listed offences:

In the afternoon of 23rd November, 2008, arrested accused Mohammad Ajmal Mohammad Aamir Kasab alias Abu Mujahid, dead terrorist accused (1) Ismail Khan alias Abu Ismail (2) Imran Babar alias Abu Akash (3) Nasir Alias Abu Umar (4) Nazir Ahmad alias Abu Umar (5) Hafiz Arshad alias Abdul Rehman Bada alias Hayaji (6) Abdul Rehman Chota alias Sakib (7) Fahad Ulla (8) Javed alias Abu Ali (9) Shoaib alias Abu Shoheb, Mursheed, Aakib, Usman, Hakim Saab and other three unknown accused, with the help of criminal force, captured 'M.V. Kuber', a fishing trawler in the Jakhau area within the Indian territorial waters. Immediately, Mohammed Ajmal Mohammad Amir Kasab alias Abu Mujahid and other 9 Pakistani terrorists (subsequently killed in the encounters with the Police and N.S.G Commandos) who were in the Pakistani/LeT boat 'Al Husaini', forcibly entered the Indian fishing trawler M.V. Kuber. Out of the 5 sailors on board M.V. Kuber, 4 sailors were taken into the Pakistani/LeT boat 'Al Husaini' whilst the navigator (Tandel) of the M.V. Kuber viz. Amarsingh Solanki was forcibly kept on the Indian fishing trawler M.V. Kuber. Simultaneously, the terrorists also loaded their deadly consignment of AK-47 assault rifles, 7.62 mm pistols, hand grenades, RDX-laden IEDs, rubberized dinghy with out board engine, etc. and other material, from the Pakistani/LeT boat 'Al Husaini' to the Indian fishing trawler M.V. Kuber. The detailed planning also entailed the transfer of adequate diesel fuel from the Al-Husaini to M.V. Kuber to facilitate the further direct journey towards the destination Mumbai. On completion of this task, the seven Pakistani terrorists who were on board, the Pakistani/LeT 'Al Husaini', left towards Pakistan along with the 4 sailors from the Indian fishing trawler M.V. Kuber. Thence, the 10 terrorists and the Captain (Tandel) of the Indian fishing trawler M.V. Kuber set sail towards Mumbai in the Indian trawler M.V. Kuber.

During this sea journey, the 10 trained terrorist accused on board M.V. Kuber were in constant contact with their handlers and co-conspirators in Pakistan through satellite phone. Similarly, they navigated the 582 nautical miles (approx) journey to Mumbai with the help of the G.P.S device which these 10 trained accused terrorists were carrying. This Indian fishing trawler M.V. Kuber reached approximately 4 to 5 nautical miles off the coast of Mumbai on 26th November 2008 at approximately 16.00 hours.

As per the instructions received earlier, these 10 accused terrorists con-

tacted their Pakistani handlers/co-conspirators through the Satellite phone. It was then that the handlers/co-conspirators informed regarding the killings of the 4 Indian sailors of the fishing trawler M.V. Kuber. Taking a cue, the arrested accused Ajmal Kasab beheaded the navigator (Tandel) of the Indian fishing trawler viz Amarsingh Solanki by slitting his throat in an absolutely inhuman and ruthless manner, akin to a butcher slaughtering a helpless goat with a knife. The dead body was then placed in the engine room of the Indian fishing trawler M.V. Kuber. Whilst this coldblooded murder was being committed, the trained terrorists with the assistance of a foot operated pump, inflated the rubberized dinghy which they had carried on board the M.V. Kuber. After hugging each other and praying for the success of their mission, these 10 accused terrorists boarded the rubberized dinghy and commenced the last leg of their journey to the Mumbai coast. As pre-determined, the rubberized dinghy reached the Mumbai shore at the Bhai Bhandarkar Machimar Colony opposite Badhwar Park Cuffe Parade at approximately 2030/2100 hrs of 26.11.2008. Again as per the plan and training, these terrorists divided themselves into 'Buddy Pairs', five distinct pairs of two terrorists each. Thus, the highly trained and dangerously armed 10 terrorists separated and left for their pre-designated tasks/targets in Mumbai City.

Two terrorists viz. accused Fahadullah and Abdul Rehman Chhota alias Sakib, after the departure of their compatriots, sailed further towards Hotel Oberoi in the sea in the ultramodern rubberized dinghy. These two accused terrorists then landed at the shore across Hotel Oberoi along with firearms and ammunition similar to the other terrorists and proceeded towards Hotel Oberoi. Out of the accused terrorists who had landed at the Indian coast, off Bhai Bhandarkar Machimar Colony opposite Badhwar Park, Cuffe Parade, Mumbai, 2 accused terrorists viz. Babar Imran alias Abu Aakasha and Nasir alias Abu Umar alongwith their firearms and ammunition walked towards Nariman House. The remaining 6 accused terrorists traversed to their pre-decided targets by hailing taxis.

Attack on C.S.T. Railway Station:

Arrested terrorist Mohammad Ajmal Mohammad Aamir Kasab alias Abu Mujahid and deceased terrorist accused Ismail Khan alias Abu Ismail arrived at C.S.T Railway Station in a motor taxi. Enroute this journey, terrorist accused Mohammad Ajmal Mohammad Aamir Kasab alias Abu Mujahid was seated on the rear seat of the taxi cab. Whilst his 'buddy' Abu Ismail engaged the Taxi driver in conversation, accused Mohd. Ajmal Amir Kasab planted the RDX-laden IED which he had ferried himself, beneath the driver's seat. Subsequently, these two terrorist accused alighted from the motor taxi cab at C.S.T Railway Station. The terrorist accused Mohd. Ajmal Kasab, then entered the lavatory near the C.S.T Railway Station. Meanwhile, the terrorist accused Ismail Khan alias Abu Ismail

planted the IED, which he was carrying with him, in the C.S.T Station premises. Thereafter, these two terrorist accused ruthlessly and indiscriminately commenced firing from the AK-47 assault rifles and lobbed deadly hand-grenades on the hapless and unsuspecting passengers waiting at the Main Hall resulting in the massacre of innocent ladies, senior citizens, children etc.

Continuing the blood bath, these two terrorist accused still firing indiscriminately and using the hand-grenades to deadly effect, attacked the Police officers, constables and the Home Guards who made a valiant attempt to nip their diabolic agenda. These two merciless terrorists then came towards the local line platforms and continued to fire indiscriminately. Being hounded by the valiant Police officers and personnel led by P.I. Shashank Shinde, these two terrorists were pushed out of the Railway Station premises on to the foot over bridge / pedestrian staircase adjoining platform No.1. Crossing over, whilst continuing to fire and lob hand-grenades, they entered the by-lane adjoining the Times of India Building and the Anjuman Islam School. Their attempts to open a locked private car from the parking lot did not bear fruit. Continuing their march forward, these two terrorists approached the entrance of the Cama Hospital. Enroute, they even fired at and killed an innocent bystander who was consuming his meal in a small hut along the side of the road. Their firing and killing spree continued unabated till they entered the Cama Hospital. At this location too, they fired indiscriminately and threw hand grenades on the Police party which had entered the Hospital premises to ensure the safety of the patients and Hospital doctors and staff. Undeterred, the terrorists killed a Police officer and constable in addition to seriously injuring other uniformed personnel. Taking advantage of the injuries sustained by the Police officer and men due to the firing from AK-47 rifles and the lobbying of handgrenades, the two terrorists left the Cama Hospital Building and nonchalantly walked down Mahapalika Marg. Enroute they fired and killed a Police officer who was regulating the movement of public there. Entering Badruddin Tayabjee Lane, they fired at a Government vehicle which was passing through the Rang Bhavan lane and attempted to kill the driver of the said vehicle. Advancing towards the vehicle with the intention to hijack it, they, however, were forced to retrace their steps and seek cover behind a tree nearby as they noticed the approach of a Police vehicle towards the spot. Simultaneously, the senior ranked Police officers and one of the constables sitting in that vehicle commenced firing towards the terrorists on noticing their suspicious movements. The two terrorists retaliated by indiscriminately firing from their ultramodern AK-47 rifles killing the three senior Police officers and three Police constables seated in the Qualis vehicle and injuring a Police constable who lay prone on the rear seat of the Police vehicle. However, due to the firing by the brave and courageous Police officers viz Hemant Karkare, Ashok Kamte and Vijay Salaskar and P.N. Arun Jadhav, the terrorist Mohd. Ajmal Kasab received injuries on both hands. Taking charge of

the Qualis by throwing out the three high ranking Police officers, the terrorists attempted to remove the dead bodies of the constables from the rear seat. The rear door of the Qualis did not budge open, whereupon the two terrorists drove the Police Qualis towards the Metro Cinema square. They further fired indiscriminately from the Police vehicle at the unsuspecting crowd which had gathered at Metro Junction.

Two persons including a Policeman died in this firing. One bystander was seriously injured. Further, these two terrorist accused with the Police Qualis vehicle reached opposite Mittal Tower 'B-Wing' near Usha Mehta Square, Bar-rister Rajani Patel Marg, Mumbai. During this journey, one rear tyre and tyre tube of the Qualis Police jeep, which was hijacked by two terrorist accused, developed a puncture and the vehicle started wobbling. Compelled to abandon the Police Qualis vehicle, the two terrorists then hijacked, through use of force and criminal intimidation, a Skoda car No. MH-02-JP-1276 which was traveling from the opposite direction. The driver and two other occupants of the Skoda car were forcibly evicted and the two terrorists then commenced their onward journey in this Skoda car.

As soon as the two terrorists abandoned the Police Qualis vehicle, the seriously injured Police Naik Arun Jadhav, who was lying helpless in the rear portion of the vehicle, picked up the wireless set installed in the Police vehicle and informed about the incident to the Police Control Room. Based on this information, the Police Control Room immediately flashed an alert wireless message to all Police vehicles and mobile vans of all Police Stations giving details of the terrorists' movements in the hijacked vehicle. Acting promptly and displaying exemplary courage, a police party from the Dr. D.B. Marg Police Station reached opposite Café Ideal, below the pedestrian bridge, N.S. Purandare Marg, North Lane, Girgaum Chowpatty, Mumbai and organised roadblocks and a 'Nakabandi'. This 'Nakabandi' resulted in total stoppage of the traffic on the North-bound lane of the N.S. Purandare Marg.

As soon as the terrorist accused reached the 'Nakabandi' point in the hijacked Skoda car, the police party ordered them to shut off the headlights of the car. However, the terrorists switched on the water spray on the wind-screen of the Skoda car with the intention to mislead the police party who were, thus, prevented from having a clear view of the occupants inside the car.

On realizing that there was no way out, the two terrorists attempted to turn around the Skoda car thereby crashing it on the road dividers. Instantly, the police party approached the vehicle of the terrorists. At that moment, terrorist accused Ismail Khan alias Abu Ismail started firing from his pistol towards the approaching police party. Simultaneously, terrorist accused Mohammad Ajmal Mohammad Aamir Kasab was approached by Asstt. Police Sub-Inspector Tukaram Ombale who grabbed the AK-47 nestled between the legs of Mohd. Ajmal Amir Kasab and simply refused to let go. The arrested terrorist, Mohd.

Ajmal Amir Kasab then pulled the trigger of the AK-47, thereby killing the courageous Asstt. Police Sub-Inspector Tukaram Ombale on the spot. However, by his valiant act, Asstt. Police Sub-Inspector Tukaram Ombale provided vital seconds to other members of the present police team to rush to the vehicle and overpower and nab Mohd. Ajmal Amir Kasab. Due to this firing, Asstt. Police Sub-Inspector Tukaram Ombale died on the spot and another police officer API Sanjay Govilkar was wounded. On the opposite side, the police officers and men present retaliated to the firing done by the terrorist accused, Abu Ismail. In the ensuing fire, the Police team succeeded in grievously injuring Abu Ismail on the spot. Thereafter, the two terrorists were immediately moved to a hospital for treatment. Terrorist Ismail Khan alias Abu Ismail was declared dead before admission by the attending doctors at the Hospital, whereas terrorist accused Mohammad Ajmal Mohammad Kasab alias Abu Mujahid was admitted for treatment in the Hospital.

Terrorist accused Mohammad Ajmal Mohammad Aamir Kasab alias Abu Mujahid, whilst traveling between Badhwar Park to C.S.T. Railway Station, planted an IED laden with RDX weighing approximately 8 kgs in the taxi which exploded on the Western Express Highway opposite the City Swan Club, Vile Parle (East), Mumbai. This explosion was of such a high magnitude that not only was the taxi blasted to pieces, but the bodies of the taxi driver as well as a passenger who happened to be a lawyer by profession, were blown and thrown at some distance away from the spot of incident.

Attack on Nariman House:

Nariman House, a five storied building had been purchased two years ago by the Chabad of India Trust, an orthodox Jewish organization and renamed as Chabad House. The second 'buddy' pair of terrorist accused viz Babar Imran alia Abu Akasha and Nasir alias Abu Umar who had landed at the Bhai Bhandarkar Machimar Colony opposite Badhwar Park, Cuffe Parade, Mumbai reached Nariman House, Colaba Wadi, Shaheed Bhagatsingh Road, Colaba, Mumbai, located at a distance of approximately 500 meters, by just walking. Before entering the targetted building, one of the terrorists planted a RDX-laden IED weighing approximately 8 to 10 kgs, which was in his possession, at a short distance away from the petrol pump at Shahid Bhagatsingh Road, Colaba, Mumbai. Also, on entering this building, the second terrorist planted another 8 to 10 kgs RDX-laden IED near the staircase at ground (parking) level area. Subsequently, both these RDX-laden IEDs exploded. Both these terrorists held some residents of the building as hostage and under the fear of dire consequences, compelled one of the Jewish hostages to speak to their Embassy on the phone. The two terrorists also repeatedly contacted their Co-conspirators in Pakistan and received operational and motivational inputs. These terrorists further contacted the media and misled them by citing reasons for their attacks with the intention of

camouflaging their real and original intentions for the attacks. This conversation has been telecast by 'India TV'.

The terrorists, using their huge stockpile of illegal fire arms and hand grenades, not only opened fire inside the Nariman House, but also wantonly fired at the nearby building killing innocent residents there. A total of 8 people were killed including three helpless women. These terrorist accused also killed a National Security Guard (N.S.G.) Commando viz. Head Constable Gajendra Singh. In this attack, many peace loving and innocent citizens have also been injured.

Attack on Café Leopold & Hotel Taj Mahal:

Leopold Café, a watering hole, established in 1871 and frequented by foreigners as well as Indians is a known tourist spot. The third pair of terrorist accused viz. Abu Shoaib and Abu Umer who had landed on Indian soil at the Bhai Bhandarkar Macchimar Colony opposite Badhwar Park, Cuffe Parade, Mumbai, reached their assigned target, Café Leopold located on S.B.S. Road, Colaba, Mumbai by hiring a motor taxi cab. Enroute this journey, one of the terrorist accused planted an approximately 8 kgs RDX laden I.E.D below the driver's seat. These two terrorists then left the taxi near the Leopold Café and walked quietly to Café Leopold to begin their mindless indiscriminate shooting using Ak-47 assault rifles. They also lobbed hand grenades resulting in the death of 11 persons including two foreigners. Besides, a total of 28 persons including 9 foreign nationals have been injured seriously.

On completion of this mayhem, both these terrorists walked immediately towards the Hotel Taj Mahal located on P. Ramchandani Marg, Colaba, Mumbai. Enroute, one of the two terrorists planted an 8 to 10 kgs RDX laden I.E.D on the kerb near the Gokul Restaurant and Bar. Mumbai Police Bomb Detection and Disposal Squad (B.D.D.S.) diffused the bomb just at the nick of time. Thus, considerable damage to life and property was averted. The RDX-laden IED planted by these two terrorists in the taxi motor cab, during their journey from Badhwar Park to Café Leopold, caused a massive explosion when the motor taxi cab reached opposite BPT, Mazgaon, Mumbai killing instantly the two lady passengers and the unsuspecting taxi driver. In addition, 19 innocent bystanders around that area suffered serious and minor wounds/injuries.

Attack on Hotel Taj Mahal:

Hotel Taj Mahal is a heritage building and an iconic structure constructed in 1903. The fourth 'buddy' pair of terrorist accused viz. Hafiz Arshad alias Abdul Rehman Bada and Javed alias Abu Ali who had landed alongwith their terrorist teammates at Macchimar Colony, Badhwar Park, Cuffe Parade, Colaba, Mumbai reached the landmark Hotel Taj Palace and Towers, P. Ramchandani Marg, Colaba, Mumbai by motor taxi cab. Before entering the world famous

Hotel both the terrorists planted a 8 to 10 kgs RDX laden I.E.D. near a chowky outside the main porch of the Taj Hotel. However, the Bomb Detection and Disposal Squad (B.D.D.S.) was successful in defusing this 'carrier of death' before it could explode. Therefore, large-scale damage to human life and public property was averted. These two terrorists entered the Hotel Taj Mahal from the front/main gate entrance. Subsequently, this buddy pair of Abdul Rehman Bada and Abu Ali fired indiscriminately on the Indian and foreign Hotel guests who were present at that time. The two terrorists who had attacked the Café Leopold viz. Abu Sohaib and Abu Umar entered the Taj Hotel from the Northcote gate and began firing indiscriminately in and around the swimming pool area. Soon, the 4 assembled terrorists let loose a reign of terror, fear and mayhem in the entire hotel.

Thus, there were a total of four terrorists inside the Hotel Taj. All these four terrorists started moving on various floors of the Hotel Taj, firing indiscriminately and shooting at everything that moved. Soon, the Army columns and the Naval Commandos (MARCOS) were also requisitioned to assist the civilian police to repel the unprecedented terrorist attack. These four heavily armed terrorists not only fired indiscriminately with the AK-47 assault rifles but, time and again, gained an advantage due to their vantage location and use of hand grenades. They planted an RDX-laden IED weighing about 8 to 10 kgs on the 5th floor below the central dome. It exploded causing damage to the structure. They also set afire the sixth floor of this world famous heritage Hotel Taj. Throughout the terrorist operation, the terrorists were in regular contact with their co-conspirators/LeT operatives through use of sophisticated communication system and thereby continuously received operational and motivational inputs from foreign soil.

The National Security Guard Commandoes waged a bitter and grim battle for over 59 hours to control and subdue these highly trained and motivated terrorists. During the operation, Major Sandeep Unnikrishnan from N.S.G. and a State Reserve Police Force Jawan Rahul Shinde had to lay down their lives. When the dust finally settled, a total of 36 guests including nine foreign nationals lost their lives. The death toll also included helpless women and children.

Attack on Hotel Trident and Oberoi Hotel:

The fifth pair of terrorist accused viz. Fahadullah and Abdul Rehman Chhota alias Sakib landed at the sea coast opposite Hotel Oberoi and Hotel Trident with the aid of the motorized rubber dinghy, after dropping off their compatriot terrorists at Macchimar Colony, Badhwar Park, Cuffe Parade, Colaba, Mumbai. Before entering the Hotel Trident, one of the terrorists planted a 8 to 10 kgs RDX-laden I.E.D. on the slope of the flowerbed adjacent to the Trident Hotel Main entrance Gate. Subsequently, this I.E.D. exploded. However, the damage was absolutely minimized by the B.D.D.S. placing a 'Bomb Blanket' on this I.E.D.

Immediately on entering the Hotel, the terrorists commenced firing from their AK-47 rifles and lobbed hand-grenades. The initial 'blitzkrieg' led to numerous innocent lives being lost at the Bell Desk, Reception counter, lobby, Tiffin Restaurant, etc. The terrorists also planted another 8 to 10 kgs RDX laden I.E.D. near the Tiffin Restaurant which subsequently exploded. As per the strategy adopted by the terrorists, they forcibly took hostages from the Kandahar Restaurant and went to the higher floors. From this vantage location they held the security forces at bay by firing intermittently from their AK-47 assault rifles and hurling the deadly hand-grenades to deter the latter from gaining any tactical advantage whatsoever. The terrorists, during the entire siege period, were in constant telephonic contact with the co-conspirators who provided them operational and motivational inputs. The terrorists also contacted a T.V. Channel and provided them misleading information with the objective of masking their true identities. After a bitter fight which lasted nearly 42 hrs., the Security forces ultimately succeeded in killing the two terrorists but not before 35 persons including 9 foreigners were killed and 24 guests (including 5 foreigners and 4 security personnel) received injuries.

IX. Misleading Messages:

During the investigation of these crimes, it is also observed and noticed that immediately when the 10 terrorist accused attacked the targetted sites in Mumbai, misleading messages were dispatched to various News channels by e-mail. The sole objective was to confuse the investigating agencies and to mislead the public. Enumerated below [on the next page] is the verbatim text of the concerned message:

X. Crimes committed by terrorists:

Through these systematically executed terrorist attacks, the above mentioned terrorists have committed the following crimes.

- 1) Encouraging, Instigating and Waging war against the Government of India.
- 2) Hatching a conspiracy to wage war against the Government of India.
- 3) Collecting arms to wage a war against the Government of India.
- 4) Ruthlessly murdering Indian as well as Foreign Nationals.
- 5) Attempt to wantonly murder Indian as well as Foreign Nationals.
- 6) Inflicting grave injuries to Indian as well as Foreign Nationals.
- 7) Set afire private properties with an intention to destroy.
- 8) Trespassing without any right for murdering or for an attempt to murder.
- 9) Threatening to kill with firearms and committing an armed robbery.
- 10) Abducting Indian and Foreign nationals.
- 11) Preventing a public servant from performing his lawful duty by threatening and harming him seriously.

चेतावनी नही हकीकत

हम आज भारत सरकार को आग्रह करते हैं चेतावनी के साथ के भारत सरकार मुसलमानों पर अन्याय का सीलसीला बंद करे। मुसलमानों के छिने हुए सारे राज्य वापस करे। अब तक जो मुसलमानों पर जो जुल्म के पहाड़ तोड़े हैं उसका सदा समेत हिसाब दें। हमें पता है कि हिंदू नसल बनिये की नसल है जो सिर्फ हिसाब लेना जानती है हिसाब देना नहीं जानती। मगर हिंदू बनिया ये जान ले हम वो कौम है जो अपने इतिहास को कभी नहीं भूलती और अपना इतिहास बारबार दोहराती रहती है। जिस की ताजा मिसाल

अफगानीस्तान, ईराक, फिलीस्तीन, सोमालीया और कश्मीर है।

अभी तक जो तूम लोगोंने जो करना था कर लिया और हमने जो सहना था सह लिया।

और वो भी हमारे नाकर्त राजकीय नेता और मसलीहतकुश उलमा की वजहा से, मगर अब पारी हमारी है और ये पारी का मौका हम हाथ से नहीं जाने देंगे। इस पारी को हम उस अदालत में खेलेंगे जिस की तालीम हमें अल्लाह ने हमें दी है। हमें ये पता है की भारत सरकार इस चेतावनी को बांभीरता से नहीं लेगी इस लिये हम नें ये निश्चय किया है चेतावनी सिर्फ चेतावनी ही ना रहे बल्कि अमलन ये चेतावनी सही साबित भी हो। जिस का जीता जागता उदाहरण मुंबई में आप देख चुके हैं।

हिंदु ये ना समजे की भारत पु टी पुस, सेना बहोत अधुनीक हत्यार से लेस है और बहादुर भी, कीतनी बहादुर है ये नक्सल प्रभावीत वीभाग में देख रहे हैं। ये हमला उस क्रीया की प्रतीक्रीया जो हिंदु १९४७ से अब तक करती आई है। अब क ई क्रीया नहीं होंगी सिर्फ प्रतीक्रीया होंगी और बार बार होती रहेंगी तब तक होती रहेंगी जब तक हम अपने पुक पुक अत्याचार का बदला नहीं ले लेते। तब तक होती रहेंगी जब तक मुसलमान अपनी आजादा इस्लामी धरती पर कुरआन हदिस के मुताबीक जींदगी नहीं गुजारती। तब तक होती रहेंगी जब तक हम अपने सारे क बजा कीये हुए राज्य वापस ले लेते। तब तक होती रहेंगी जब तक हम अपने पुक पुक खुन का बदला नहीं लेते। तब तक होती रहेंगी जब तक हम अपने अपमान का बदला नहीं लेते। तब तक होती रहेंगी जब तक हमारे युवकों पर आतंकवाद के नाम पर जो अत्याचार जेलों में किया गया है। वो दीन नीकट है जब हम हिंदुओं को उनकी औकात नहीं दीखा देते।

हिंदु अब ये समजना छोड दे के मुसलमानों की मस्जीदों को शहीद करके, दंगे करा कर मुसलमानों की आर्थिक स्थती कमजोर करके, पढे लीखे युवकों को जेल में डालकर मनोबल कमजोर हो जापुशा। नहीं हर्शीज नहीं हमारे अंदर अबु बकर सीद्दीक रजी. का कीरदार है। उमर फारोख रजी. का जलाल है। उस्मान रजी. का सखावत है। अली रजी. की बहादुरी है। खालीद बिन वलीद रजी. की शुजाअत है। उस से भी बढकर मोहम्मद सल्लल्लाहु व अलैसल्लम की तलीम है। जो अल्लाह ने हमें सीखाई है।

मुजहीदीन हैदराबद दक्कन

- 12) Kidnapping and keeping Indian as well Foreign Nationals as captive for achieving objectives.
- 13) Possessing firearms without any licence.
- 14) Firing from firearms in their illegal possession.
- 15) Destruction of properties belonging to Indian Railways.
- 16) Attacking passengers of Indian Railways and killing them.
- 17) Endangering the lives of the passengers of the Indian Railways.
- 18) Possessing explosive material and using it for causing violent explosions.
- 19) Possessing, transporting and exploding dangerous explosives.
- 20) Damaging public properties.
- 21) Possessing articles banned by the Government.
- 22) Illegally entering into India without valid travel documents.
- 23) Becoming a member of the banned Lashkar-e-Taiba organization and committing illegal deeds, using explosives, hand grenades, fire arms, etc. and executing terrorist attacks.
- 24) Procuring SIM cards by using fake documents and by cheating the vendor.
- 25) Obtaining and possessing forged Identity cards by cheating in assumed names.

XI. Deaths and Destruction:

Initially, separate offences were registered at the concerned Police Stations with regard to the various terrorist attacks. However, during further investigation, it was revealed that these attacks were a part of the single criminal conspiracy hatched in Pakistan. Therefore, the investigations of all the offences were handed over to the C.I.D under Detection of Crime Branch, Mumbai under the direct supervision and control of the undersigned Chief Investigating Officer.

The following table summarizes the number of deaths, injured and information pertaining to the damage to properties, etc. by the terrorists. This is enumerated incident-wise and target-wise.

No	Place of Attack	Police Station	Time & date of the attack	No. of deaths	No. of people injured	Value of the damage to the property
1	On the high sea-on M.V. Kuber (Fishing Trawler) around 5 nautical miles off the Mumbai Sea Coast.	Yellow Gate	On 26.11.08 after the afternoon Namaz	1	—	—
2	Hotel Leopold Cafe, S.B.S. Road, Colaba, Mumbai	Colaba	On 26.11.08 between 2130 hrs. to 2140 hrs.	11	28	58142.00
3	Nariman House, S.B.S. Road, Colaba, Mumbai	Colaba	On 26.11.08 at approximately 2145 hrs and thereafter	9	7	10900000.00
4	Mainline, Local Line Halls of the CST Railway and on the empty space between the two halls	CST Railway	On 26.11.08 between 2150 hrs. to 2215 hrs.	52	108	1457500.00
5	Hotel Taj Palace and Towers, P. Ramchandani i Marg, Colaba, Mumbai	Colaba	On 26.11.08 at approximately 2140 hrs. and thereafter	36	28	2634.00 Total value to be ascertained.
6	Hotel New Oberoi and Hotel Trident Nariman Point, Mumbai	Marine Drive	On 26.11.08 between 2150 hrs to 28.11.08-1900hrs	35	24	404000000.00
7	Cama Hospital Compound, Mahapalika Marg, Mumbai	Azad Maidan	On 26.11.08 between 2220 hrs to 27.11.08 – 0015hrs	7	10	365840.00

No	Place of Attack	Police Station	Time & date of the attack	No. of deaths	No. of people injured	Value of the damage to the property
8	Badruddin Tayyabji Marg, North entrance of the Cama Hospital, Opp. Corpn. Bank ATM, Mahanagarpa lika Road, Metro Cinema Chowk, Mumbai	Azad Maidan	On 26.11.08 between 2200hrs to 0005 hrs of 27.11.08	9	7	104489.00
9	B.P.T. Colony Bldg No.8, Opp. Mulji Rathod Marg, Wadi Bunder, Mazgaon, Mumbai	Byculla	On 26.11.08 at approximately 2245 hrs	3	19	211000.00
10	Western Express Highway, Near City Swan Club, Vile Parle(East) Mumbai	Vile Parle	On 26.11.08 around 2250hrs	2	3216000.00	
11	Opp.Mittal Tower B Wing, Near Usha Mehta Chowk, Barrister Rajni Patel Marg, Mumbai	Marine Drive	On 27.11.08 at 0015 hrs approximately	0	0	0
12	Opp.Cafe Ideal, below the Pedestrian bridge, N.S. Purandare Marg, North Lane, Girgaum Chowpaty, Mumbai	Dr. D.B. Marg	On 27.11.08 between 0030 hrs. to 0036 hrs	1	1	0

The list of the dead and injured persons includes Foreign Nationals, Police and other Security personnel. Their statistical details are as follows:

No	Place of the offence	Dead Police/ Security Personnel	Dead Foreign Nationals	Wounded Police/ Security Personnel	Wounded Foreign Nationals
1	Kuber Boat	—	—	—	—
2	Hotel Leopold Café	—	Germany: 2	Police: 2	Oman-3 England-3 Australia-2 Germany-1
3	Nariman House	NSG-1	Israel-5	—	—
4	CST	Police-1 GRP-1 RPF-1 Home Guard-1	—	GRP-4 RPF-3 Home guard-2	—
5	Hotel Taj Palace & Towers	NSG-1 SRP-1	England-1 Israel-1 Canada-2 Germany-1 Australia-1 Mauritius-1 Belgium-1 Malaysia-1	Police-7 SRP-2	Germany-1 Spain-1 Britain-1 Philippines-1 England-1
6	Oberoi Hotel	—	Japan-1 France-1 USA-3 Singapore-1 Thailand-1 Italy-1 Australia-1	SRPF-2 NSG-2	Poland-1 USA-2 Canada-2 Jordan-1 Japan-1
7	Cama Hospital (Inside)	Police-2	—	Police-6	—

No	Place of the offence	Dead Police/ Security Personnel	Dead Foreign Nationals	Wounded Police/ Security Personnel	Wounded Foreign Nationals
8	Cama Hospital (Out.)	Police-8	—	Police-2	—
9	Mazgaon Taxi bomb blast	—	—	—	—
10	Vile Parle Taxi Bomb Blast	—	—	—	—
11	Skoda Car Armed Robbery	—	—	—	—
12	Girgaum chowpaty	Police-1	—	Police-1	—

XII. Communication between Terrorists and Co-conspirators in Pakistan:

During the entire operation, the deceased terrorists were in constant communication with the co-conspirators in Pakistan through mobile Nos.- (1) 9819464530, (2) 9820704561 and (3) 9910719424. Instructional and motivational inputs were being provided with alarming regularity to the terrorists at Nariman House, Oberoi and Trident Hotel and the Taj Mahal Hotel. 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 on going operations. A total number of 41 calls (8834 seconds) were made from Taj Mahal Hotel, 62 calls (15,705 seconds) were made from Oberoi/Trident and 181 calls (35, 172 seconds) were made from Nariman House. The prosecution also relies upon the said conversation between the terrorists in Mumbai and the co-conspirators in Pakistan which was lawfully intercepted as per the provisions of Indian Telegraph Act, 1885 by the Anti Terrorist Squad of the Mumbai Police. The procurement of the SIM cards is being probed into and the investigation of the same is underway.

XIII. Analysis of confiscated Arms and Ammunition:

Confiscated remnants of destroyed hand grenades, diffused RDX-laden IEDs, used hand grenades, exploded RDX-laden IEDs etc. were sent to the Forensic Science Laboratory, Kalina, Mumbai for detailed examination and report. The received reports and details of each registered offence is enumerated overleaf.

No.	C. R. No.	Material Sent to F. S. L.	Opinion Received
1	186/2008	1) Six pieces of pink coloured foam with blackish stains. 2) Blackish mass with small metallic balls.	RDX (Cyclonite), petroleum hydrocarbon oil and charcoal are detected
2	213/2008	1) Debris and sand	1) Trinitrotoluene (TNT) and nitrite radical (post explosion residue) were detected
		2) Blackish stained metallic container with lock, handle and pink coloured foam pieces 3) Blackish mass with small metallic balls (2)	2) & 3) RDX (Cyclonite), petroleum hydrocarbon oil and charcoal are detected
		4) Electric device with wires. 5) Two battery cells with blackish stains.	4) & 5) Traces of RDX (Cyclonite) were detected.
		6) Electric device with wires packed. 7) Two battery cells wrapped with adhesive tape with blackish stains	6) Electric device is a high voltage programmable timer consisting of 24 ripple-binary counter stages. It is found in working condition. The default set time in Exhibit is 4 minutes and 47 seconds. The operating voltage of this timer is from 3 to 18 volts dc supply. 7) Exhibits are 9 volts dc batteries and found in discharged condition. These batteries can be used to operate electric timer device.

No.	C. R. No.	Material Sent to F. S. L.	Opinion Received
		8) Metallic piece with electric wire and sand mixed with earth (Both in separate Packets) 9) Fuse wire with white powder.	8) RDX (Cyclonite), lead and nitrite (Post explosive residue) were detected. 9) PETN (Pentaerythritol tetranitrate) is detected.
3	194/2008	1) Blackish stained pinkish foam, papers and blackish material in a blackish stained metallic container with lock. 2) Blackish mass with metallic balls in two separate polythene bags. 3) Blackish stained pinkish foam, blackish material lock and two keys, plastic papers and folder having printed label 'PRIORITY CLUB REWARDS' in a blackish stained metallic container put in a polythene bag. 4) Yellow fused wire (2)	1, 2 & 3: Cyclonite (RDX), petroleum hydrocarbon oil and charcoal are detected 4) Pentaerythritol tetra nitrate (PETN) is detected in both exhibits.
		5) Black stained electrical circuit along with electrical wires (2) 6) Black stained plastic toy (duck) in polythene bag 7) Plastic papers in a metallic container put in a polythene bag 8) Grenade pin in a polythene bag	5, 6 & 7: Cyclonite (RDX) was detected in/on exhibits 8) Nitrite (post explosion residues) was detected.

No.	C. R. No.	Material Sent to F. S. L.	Opinion Received
		9) Black stained electrical circuit along with electrical wires 10) Two batteries having printed label 'DURACELL' 11) Black stained electrical circuit along with electrical wires 12) Two batteries having printed label 'DURACELL'	9 & 11: Electrical circuits are high voltage type programmable timer consisting of 24 ripple binary stages. These timers are found in working condition. The default set time of timer in sr. no. 1 Exhibit is 4minutes and 57 seconds and the default set time of timer in sr. no. 3 is 4 minutes and 47 seconds. The operating voltage range of these timers are from 3 to 18 volts DC supply. 10 &12: Exhibits are 9 volts DC supply batteries and found in working condition. These batteries can be used to operate electrical timer in Exhibits at Sr. no. 1 &3.
		13) Four defused detonators along with electrical wires in a polythene bag 14) Sand in a polythene bag.	13 &14: RDX (Cyclonite) and lead, nitrite radical (Post explosive residue) were detected.

No.	C. R. No.	Material Sent to F. S. L.	Opinion Received
4	191/2008.	<ol style="list-style-type: none"> 1) Two metallic springs in a polythene bag 2) Two metallic rings with pins in a polythene bag 3) Four metallic clips in a polythene bag 4) Two metallic clips in a polythene bag 5) Metallic ring with pin in a polythene bag 6) Two damaged metallic caps in a polythene bag 	Nitrite (post explosion residues) were detected in Exhibits at Sr. no. 1 to 6
		<ol style="list-style-type: none"> 7) Metallic springs and circular metallic lids in a polythene paper and wrapped in paper 8) Two metallic clips, two circular metallic objects and metallic handle in a polythene bag wrapped in paper. 	7 & 8: Nitrite (post explosion residues) were detected.
		<ol style="list-style-type: none"> 9) Earth in polythene bag wrapped in paper 10) Damaged and blackened fabric cloth pieces 11) Two metallic angles. (Sr. no. 10 & 11 put together in polythene bag) 12) Three small metallic balls in a polythene bag wrapped in paper. 	9 to 12: RDX(Cyclonite), Petroleum hydrocarbon oil and nitrite (Post explosive residue) were detected.
5	187/2008	<ol style="list-style-type: none"> 1) Two metallic clips wrapped in paper 2) Bluish coloured bag wrapped in paper. 3) Five metallic (Together Rings) Wrapped 4) One pin) in paper 5) One pin with piece of wire wrapped in paper. 6) Two metallic clips wrapped in paper 7) Greenish coloured plastic cap (topan) wrapped in plastic. 	RDX (Cyclonite) was detected in/on Exhibits at Sr. no. 1 to 7.
6	188/2008	Small bluish coloured plastic pieces in a plastic bag again wrapped in paper.	RDX (Cyclonite) and nitrite radical (post explosion residue) were detected.

No.	C. R. No.	Material Sent to F. S. L.	Opinion Received
7	200/2008	<ol style="list-style-type: none"> 1) Metallic batch having embossed label 'MUMBAI 139829 CAR DRIVER' with metallic Key wrapped in paper 2) Metallic plate having embossed label 'Name of CNG workshop J.P.CORP. Veh. No. MH 01-J-5308 wrapped in paper 3) Debris in a small glass bottle wrapped in paper. 4) Burnt debris in a polythene bag wrapped in paper. 5) Metallic object wrapped in paper. 6) Damaged metallic object wrapped in paper 7) Damaged metallic piece wrapped in paper 8) Damaged metallic object wrapped in paper 9) Stained cotton swab in a polythene bag packed in packet. 10) Stained cotton swab in a polythene bag packed in packet. 11) Stained cloth piece in a small paper pouch packed in packet. 12) Four stained cloth pieces in four separate small paper pouches packed together in packet 13) Debris in a small paper pouch packed in packet. 14) Stained cloth pieces in a small paper pouch packed in packet. 15) Paper pieces in a small paper pouch packed in packet. 16) Stained cloth pieces in a small paper pouch packed in packet. 17) Rexin piece in a small paper pouch and Cloth piece in a small paper pouch packed in a packet. 18) Stained cloth piece in a small paper pouch packed in packet. 19) Five stained cloth pieces in five separate small paper pouches packed together in packet. 	<p>1 to 10: RDX (Cyclonite), petroleum hydrocarbon oil and nitrite (post explosion residue) were detected. 11 to 19: Nitrite (post explosion residue) were detected.</p>

No.	C. R. No.	Material Sent to F. S. L.	Opinion Received
	198/2008	<ol style="list-style-type: none"> 1) Cotton swab in a polythene bag wrapped in paper 2) Metallic parts in a polythene bag wrapped in paper 3) Debris wrapped in paper 4) Debris in a plastic bag, wrapped in paper 5) Damaged battery and damaged taxi parts in a plastic gunny bag 6) Damaged front side part of taxi along with tyres, engine etc. 7) Damaged metallic parts of taxi put in a plastic gunny bag 8) Damaged taxi parts in a plastic gunny bag 9) Damaged metallic parts of taxi in a plastic gunny bag. 10) Damaged taxi parts in a plastic gunny bag. 11) Damaged taxi parts in a plastic gunny bag 12) Damaged bonnet of taxi 13) Damaged metallic parts and damaged cable wire of taxi put in a gunny bag. 14) Damaged taxi parts in a plastic gunny bag 15) Tiffin lid, table spoon, and metallic parts wrapped in paper 16) Damaged full pant in a polythene bag packed in packet. 17) Paper pieces in a polythene bag wrapped in paper. 18) Damaged cloths (stated to be Lungi), ply ... etc. in a plastic gunny bag. 19) Damaged metallic parts of taxi, put in five plastic gunny bags separately 20) Foam pieces, cloth pieces, ply pieces ... etc. put in a plastic gunny bag 	<p>1 to 38: RDX (Cyclonite), petroleum hydro-carbon oil and nitrite (post explosion residue) were detected on Exhibits at Sr. no. 1 to 38</p>

No.	C. R. No.	Material Sent to F. S. L.	Opinion Received
		21) Damaged metallic part and name plate of taxi put in a plastic gunny bag. 22) Damaged seat, nylon ropes put in a plastic gunny bag 23) Damaged currency notes of Rs. 10, put in a polythene bag wrapped in paper. 24) Damaged taxi parts, cloth pieces, damaged currency notes of Rs. 10, 50 & two notes of Rs. 100 put in a plastic gunny bag. 25) Damaged backside part of taxi along with gas cylinder and tyres 26) Damaged white full pant in a polythene bag packed in a packet 27) Black stained pant packed in a packet. 28) Damaged taxi parts put in a plastic gunny bag 29) Stained underwear wrapped in paper 30) Stained banian wrapped in paper 31) Damaged wrist watch, currency coins of Rs. 5, Rs. 1 and fourteen currency notes of Rs. 500/- in a polythene bag put in an envelope 32) Damaged shirt wrapped in paper 33) Damaged pant wrapped in paper 34) Damaged cloth pieces wrapped in paper 35) Damaged underwear wrapped in paper 36) Black belt wrapped in paper 37) Damaged taxi parts put in two separate plastic gunny bags 38) Metal part of dicky of taxi	
9	182/2008	Metallic pieces, plastic pieces, sand wrapped in paper	Traces of RDX (cyclonite) and nitrite radical are detected.

No.	C. R. No.	Material Sent to F. S. L.	Opinion Received
10	197/2008	<ol style="list-style-type: none"> 1) One metallic object having print 'ARGES' stated to be 'Clip' wrapped in paper 2) One metallic object having threads on outer side and a spring, stated to be 'Clip holder' wrapped in paper 3) One battery covered with paper having print '0.2 Cd Nil – 2 SC 1200 Mah' wrapped in paper. 4) One metallic cap wrapped in paper 5) Yellowish powder in a broken small metallic cylinder wrapped in paper. 6) Three metallic objects, two of them having print 'DDECHNO', stated to be 'Clips' wrapped in paper 7) Two damaged metallic rings and two damaged metallic rings with holders wrapped in paper. 8) Two metallic tubes with holes wrapped in paper. 9) One metallic cap wrapped in paper. 10) Three metallic objects, having print 'DDECHNO', stated to be 'Clips' wrapped in paper. 11) Two metallic objects having threads on outer side and a spring, stated to be 'Clip holder' wrapped in paper. 12) Two metallic clips wrapped in paper. 13) Two metallic rings with pins wrapped in paper. 14) A piece of electric wire wrapped in paper. 15) One metallic object stated to be 'Clip' wrapped in paper. 	1 to 27: RDX (Cyclonite) is detected.

No.	C. R. No.	Material Sent to F. S. L.	Opinion Received
		16) Two metallic clips wrapped in paper. 17) One blackened circular metallic object with hole in the centre made up of rubber and metal wrapped in paper. 18) One metallic spring covered with broken metallic tube wrapped in paper. 19) Two metallic clips wrapped in paper 20) One metallic object stated to be 'Clip' wrapped in paper. 21) One metallic object having threads on outer side and a spring, stated to be 'Clip holder' wrapped in paper. 22) Debris in a polythene bag. 23) Debris in a polythene bag. 24) Three metallic objects, two of them having print '86PO1 03632' and one of which having print 'DDECHNO', stated to be Clips wrapped in paper. 25) Three metallic clips wrapped in paper. 26) Four metallic springs and three metallic springs covered with broken metallic tubes wrapped in paper. 27) Three metallic nuts wrapped in paper. Exhibits at Sr. no. 24 to 27 put together in polythene bag.	

XIV. Analysis of DNA samples recovered:

The DNA samples of nine deceased terrorists and also that of the arrested terrorist Mohammed Ajmal Mohammed Amir Kasab was taken by the forensic experts and the said reports Dt. 16/12/2008, 20/12/2008 and 22/12/2008 have been received from the Forensic Science Laboratory, Kalina, Mumbai. Similarly, articles seized from the fishing trawler M.V. Kuber viz. Jackets, Handkerchief, Skull cap, Blankets and Israeli cap were sent to the forensic experts with a request to match them with the DNA samples of the terrorists taken earlier. The forensic expert has submitted a report dated 02-02-2009 giving a clear-cut opinion that

the DNA samples of the five deceased and one arrested accused viz Mohammed Ajmal Mohammed Amir Kasab has matched with the DNA remnants on the articles seized on M.V. Kuber. The names of the five deceased terrorist whose DNA samples have matched those on the articles are as follows;

- 1) Abu Ismail
- 2) Javed @ Abu Ali
- 3) Abdul Rehman Chotta
- 4) Nazir @ Abu Umar
- 5) Hafiz Arshad @ Abdul Rehman Bada

In the said offences, confiscated Ten AK 47 Assault rifles, Ten 7.62 m.m. Pistols, Live bullets of AK 47 and 7.62 Pistol, Casing and Lid of spent bullets, etc. have been sent to the Forensic Science Laboratory at Kalina, Mumbai and the forensic examination report is still awaited.

XV. Technical Evidence:

During the course of Investigation, the Chief Investigating Officer in his Misc. application No. 1/2009 submitted in the Court of Addl Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai requested the Hon'ble Court regarding issuance of Letter Rogatory to the concerned Judicial Authority in U.S.A. requisitioning assistance in investigation. The Hon. Court obliged and issued the Letter Rogatory and in response to the Letter Rogatory, the Federal Bureau of Investigation (F.B.I.) of USA has submitted a report through Department of Justice, U.S.A.

During the entire operation, the deceased accused used mobile phone numbers 9819464530, 9820704561 and 9910719424. On these Cell phones, incoming calls from 012012531824 were found whereas, outgoing calls to 43720880764, 43720880767, 43720880768 were made. These calls were made or received for seeking/giving instructions from the co-conspirators in Pakistan. Investigation further revealed that these numbers were connected to an account created with CALLPHONEX, a VoIP service provider based in New Jersey, USA. It further transpired that on 20th and 21st Oct, 2008, an individual identifying himself as Kharak Singh indicated that he was a VoIP reseller located in India and was interested in establishing an account with CALLPHONEX.

Two payments were made to Callphonex for Kharak Singh's accounts. On October 27, 2008, the initial payment of \$ 250.00 was wired to Callphonex via MoneyGram, receipt number 80700471903880005473. The sender for this payment was Muhammad Ishfaq. The sender used Money Gram agent Paracha International Exchange located at Road Anarkali Fayazuddin in Lahore, Pakistan. According to Money Gram records, Ishfaq provided an address of Post office Mall Awn, Teh. Gujar K, Peshawar, Pakistan and telephone number 03455698566.

On Nov. 25, 2008 the second payment of \$ 229.00 was wired to Callphonex via Western Union Money Transfer receipt number 8364307716-0. The sender

of this payment was Javed Iqbal. The sender used Western Union Money Transfer agent Madina Trading, located in Brescia, Italy, to make the payment to Callphonex. For identification, Iqbal provided Madina Trading with Pakistani passport number KC092481.

During investigation, it further came to light that the wanted accused, while communicating with Callphonex used email ID kharak_telco@yahoo.com. This email ID was accessed from at least ten IP addresses. Police Inspector Mukund Pawar of the Cyber Cell, Crime Branch, Mumbai Police has investigated and informed as regards the details of the IP addresses and their respective locations which are as per overleaf.

Sr. No.	IP Address	Name and Address
1.	58.27.167.153	Sajid Iftikhar, 7th Floor, EFU House, Jail Road, Lahore-Pakistan.
2.	66.90.73.125	FDC servers.net., 141, w Jackson Blvd. suite # 1135 Chicago.
3.	67.159.44.63	FDC servers.net., 141, w Jackson Blvd. suite # 1135 Chicago
4.	80.78.132.155	Ahmed Mekky, P.O. Box 21340 Safat 13136, Kuwait
5.	82.114.138.18	Vladimir N Zernov, Joint Stock Company GASCOM 4a Lenina Str., 141070 Koroliov, Moskow region Russia
6.	82.114.141.99	Vladimir N Zernov, Joint Stock Company GASCOM 4a Lenina Str., 141070 Koroliov, Moskow region Russia
7.	118.107.140.138	Col. R. Saadat Ullah, Main I.S.P. Asia Pacific Network Information Centre, Post Box no. 2131, Milton City, Australia. Official User-Col. Saadat Ullah, S.C.O., Qasim Road, Rawalpindi, Pakistan 2. Khurram Shazad, Address as above.
8.	203.81.224.201	World call network operations, 16-S, Gulberg, Pakistan.
9.	203.81.224.201	World call network operations, 16-S, Gulberg, Pakistan.
10.	203.81.224.201	World call network operations, 16-S, Gulberg, Pakistan.

The relevant documents supporting the above findings have also been submitted by P.I. Mukund Pawar of Cyber Cell, Crime Branch, Mumbai.

Sajid Iftikhar, Address: 7th Floor, EFU House, Jail Road, Lahore, Pakistan, Col. R. Saadat Ullah, Address: Special Communication Organisation, Qasim Road, Rawalpindi, Pakistan and e-mail ID pmit@sco.gov.pk and Khurram Shazad, Address: Special Communication Organisation, Qasim Road, Rawalpindi, Pakistan have been shown as Wanted accused as they facilitated the communication between the deceased accused and the wanted accused during the course of the offence and hence conspired with the arrested and deceased accused and other wanted accused in perpetuating the heinous crime.

The deceased accused in the course of offence used five mobile handsets for communicating /seeking instructions from the co-conspirators in Pakistan. The investigation into the IMEI Nos of these handsets has revealed that these were manufactured at the Nokia factory, at Dong Guan, China and shipped to Pakistan. The details are as per overleaf:

Sr. No.	Details of Mobile	Place of offence	Details of Vendor
1.	Nokia 1200, IMEI No.353526024049451	Hotel Taj.	United Mobile, Pakistan.
2.	Nokia 1200, IMEI No.353526025840890	Hotel Taj.	12 Pakistan (Pvt) Ltd.
3.	Nokia 1200, IMEI No.353526025828739	Nariman House	12 Pakistan (Pvt) Ltd.
4.	Nokia 1200, IMEI No.353526025842235	Nariman House	12 Pakistan (Pvt) Ltd.
5.	Nokia 1200, IMEI No.353526025933620	Hotel Oberoi	United Mobiles, Pakistan.

It is further revealed that the address of 12 Pakistan (Pvt) Ltd is, 2nd Typical Floor, Executive Tower, Dolmen City, Block 4, Clifton, Karachi, Pakistan.

During the commission of offence, the accused used five G.P.S. sets which were recovered from Hotel Taj, Hotel Oberoi, Nariman House and M.V. Kuber. These GPS sets assist in locating the correct and shortest possible route/direction for reaching the desired destination. These GPS handsets were sent to the FBI laboratory and the details of the data recovered is as per following.

Sr. No.	Details of G.P.S.	Seized From	Details of data
1.	Garmin Rhino 120, Sr. No. 415148192	Hotel Taj.	Track back list shows Long-Lat of 50 places in Karachi, Pakistan.
2.	Garmin Rhino 120, Sr. No. 41514528	Hotel Taj.	Waypoints show Long-Lat of six places between Badhwar park, Cuffe parade to Café Leopold.
3.	Garmin 12 Map	M.V. Kuber	Data of Long-Lat showing route from Karachi to Mumbai. The waypoints were stored as Ocean 1, Ocean-2, Ocean-3, Ocean-A, Jala-1, Jala-2, Jala-3, Jala-4. The Long-Lat of Jala-1 to Jala-4 were also found on the diary seized from MV Kuber.

The accused terrorists, after abandoning M.V. Kuber, traveled in the inflatable dinghy for approximately four/five nautical miles to reach the coast of Mumbai. This inflatable dinghy had an Out Board Engine manufactured by Yamaha Motor Corporation, Japan. The investigation has revealed that the said Out Board Engine was manufactured by Yamaha Motors Corporation in Japan and shipped to a firm styled as 'Business and Engineering Trends' in Pakistan.

Enquiry on the Internet, made by the I.O. PI Shripad Kale has revealed the address of Business and Engineering Trends as 24, Habibulla Road, Off Davis Road, Lahore, Pakistan Tel. No. 92-42-6311044.

During the commission of offence, a threatening email from email ID decanmujahideen @ gmail.com was sent to India TV News Channel on 27 Nov. 2008. The investigation made has revealed that the said email was sent from IP address 82.114.141.99. This IP address belongs to Vladimir N Zernov, Joint Stock Company GASCOM 4a Lenina Str., 141070 Koroliov, Moscow region, Russia.

Chief Investigating officer, PI Mahale has observed that the same IP address was used by the unknown accused while communicating with Callphonex with the email ID kharak_ telco@yahoo.com. It is, therefore, concluded that the person sending the email to India TV and the person who communicated with Callphonex are one and the same and is based in Pakistan.

XVI. Other Evidences:

The investigators have also utilized the legal process of Test Identification Parade to assist in the investigation of this sensational offence. A total of 30 eyewitnesses have identified the arrested terrorist accused, Mohammed Ajmal Mohammed Amir Kasab in the Test Identification Parade, conducted over a period of 3 days. Similarly, a total number of 29 eye-witnesses have identified the deceased terrorist accused (9) in the Test Identification Parade conducted over a period of two days. Further, the arrested accused Faheem Ansari has been positively identified by four witnesses in a Test Identification Parade.

The services of Finger Print Experts were also solicited to assist in lifting 'Chance Finger Prints' on board the M.V. Kuber. The Finger Print Experts have opined that one of the 'Chance Finger Prints' lifted from the left glass door of the cabin room of M.V. Kuber matched the finger print of the arrested accused Mohammed Ajmal Mohammed Amir Kasab.

Each of the I.E.Ds carried by the terrorists from Pakistan were packed in a pink foam sheet covering the metallic containers. These pink foam pieces recovered from the unexploded I.E.Ds as also seized the six pink foam pieces seized from M.V. Kuber were sent to the Forensic Science Laboratory, Kalina, Mumbai for examination and opinion. The Forensic Expert opinion received on 10-02-2009 has opined that 'the pink colour foam pieces from M.V. Kuber and those recovered from the unexploded I.E.Ds matched in respect of hue (appearance) and Physisiothermal characteristics.'

This further proves that it is the hand of the same person/team which fabricated/prepared the RDX laden I.E.Ds.

Live Hand Grenades have been recovered from the deceased terrorists as also from the arrested terrorist accused, Mohammed Ajmal Mohammed Amir Kasab. These Hand Grenades bear the mark of 'ARGES'. Enquiries have revealed that the ARGES Company has given the franchise to manufacture Hand Grenades to 'WAH NOBEL Co.' which is one of the Ordinance Factories located at WAH, near Islamabad in Pakistan. Similar Hand Grenades were used in the Serial bomb blasts that shook Mumbai on 12th March 1993 as also in the attack on Parliament House, New Delhi on December 13, 2001.

The prosecution further relies on the CCTV footage recorded at CST Railway Station, Times of India Bldg parking lot, Taj Mahal Hotel & Hotel Oberoi / Trident.

Expert opinion on certain aspects of this crime, evidence from investigation, necessary approvals, etc and relevant final report is being submitted to the Honorable Court under section 173(8) Criminal Procedure Code.-1973 for continuing investigation hereafter.

XVII. Seizure of Arms and Ammunitions:

During investigation of this heinous crime, from various targeted sites AK-47

guns, 7.62 mm Pistols, Live Bullets, Magazines, RDX I.E.Ds., Hand Grenades have been confiscated. Details are as below:

Date	:	Between 1115 hrs. of 27.11.2008 and 1800 hrs. of 20.12.2008
Place	:	1. Hotel Taj Palace and Towers near P. Ramchandani Marg, Colaba, Mumbai. 2. Kuoni Tourism Chowki Near P. Ramchandani Marg, Colaba, Mumbai.
Police Station	:	1. Opposite Colaba Branch of Bank of Hyderabad, near Gokul Restaurant, behind Hotel Taj Palace, Colaba, Mumbai.
Crime No	:	Colaba Police Station Detection, Crime Branch, Crime No.194/2008 (Colaba Police Station Crime No.242/2008)

Confiscated Fire Arms

AK 47	:	4
AK 47 Magazines	:	26
7.62 Pistols	:	4
7.62 Pistol magazines	:	6
Bullets of AK-47	:	411
Bullets of 7.62 mm Pistols	:	16
Hand Grenades	:	5
RDX-laden IEDs	:	2 (Each of 8 kgs weight)
Live bullets	:	3
Accused	:	1. Hafiz Arshad alias Abdul Rehman Bada (Dead) 2. Javed alias Abu Ali (Dead) 3. Abu Shoaib (Dead) 4. Abu Umer (Dead)

Date	:	Between 1645 hrs. of 28.11.2008 and 21.00 hrs. of 29.11.2008 at the above period.
Place	:	The Trident and Oberoi Hotel, Nariman Point, Mumbai.
Police station	:	Marine Drive Police Station
Crime No	:	Detection Crime Branch, Crime Registration No.191/2008 (Marine Drive Police Station Crime No.231/2008)

Confiscated Fire Arms

AK-47	:	2
7.62 Pistols	:	2
Magazines of 7.62 m.m. Pistols	:	4
Bullets of AK 47	:	91
Magazines of AK-47	:	14
Bullets of 7.62 m.m. Pistols	:	23
Hand Grenades	:	3
Accused	:	1. Fahadullah (Dead) 2. Abdul Rehman Chhota alias Sakib (Dead)

Date	:	Between 1230 hrs. and 1930 hrs. of 29.11.2008
Place	:	Nariman House, Colabawadi, Shahid Bhagat Singh Road, Colaba, Mumbai.
Police station	:	Colaba Police Station
Crime No.	:	Detection, Crime branch Crime Registration No.197/2008 (Colaba Police Station Crime No.241/2008).

Confiscated Fire Arms

AK 47	:	2
7.62 mm Pistols	:	2
Magazines of 7.62 mm Pistols	:	6
Bullets of AK 47	:	235
Magazines of AK-47	:	16
Bullets of 7.62 mm Pistols	:	22
Accused	:	1. Babar Imran alias Abu Akasha (Dead) 2. Nasir alias Abu Umar (Dead)

Date	:	Between 00.30 hrs. and 00.36 hrs on 27.11.2008.
Place	:	Opposite Café Ideal, below the Pedestrian bridge, Purandare Marg, North bound Lane, Girgaum Chowpaty, Mumbai.
Police station	:	Dr. D.B. Marg Police station
Crime No	:	Detection Crime Branch, Crime No.182/2008 (Dr. D.B. Marg Police station Crime No.305/2008).

Confiscated Fire Arms

AK-47	:	2 (One of them belonged to the Police officer).
7.62 mm Pistol	:	2
Magazines of 7.62 mm pistols	:	5
Bullets of AK-47	:	50 (Out of these 26 belonged to the Police officer).
Magazines of AK 47	:	5 (Out of these 3 belonged to the Police Officer.)
Bullets of 7.62 mm Pistols	:	34
Hand Grenades	:	1
Accused	:	1. Mohammad Ajmal Mohammad Amir Kasab alias Abu Mujahid (arrested). 2. Ismail Khan alias Abu Ismail(Dead) ———
Date	:	03.12.2008 at 1900 hours.
Place	:	Near CST Railway Station. Empty space on the road opposite to the North Entrance of the Court Building.
Police Station	:	C.S.T. Railway Police station.
Crime No.	:	Detection Crime Branch, Crime No.213/2008 (C.S.T. Railway Police station Crime No.155/2008).

Confiscated Fire Arms

RDX-laden IED	:	RDX-laden IED weighing approx. 8Kgs
Accused	:	1. Mohammad Ajmal Mohammad Amir Kasab alias Abu Mujahid(Arrested) 2. Ismail Khan alias Abu Ismail (Dead) ———
Date	:	27.01.2008 at 09.30 hrs.
Place	:	Badruddin Tayabji Marg, Opp. ATM Centre of Corporation Bank, Mahapalica Marg and Metro junction, Mumbai.
Police Station	:	Azad Maidan Police station
Crime No.	:	Detection, Crime Branch, Crime No.188/2008 Marine Drive Station Crime Registration No.246/2008)

Confiscated Fire Arms

AK-47	:	1
Bullets of AK-47	:	51(Out of these bullets, 28 bullets belonged to the Police Officer.)
AK-47-Magazines	:	4 (Out of which one belonged to the Police Officer outside Cama Hospital).
Accused	:	1. Mohammad Ajmal Mohammad Amir Kasab alias Abu Mujahid (Arrested) 2. Ismail Khan alias Abu Ismail (Dead)

XVIII. Offences Committed by The Terrorists:

The arrested terrorist accused in this crime viz. Mohammad Ajmal Mohammad Aamir Kasab alias Abu Mujahid, aged-21 yrs, Fahim Arshad Mohammad Yusuf Ansari @ Abu Jarar @ Sakib @ Sahil Pawaskar @ Sameer Shaikh @ Ahmed Hasan, aged-35 yrs, Sabaudhin Ahmed Shabbir Ahmed Shaikh @ Saba @ Farhan @ Mubbashir @ Babar @ Sameer Singh @ Sanjiv @ Abu-Al-Kasim @ Iftikhar @ Murshad @ Mohammad Shafik @ Ajmal Ali, aged-24 yrs. and other 9 deceased terrorist accused alongwith the 35 Wanted terrorist accused, have jointly hatched and planned a criminal conspiracy as mentioned above. In furtherance of this criminal conspiracy, they have at various targeted locations in the metropolis, indulged in cold blooded murders, attempt to murder, abductions, causing grievous hurts, wrongful confinements, threatening with dire consequences and assaulting members of public and public servants while they were discharging their lawful duties, damaging Government and Public properties by arson, and in pursuance of this objective forged identity documents and indulged in impersonation etc. and have, thus, committed grave and punishable crimes under section 120(B), 302, 307, 325, 326, 332, 333, 343, 353, 364, 365, 419, 427, 435, 465, 468, 471, 474, 506 (II), 34 of Indian Penal Code, 1860.

The arrested terrorist accused and other 9 deceased terrorist accused have entered India illegally through Mumbai without any legal documents and, therefore, have committed an offence punishable under section 14 (c), 14-A(b) of the Foreigners Act, 1946 and section 3 of Passport (Entry into India) Act, 1920.

It is very apparent that in these said offences, the arrested terrorist accused alongwith the deceased 9 terrorist accused and the 35 Wanted terrorist accused have committed an offence of waging war against the Government of India, entering into a conspiracy to wage war against the Government of India and towards that end collected men, arms and ammunition to wage war against the Government of India, etc. These are offences punishable under Sections 121, 121(A) and 122 of Indian Penal Code, 1860. The requisite sanction for cognizance of these offences under section 196 of Cr. P. Code 1973 from the State Government has already been obtained vide order No TER-0109/CR-52/Spl.-1(B) dated 10/02/2009.

It has also transpired that the aforesaid three arrested terrorist accused alongwith nine dead terrorist accused and thirty five wanted terrorist accused have conspired on foreign territory i.e. Pakistan and in furtherance of the conspiracy, the actual offence has been executed in India particularly at various targeted locations in Mumbai and also within the territorial waters of India.

The requisite sanction from the Government of India has been obtained under the provisions of Section 188 of the Criminal Procedure Code, 1973, vide Order No F. No. 9/1/2009-Judl. Cell, dt. 14th Feb. 2009.

Since the aforesaid three arrested terrorists accused alongwith nine dead terrorist accused have used deadly firearms like Ak-47 and pistols, etc. in these offences, their acts attract the penal provisions of sections 3, 5, 7, 25 and 27 of the Indian Arms Act, 1959. The required sanction from the Deputy Commissioner of Police, Headquarters, Mumbai Police, is being obtained as per provision of section 39 of Indian Arms Act, 1958.

Since the aforesaid three arrested terrorists accused alongwith nine dead terrorist accused have used knives and bayonets to commit murders and grievous hurts they have committed offences punishable u/sections 37(a) r/w 135 Bombay Police Act, 1951 in contravention of prohibitory order issued by the Commissioner of Police, Mumbai.

Since the aforesaid three arrested terrorist accused alongwith nine dead terrorist accused had, in their arsenal, procured and possessed RDX-laden IEDs, Hand Grenades and explosive materials and used the same to cause deadly and fatal explosions, their criminal act attracts the penal provisions under sections 6, 6(A), 9 (B) of Indian Explosives Act, 1884 and also the sections 3, 4, 5 & 6 of Explosive Substances Act, 1908. Requisite permission from the office of the Collector and District Magistrate, Mumbai City and from the office of the Collector and District Magistrate, Mumbai Suburban District, as per provision of section 7 of the Explosives Substances Act, 1908 has been received vide Order No MAG/T-1/E.M./Explosive Act/2009/7545 Dt. 21/02/2009 and No. C/Desk-VII-C/WS-135/09 Dt. 24/02/2009 respectively.

By smuggling AK-47 assault rifles, pistols, Hand Grenades, RDX-laden IEDs, etc., the arrested terrorist accused and the nine dead terrorist accused have contravened the provisions of the Customs Act, 1962 and, thus, have committed punishable offences under section 135 of the Customs Act, 1962. Application for Prosecution under Customs Act, 1962 is being sought from the Commissioner of Customs, Mumbai.

Since the 3 arrested terrorist accused, the dead 9 terrorist accused and the 35 wanted terrorist accused persons have conspired with a view to harm railway passengers and have acted in a manner endangering the lives of Railway passengers and destroyed/damaged railway properties, they have committed punishable offences under sections 151, 152, 153, 154 of the Indian Railway Act, 1989.

Since the 3 arrested terrorist accused, the deceased 9 terrorist accused and the 35 Wanted terrorist accused had conspired and by the use of RDX-laden IEDs, Hand Grenades and deadly Assault Rifles, damaged public properties, they have committed punishable offences under section 3 & 4 of the Prevention to the Damage of Public Properties Act, 1984. The 3 arrested terrorist accused, the deceased 9 terrorist accused and the 35 Wanted terrorist accused are members of The Terrorist Organisation Lashkar-e-Taiba mentioned in Sec. 2 (1) (m) and Sec. 35 of Unlawful Activities (Prevention) Act, 1967, as a banned Terrorist Organisation, and thus the aforementioned terrorist accused persons have contravened the provisions of Unlawful Activities (Prevention) Act, 1967 and also have committed unlawful activities and / or terrorist acts to wit armed attack on the Republic of India by means of AK-47 rifles, Pistols, Hand Grenades, RDX-laden IEDs etc. and created terror in the minds of public in general and thereby committed offences punishable U/Sec. 10, 13, 16, 17, 18, 20 and 23 of the Unlawful Activities (Prevention) Act, 1967. Proposal U/Sec 45 has been sent to the State Government for invoking provisions of Unlawful Activities (Prevention) Act-1967 to this case.

And, therefore, it is prayed to this Hon'ble Court that based on the evidence collected by the investigating agency, the arrested, deceased and wanted terrorist accused persons have committed offences punishable under sections 120(B), 302, 307, 325, 326, 332, 333, 343, 353, 364, 365, 419, 427, 435, 465, 468, 471, 474, 506 (II), 34 of Indian Penal Code, 1860 r/w Sections 3, 5, 7, 25, 27 of the Arms Act, 1959 r/w Section 37 (a) r/w 135 of Bombay Police Act, 1951 r/w Sections 6, 6A(2), 9(B) (b) of Explosives Act, 1884 r/w Sections 3, 4, 5 & 6 of Explosive Substances Act, 1908 r/w Sections 3, 4 of Prevention of Damage to Public Properties Act, 1984 r/w Section 135 of Customs Act, 1962 r/w Sections 14(c), 14-A(b) of Foreigners Act, 1946 r/w Section 3 of Passport (Entry into India) Act, 1920 r/w Section 10, 13, 16, 17, 18, 20 and 23 of Unlawful Activities (Prevention) Act, 1967.

XIX. Dispatched on 25th February, 2009

Ashok T. Duraphe
Assistant Commissioner of Police,
D-1(South), DCB, CID, Mumbai.

Investigation Officer
Submitting the Final Report / Charge Sheet

Appendix 2

TEXT OF THE CONFESSION MADE BY MOHAMMED AJMAL AMIR “KASAB” IN THE ADDITIONAL SESSIONS COURT, MUMBAI, 21 JULY 2009

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PLEA/STATEMENT OF ACCUSED NO.1

1. Myself and Abu Ismail both had done firing on public at C.S.T. by means of guns which have been produced in the court. We continued to fire. Abu Ismail was throwing grenades also. I continued to fire. Abu Ismail proceeded further in some other hall. There was an encounter between police and Abu Ismail. Abu Ismail had taken position in a place where the trains are stationed. I also took position behind him. I also fired at police. Abu Ismail had thrown grenade. There was no movement from the side of police. Then we proceeded further. We did not know that police had taken position at some place. I had exchange of fire with police. Police left the place. Thereafter myself and Abu Ismail proceeded further. The pictures shown in the court when first C.D. was played in the court are the correct record.

2. Thereafter, we went in the subway and immediately came out of the subway. Abu Ismail said that we must return. Thereafter we proceeded to platform No. 1. Now I have come to know that it was platform No.1. One train was stationary at platform No.1. We proceeded further. There was one steel *pool* (bridge). We climbed the said *pool* (bridge) and thereafter we got down in a gally (lane). As we proceeded in the lane, I started checking the vehicles as we wanted a vehicle. The recording in the second C.D. is correct and what was seen in the C.D. was done by us. We could not open any vehicle. I had two magazines attached together by means of tape. I separated the magazines and loaded one of the magazines to my gun. Abu Ismail also loaded his magazine. When we proceeded little further, I had seen one of the persons who has been examined as a witness in the court. Abu Ismail said that I should stop him and therefore I fired at that person. Abu Ismail at that time had fired at one of the houses adjoining the road. The earlier person had ran away from the spot.

3. Thereafter there was a gate of Cama Hospital. The wall was not taller and therefore we could jump inside Cama Hospital. Abu Ismail told me that I should wait for him and he proceeded further. I heard sound of firing but I could not see Abu Ismail. Abu returned and told me that I should accompany him. When we proceeded further I had seen one person lying below a shed (chhatra). Anyhow we entered the hospital. I had seen one person lying in an injured condition on a stretcher. Thereafter, we went up by staircase. When we reached first floor, Abu

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Ismail went further and after checking the position on the floor, he indicated me that I should also proceed further. Abu Ismail had also told me that we should go inside and hide ourselves. Doors of some of the wards were found closed. Then we went to 5th floor. One of the wards was found open. We entered the ward. We saw three persons in the ward. One of them was same person who has been examined as witness and who had described himself to be a Padri (Prist). Abu Ismail directed me to take this person in the bathroom. There were in all four persons. Three of them agreed to come with me. I told them that they should not make noise. The fourth person was not ready to come with me. Thereafter Abu Ismail asked me to check other rooms. I had seen one taller person hiding himself below a table. He has also been examined as a witness in this court. He was wearing blue uniform when he was examined as a witness. I took that person to the same bathroom where the three earlier persons were confined. I again warned them that they should not make noise. At that time Abu Ismail came near me and asked me that we should go. I had seen that the fourth person who was reluctant to come with me had bleeding injury and he was lying in a pool of blood. He has also been examined as a witness in the court. He was the same person who had told the court that he had hit the accused by means of his bag.

4. Then we climbed the staircase and went to terrace of the building. As soon as we entered the terrace, we had seen the person who has been examined as a witness in the court. I told him to keep quiet. I enquired from him the way to go out of the hospital. He told me that there was only one way to go out. I thereafter directed that person to go down by stairs and I followed him. I was two staircases away from him behind him. The said person indicated me by means of his hand that police was there on 5th floor. As soon as I got down one more staircase, I saw police. I, therefore, immediately went up. I told Abu Ismail that police was there. In the meantime, police had started climbing up the staircase. Abu Ismail started firing. Abu Ismail was intermittently firing. He was going down and coming up. I was behind him. He had directed me to keep watch on the terrace. Abu Ismail demanded grenade from me. I removed all the articles from my bag and put in the bag of Abu Ismail. My bag was totally empty. The maps which have been produced by the police allegedly recovered from my bag were left in the boat itself. Thereafter, encounter between police and Abu Ismail continued. I was keeping watch on the terrace. At one stage while removing pin of one of a grenade, he told me, "Ab chalna hai". When we were coming down the staircase, somebody had fired at us. I also fired in retaliation. Therefore he came down the staircase. Abu Ismail went out first. I went out only after getting indication from Abu Ismail. We could see police near the gate but they could not notice us. There was some dark place near in the compound. Abu Ismail wanted that we should hide at some place there only. I told him that police would catch us. Therefore, we jumped out from the wall. One person was sleeping by the side of wall outside the hospital. I

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asked him to keep quiet. In the meantime one big police vehicle of blue colour was seen coming on the said road. There was some stall like Dhaba. We had hidden ourselves behind the said Dhaba. The vehicle proceeded further.

5. There was one vehicle on the road. It had blue type light on the top of it. In the meantime Abu Ismail had thrown one grenade. I told him that we should proceed further. However, Abu Ismail told that there was police and he had also thrown grenade. The grenade had exploded. Then we proceeded in the said gally. In the meantime we could see head light of one vehicle. There was iron fencing in front of the bank. We went to that side. We had hidden ourselves behind the said grill (iron fencing). As soon as the vehicle came in front of us, there was firing from the said vehicle. Abu Ismail also fired at the vehicle. I sustained injury on right forearm, right elbow and left wrist. My gun had fallen down. I had also fallen down on my left side. Firing continued. Abu Ismail proceeded towards the vehicle. When the firing had stopped, Abu Ismail had fired one shot in the vehicle also when he was checking the vehicle. By that time I also got up. I held my gun in my right armpit. We opened doors of the police vehicle. We had seen police officers. They had bleeding injuries. They appeared to be dead. They were removed from the vehicle by us. Abu Ismail sat on the steering of the vehicle and I sat on left front seat of Abu Ismail. In the meantime there was firing on the vehicle. The bullets hit the vehicle but none of the bullets had hit us. Abu Ismail was driving with one hand and was handling his gun by means of other hand. He was driving the vehicle by means of left hand and was firing at police by holding gun by means of right hand. Thereafter we took right turn. I told Abu Ismail that I was not in a position to move further. He told me that I should not lose confidence and that Abu Ismail himself had also sustained bullet injury. I inquired from him where he had bullet injury. He indicated that he had a bullet injury on his knee. Because of noise of wheels of the vehicle I could guess that one of the wheels of the vehicle was punctured. We were moving in the said vehicle. We went on moving as we did not know the roads. In the meantime one vehicle was noticed by Abu Ismail. Both of us got down from the police vehicle. We had seen one police also on motorcycle. The police after noticing gun in our hands realized that we were terrorists. The policeman stopped his motorcycle and fired at us. We also fired in retaliation. Police left the spot to hide himself. We stopped the gadi (vehicle). It was Skoda *Gadi*. There were two male and one female in the said vehicle. All of them left the vehicle. When Abu Ismail took driver's seat, there was no ignition key in the car. The three persons who left the car were nearby. I went near them. I demanded key. He said the key was in the car itself. I asked him to accompany me to the car and show the key. The key was found near the rear wheel of the car. The key was picked up by the person and he gave it to me. I gave the key to Abu Ismail. In the meantime Abu Ismail opened left front door of the car. I sat on the left front seat and we proceeded further.

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6. I told Abu Ismail that we should conceal all the arms and ammunition somewhere and that nobody would be able to recognise us. Abu Ismail told me that I had blood on my face. I wiped the blood from my face. Abu Ismail removed his jacket and put the said jacket on my chest and we continued to move on the said road. Again we reached on the same spot from where the car was hijacked by us. We had seen the owner of the car explaining to the police that it was their car only. We proceeded further. In the meantime we saw one white car. As we were not able to go out of the same road, I told Abu Ismail to follow the white car. We continued to follow the said white car. After some time we could see barricades on the road. We could cross the barricades. There were police. Police directed us to stop the car. I asked Abu Ismail to slow down the car. One policeman came in front of the car with a stick in his hand. Abu Ismail tried take 'U' turn. He was confused. Suddenly wipers also started. Police came there and caught hold of my collar and pulled me out of the car. I caught hold of my gun. I was surrounded by police. One of the policemen snatched away my gun. Police started assaulting me by means of sticks. I had fallen down. The police started assaulting me on my abdomen by means of butt of my gun. They continued to assault me. When I gained consciousness I was in the hospital. I could not fire because I was not able to hold the gun.

7. We were in all 10 persons. We had travelled from Karachi in a small boat to a big boat. Four persons had come to see us off at the seashore. Their names are:

- 1) Abu Hamja
- 2) Abu Kafa
- 3) Abu Jundal
- 4) Zaki-ur-Rehman Lakhvi

I did not know nine persons personally but I know their names and I can tell their names to Court. Their names are:

- 1) Abu Ismail (the person who had accompanied me)
- 2) Abu Umar (Nasir)
- 3) Abu Akasha (Babar Imran)
- 4) Abu Umer (Nazir)
- 5) Abu Soheb
- 6) Abu Ali (Javed)
- 7) Abdul Rehman (Bada) (Hafiz Arshad)
- 8) Abdul Rehman (Chhota)
- 9) Abu Fadulla

8. We had sailed in a small boat from Karachi. That small boat was brought to one big boat. Thereafter we were transferred to big boat. The said big boat took us in high sea. There were three persons navigating the big boat. Their names were:

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1) Hakim

Now I say that I did not remember names of other two persons. We were brought to some other big boat, namely '**Al-Husaini**'. We slept in the said boat. In the morning we offered prayer (Namaj) and again went to sleep. At about 11.30 a.m. the boat started sailing further. There were seven persons manning '**Al-Husaini**' boat. There was one person by name Murshad. I know names of some of the persons manning the said boat. They are (1) Murshad (2) Aakib and (3) Usman. Murshad was the boss. There were lot of boats in the sea. One boat was seen alone in the high sea. All of us were directed to go to engine room. After sometime I heard noise of some collusion. Thereafter we were called up on the deck. 3 to 4 persons out of us were not seen on the deck. We were told that the three persons had boarded the boat which was seen in the high sea. At about 4.00 p.m. the said boat was brought near the boat **Al-Husaini**. All the articles were transferred from **Al-Husaini** to the other boat including oil, inflatable boat. There were 4 to 5 drums of oil which is used for boats. The blankets which are produced in the court were also transferred from **Al-Husaini** to the said boat. The ration including Aata were also transferred from **Al-Husaini** to the said boat. There were lot of articles. The article which had remained after consumption were thrown by us in the sea.

9. There were five persons in the said boat who had never been seen by us. Murshad inquired from them as to who was Nakhava (navigator) of the said boat. One Amarjitsing told us that he was Nakhava of the said boat. The four persons of the boat except Amarjitsing were transferred to **Al-Husaini**. During this period we were transferring the articles from **Al-Husaini** to the said boat. All the persons were directed to sleep in **Al-Husaini** and they were directed to take blankets upon them. Goods were transferred from **Al-Husaini** to the other boat. Murshad directed Abu Ismail that he should take help of Nakhava Amrjitsingh in case of any difficulty on the way. One G.P.S. and one phone was given to Abu Ismail by Murshad. It was a big G.P.S. It was thrown in the sea by Abu Ismail when we had reached the seashore of India.

10. We were ten persons including myself in the said boat. The 11th person was Nakhava Amarjitsingh. The boat in which we were transferred from **Al-Husaini** left the said place. Murshad also left in **Al-Husaini**. Nakhava-Amarjitsingh was navigating the boat with the assistance of Abu Ismail who was using the G.P.S. given by Murshad. I was directed to be on security duty to keep watch with the help of gun which is produced in the Court. We went on changing the duty of keeping watch. The boat continued to sail through the sea.

11. After about three days and four nights on 26.11.08 at about 3.30 p.m. Abu Ismail spoke to somebody on his mobile. Abu Ismail said, "*Kya Haal Hai Seth*". After sometime, he said, "*woh char bakre aapne kha liye. Yeh paanchva mein kha*

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lu kya?”. Abu Ismail directed us to be in cabin only and said that nobody would come out of the cabin. He called Abu Akasha after sometime. Later on he called Fadulla also. Abu Ali was directed to navigate the boat. Amarjitsing realized that he would be killed. Abu Soheb also went near Abu Ismail and said that he would kill the navigator. During this period, Amarjitsingh was sleeping on the deck. Abu Ismail took Amarjitsingh to the engine room. Abu Ismail again warned that we should keep proper watch and nobody should come out of the cabin. I had seen Umer holding a rope in his hand and Soheb was holding a knife. After sometime they came on the deck. The knife which Soheb was holding was seen stained with blood. The said knife was thrown by Soheb in the sea. Soheb washed his hands and came back to the cabin. Soheb was looking little scared. I was assigned duty of keeping watch and Abu Ismail and others had started assembling the inflatable boat. Abu Ismail directed us to take bath one by one. After bath we changed our clothes. In the meantime the sun had set. The inflatable boat, which is produced in the court, was taken down in the sea. I continued to be on watching duty. Ten bags were shifted to inflatable boat. The bomb (box) which is produced in the court was also shifted to inflatable boat. All the bags were containing one AK-47 rifle each, one pistol each. Each bag was containing 8 hand grenades also. There was one *Khanjar* which is also produced in the Court. There were three sets of two magazines each in each bag. In each and every bag there were either three or two pistol magazines. Abu Ali and Abdul Rehman (Bada) had loose AK-47 cartridges in a shopping bag. One mobile handset was also there in each of the bag. All the mobiles were of similar type. They were of Nokia make. The grenades were of different shapes. Out of the 8 grenades in each of the bag, three were big grenades, two were small grenades and other three were black grenades made in China. Only black grenades were made in China. There were dry fruits in each bag. Water bottles were also there.

12. We all the 10 persons including myself then boarded the said inflatable boat. The rope with which the inflatable boat was tied to the big boat was cut. Abu Ali started engine of the boat. Abu Ismail was navigating the said inflatable boat. When we reached near the seashore, Abu Ismail said that G.P.S. be broken and be thrown.

13. We were divided in five pairs of two each. Each pair had one G.P.S. The main person of the pair was holding G.P.S. Abu Ismail was directed by Abu Hamja to throw away the big mobile phone in the sea. However, instead of throwing away the said big mobile phone it was handed over to me by Abu Ismail. I had kept the said big mobile in the cabin of the boat. When we reached near the seashore, the big G.P.S. was also broken by me and was thrown in the sea. The boat was brought to the place where there were lot of small boats. When the boat had come near the seashore on dry place (Khushki) we got down from the inflatable boat. As directed by Abu Hamaja, myself and Abu Ismail came out on

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the road first of all. We tried to hire a taxi on the road. After sometime we got one taxi and boarded the same. Abu Hamaja had directed us to keep one bomb in the taxi and other one in C.S.T. I thereafter sat on front seat beside the driver. Abu Ismail took the rear seat. My bag, Abu Ismail's bag and two container of the bombs were also kept on the rear seat. We got down at C.S.T. Abu Ismail paid to the taxi driver. I took one of the bags. Other bag was taken by Abu Ismail. One bag containing bomb was also given to me. Abu Ismail took his bag. Abu Ismail was also carrying the empty bag which was containing a bomb.

14. After sometime we entered the gate of C.S.T. We went to the side of bathroom. I went to the bathroom for urinating. I took the bag containing bombs with me in the bath room. I installed battery to the bomb in the bathroom. I came out of the bathroom. Thereafter Abu Ismail went to the bathroom. I was holding both the bags and bomb bag till return of Abu Ismail from the bathroom.

15. After return of Abu Ismail he asked me to pick up the bags. I inquired from him as to what was to be done with the bombs. We thereafter again went towards the place from where we had entered. After sometime Abu Ismail took the bag containing bomb from me and placed the same near one pillar.

16. As per direction given by Kafa, Abu Ismail had thrown a grenade. I had kept my gun ready. While throwing grenade Abu Ismail had also taken out his gun from the bag. We both sat down when the grenade was thrown by Abu Ismail. We immediately got up and started firing. In the meantime magazine of Abu Ismail's gun was emptied. He therefore loaded other magazine (Photo of Abu Ismail loading magazine in his gun has been produced in the court and this court has seen the photograph).

17. Abu Kafa had told us that after firing in one hall, we should proceed to other hall. Abu Ismail therefore proceeded to the second hall.

18. Abu Ismail had a small bag inside his big bag. He put all his articles in the small bag and left the big bag in the hall itself. I saw the bag of Abu Ismail in the hall. I therefore picked up the said bag. Encounter between Abu Ismail and police was going on. I told him that he had left his bag in the hall. I was informed by him that it was empty and it was not needed.

**NOTE: Further plea of accused No.1 is deferred till
2.30 p.m. as the Court rises for recess.**

20th July 2009

**(M. L. TAHALIYANI)
ADDL Sessions Judge,
Gr. Bombay.**

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Further Plea of the Accused No.1 resumed at 2.50 p.m.

19. I was working as a Decorator in the shop of Haji Sultan in the village near Jhelam in Pakistan. There was one more boy working in the same shop. I was not satisfied with the returns of my work from the said shopkeeper. I was therefore worried. Myself and the said boy used to discuss amongst ourselves about the same. The said boy suggested that instead of getting worried we should indulge into theft and dacoity. I inquired from him as to where could we get weapons for committing dacoity. The said boy told me that he would arrange for the same. On the suggestion made by the said boy, I disassociated myself from the said shopkeeper and went to Ravalpindi alongwith the said boy viz. Mujjaffar. We started staying in a rented room. We decided to commit dacoity at Banglow (Kothi). There was one boy in Village of Mujjaffar who knew the details of said Kothi. He had gone to his village to get the details. I was alone in the room at Ravalpindi. Therefore I was roaming alone in the market. It was period of 'Bakari Id'. Persons belonging to 'Lashkar-e-Taiba' were collecting skins of animals.

20. In the meantime, I came to know that those persons were Mujahiddins. I therefore went back to my room. After two days my friend Mujjaffar returned from his village. We both had again visited the same market after arrival of Mujjaffar. We both were discussing about the Kothi. I was repeatedly asking him as to how could we commit dacoity without weapons. I was assured by him that the weapons would come and that I should not loose confidence. I also told him that I did not know operating weapons. I was told by him that we will get training for operating weapons also. I pointed to Mujjaffar that I had seen Mujahiddins in the market yesterday and that we could get training from them. He agreed. At that time Mujahiddins were not in the market. We tried to search them. I knew the description of Mujahiddins. I knew that they had long beard and long hair. Thereafter we went on inquiring from the person of the said description. One of the persons (Banda) told us that the persons who were collecting skins were Mujahiddins. He told us that office of Mujahiddin were situated in 6th gulli (lane) in Raza Bazar.

21. We knocked door of the premises situated on corner (Nukkad) of 6th lane. One person had opened the door. I enquired from him whether it was office of Mujahiddin. The said fellow wanted to know our details. I told him that we had come for 'Jihad'. Therefore he allowed us entry.

22. There was one more person in the office. He took our details including our residential address. The said person told us to come next morning with preparation. He told us to bring our luggage including our clothes.

23. Next morning myself and Mujjaffar came to the same office with our baggage. We deposited our baggage in the office. There were three more persons

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who again made enquiry from us regarding our antecedents and residential address. The said person gave us an address in writing, which was as under:

‘Marqus Taiba Muridke’

The chit containing address was given to a person who was already sitting in the office. He was given money also. He told us that we will have to board a bus bound for Lahore to reach Muridke. Myself, Muzzaffar and the person to whom address and money was handed over reached Muridke by bus. It was after ‘Id’.

24. After making enquiries, we reached the address of Marqaz Taiba. There was a big wooden gate. The person manning the gate enquired from us as to our purpose for the visit. The third person showed him the chit. Thereafter he indicated us to enter the gate. There were two rooms made of fiber. Many other boys were sitting. There was one person by name Abu Fadullaha. He wrote down our details and directed us to sit amongst the boys who were already sitting there. In the mean time one more person came there whose name was Mufti Sayyed. Fadullaha and Mufti Sayyed were teaching us Kuran and Hadis.

25. After seven days Mujjaffar was not seen. Some other boys were also not seen. I do not know as to where they were sent. After twenty one days I was sent to Mansera by bus. I was directed to find out the address of Marqas-e-Aqsa after reaching Mansera.

26. There were fiber rooms. I was physically checked and was allowed entry. They again verified my name and address. One of the boys was directed that I should be provided food and I should sit with other boys already present there.

27. In the evening one motor van had come and we were taken to a hilly place. We were in all twenty one boys. There was jungal (forest). The place was known as ‘Buttal’. Mujjaffar was seen by me there. We were given training at Buttal. There was training of twenty one days. Mujjaffar’s training was over and he was sent back to Marqas-e-Aqsa. I later on came to know that his brother had taken him back from Marqas-e-Aqsa.

28. I completed twenty one days training at Buttal. Training included exercise, operating guns, including pistol and AK-47. We were also given training regarding operation of big gun which is normally held by policemen. I was told that I was required to go for big training (Badi training). The big training was known as ‘Daura Khas’. The training of twenty one days was known as ‘Daura Aam’. I was therefore detained at Buttal and I was directed to involve myself in day to day affairs of the camp. I started cooking food and involved myself in other day to day work of the camp.

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29. I was there for about three months. There were three Ustads. Their names were Abu Ans, Abu Bashir, and Abdul Rehman. Thereafter Abdul Rehman asked me to bring identity card from my District. I was also directed to go to a particular place where I would be told as to how to get the identity card. Accordingly I went to the District place Ukada. I visited Model Town at Ukada as directed by Abdul Rehman. I knocked door of the address given to me by Abdul Rehman. The person who was present there inquired from me as to what was the purpose of my visit. I told him that I was to go for Daura Khas. He took my address. The said person gave me a chit and directed me to go to Mujjaffarabad in Azad Kashmir. I accordingly went there. I was required to go 'Sawai Nala'. When I reached there I found a place like chawki. My physical checking was done there. They wanted to know the purpose of my visit. I showed them the chit given to me at Model Town Ukada. The place was situated on a slope. I was directed to go down and inquire about office of Sayeed Bhai. Accordingly I went there. One person assisted me to reach the office of Sayed Bhai. There were two rooms. There was office in one of the rooms. I told them that I had come for Daura Khas. I was given one form. I filled up the form in Urdu giving my all the details. Thereafter I was directed to go to another room. Some boys were already sitting in the said room.

30. Next morning we were taken to hilly area after crossing a Nala. After walking on mountains for about two to three hours, we reached a training camp. Later on I came to know that the place was known as 'Maskar Aqsa'. Abu Mavia was our Ustad (trainer) in the training camp. There were other Ustads also. Their names are—Abu Saiful Rehman, Abu Talha and Abu Saria. Abu Mavia gave me training for three months. I was trained in operating rocket launcher, grenades, AK-47, pistols, mortar and other sophisticated guns. This training went on for three months.

31. Thereafter, I was sent home at Faridkot. I was directed to come back to the office of Sayed Bhai. I returned after one week. After about 10 days, Sayed Bhai, Abu Kafa and Abu Hamja came there for selection. Fifteen boys were selected by them. After selection, Abu Hamja and Sayed Bhai left the said place. Our selection was done at the place known as 'Selection Point'.

32. In the evening we were brought near the office of Sayed Bhai. At about midnight we were taken to bus stop of Mujjaffarabad in a vehicle. We boarded the bus from Mujjaffarabad and reached Muridke. Abu Kafa was with us in the bus. This place was different than the earlier place of Muridke described by me hereinabove. There was one more person by name Abu Imran. We were trained for swimming. Abu Kafa was with us.

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33. After about one month we were taken to Karachi. After about two days we were taken to the Sea shore at Karachi. We were taken in a small boat and were given training on a big boat. We were trained to face the sea weather. We were also trained as to how fishermen net was to be thrown. After three to four days training we were brought to the same place at Karachi where we were lodged earlier. After about two days we were again taken to Mujjaffarabad. Abu Hamja met us at Mujjaffarabad. We were seven boys there. I was told that out of fifteen boys, six boys were sent to Kashmir and two boys had run away. After about two days, three other boys had come there and they made five pairs of ten boys, including me.

34. There was a separate room of Abu Hamja. He used to call each pair separately in his room. Myself and Abu Ismail were shown movie and pictures of CST on a laptop by Abu Hamja. Movies and pictures were shown to us twice.

35. Again we were taken to the forest and were trained in firing. Again we were brought to Mujjaffarabad. After two days we were given trousers and T-shirts. Our photos were taken for identity cards which have been produced in the court, at Mujjaffarabad at the same place where we were lodged. Thereafter on the 18th day of Roza we were brought to Karachi by Abu Kafa. We were lodged in the same place at Karachi where we had been staying earlier. We were given some small kits and were directed to note down the time when the battery gets on. We were directed to write down our names on label (Parchi) which was to be affixed on each kit. I accordingly did it. The kit produced in the court alongwith bomb is the same kit. My name is there on the chit affixed to the said kit. Abu Hamja came there. He told us that we were required to wait for some days as there was some problem. We were directed to be in the room itself. We were also warned that nobody would disobey the orders of Abu Hamja. We stayed in the same house for about one and half month. We were brought out only for once to train us to navigate the inflatable boat which is produced in the court.

36. Abu Hamja had come there about three to four days prior to 22nd day of month and had again played same movie and had shown the pictures. Abu Ismail was present with me when movies and pictures were shown to us. Abu Kafa had taken three boys out of the abovestated ten boys to the house near a creek. After one day we were also taken to the same house situated near the creek. We reached that house on 21st day of the month. The month was same during which the incident of attack on Mumbai had occurred. We were given arms and ammunition to put the same in our bags. Our bags were transported from the said house in a vehicle. Those bags had already reached Al-Husaini before we were taken to the said boat.

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37. We had walked down to seashore along with Abu Kafa, Zaki-ur-Rehman Lakhvi, Abu Jundal and Abu Hamja had also come there after some time in a vehicle. Abu Jundal is an Indian and he had trained us in Hindi.

38. The trainers do not know as to where the boys were to be deployed or sent. It is Zaki-ur-Rehman Lakhvi, Abu Kafa, Abu Jundal and Abu Hamja who decide as to where the boys are to be sent.

39. My family consist of my parents, two brother viz., Mohd. Afzal and Mohd. Munir and two sisters viz., Rukaiyya and Suraiyya. The address stated by me in the court is my correct residential address.

40. I wanted to confess the offence. Since Pakistan had been disowning, I was not confessing. I have now learnt that Pakistan has accepted that I am Pakistani National and that they are ready to prosecute the offenders. Therefore, I am voluntarily confessing to the charges framed against me. I have made the statement voluntarily without being influenced by any extraneous source or reason.

41. I request the court to accept my plea and pronounce the sentence.

Before me
(M. L. Tahaliyani)
The Addl. Sessions Judge,
Gr. Mumbai.

Accused No. 1

SC NO.175-08

Dt:-21-07-2009

ADDITIONAL PLEA/STATEMENT OF ACCUSED NO.1

42. I want to say further that the target given to us was to open fire at C.S.T. and keep the people hostage on upper floor. We were also directed to fire at the persons who might come to get the confined persons released.

WThe terrorist attacks on Mumbai in November 2008, which killed 166 people, exposed India's vulnerability to organised armed violence, precipitated a fresh downturn in India-Pakistan relations and alerted the world to the threat of commando-style terrorist assaults. This monograph systematically assesses the national, regional and global implications of the incident.



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