

# They are ‘Dreaded Terrorists’

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Does anyone have heard about Tariq Ahmad Batloo, the tragic and rather unbelievable story of the Kashmiri trader, who is at present languishing in one of those ‘high security prisons’ in Kashmir meant for ‘dreaded terrorists’.

In fact Batloo’s arrest in Goa last year had made headlines where it was claimed that he was arrested while he was getting off the *Mangala* express carrying a ‘kilo of RDX, grenades and detonators in his suitcase’ and planned to ‘set off bomb blasts in Goa’. When the case came up for hearing in the court the cops neither had any ticket to show that he travelled by the train nor did it produce the RDX or Grenades which he was allegedly carrying on the day. There were many other loopholes in the case and when it became evident that it was a frame-up and Batloo was picked up a full week before his ‘official’ arrest, he was acquitted by the judge. But that was not the end of his tragic story. The ‘Herald’, a respected daily in Goa in its editorial ‘Making of a Terrorist’ had given details aftermath of his acquittal (Panjim, 15 July 2008) :

*‘Battlo, accompanied by his brother and cousin, was having a shave at a barber’s when police picked them up and took them to Vasco police station. They were instructed to take the very next flight out of the state. Police were at the airport, questioning them, as well as photographing and filming them, and making calls on their mobile phones. As soon as they reached Delhi and collected their bags, they were surrounded by men in plain clothes who took Battlo away. Two days later, J&K police said they caught him in his ‘hideout’ in Jammu, on the same day that he left Goa. He has been booked in an old 2005 case against someone else, and now faces the prospect of spending a few more years in jail, until another court realises that it wasn’t possible for him to reach Jammu on the same day he left Goa at 5.45 pm and reached Delhi at 8.30 pm, and acquits him from those charges as well.’*

Perhaps Tariq Ahmad Batloo’s saga reminds one of the classic novel ‘The Trial’ by Kafka where an ordinary citizen is ranged against forces much beyond his control. ‘Herald’ had rightly concluded :

*‘The strange case of Tariq Ahmed Battlo - the man who was released by a Goa Fast Track Court only to be seized by plain clothes policemen outside the New Delhi airport and whisked away in a car, after which Jammu & Kashmir policemen claimed he was arrested from a ‘hideout’ in Jammu—will probably come back to haunt us all.’*

For anyone who is a close watcher of the ‘terrorism’ scene in the country it would be a mere cliché to say that the case of Tariq Ahmad Batloo is not an exception. There is a growing list of innocent people from minority community who have been apprehended under any pretext, branded as ‘terrorists’, tortured for months together to extract some confession from them and ultimately booked in some case to spend prime time of their lives behind bars. ‘Tehelka’, the English weekly recently did a series of articles in its July-August (2008) issues which delineated plight of innocent Muslims who had to bear the brunt of police highhandedness under similar false pretext that they belonged to some ‘terrorist’ organisation.

One can cite a number of cases where long arms of the Indian state reach out to pick up innocents to cover up their incompetence in providing security to its citizens. After each bomb blast or surprise violent act, arrests are made, organisations named but the police and investigative agencies are not able to prove their claims in most such cases. And it has in its kitty enough ‘strong laws’ which enable it put anyone behind bars for months together without a semblance of legal hearing taking place.

## COIMBATORE BLASTS

It was the end of March that the Special Investigation Team (SIT) from Tamilnadu discovered that the cases registered against five Muslim youths in Coimbatore were fabricated by the police. (*The Milli Gazette*, 1-15 April 2008) July 2007 had witnessed arrest of five youths Haroon Basha, Malik Basha, Ravi alias Tipu Sultan, Bolo Shankar alias Theequrrahman and Shamsudheen on the basis of “secret information”. The police version of the story talked of a conspiracy by this group to plant bombs in various hospitals in Coimbatore supposedly to increase the influence of ‘Manitha Neethi Pasarai’ (MNP), a human rights organisation. It was also announced that the police have seized pipe bombs from the accused. As is always the case a section of the media carried stories based on the police version.

When MNP’s claim that the whole episode were a fabrication by the police, gathered broader support then the government was also forced to start a fresh enquiry in the case by the SIT. The

SIT officials even recommended action against the cops who had arrested the five youths belonging to 'Manitha Neethi Pasarai' (MNP), a human rights organisation to malign the group.

It was worth emphasising that as a result of the CID report, Intelligence Assistant Commissioner was demoted and transferred to other place.

In fact for the SIT it had been a rather shocking revelation that the whole exercise of arrest of these innocent youths and the "seizure" of explosive materials planted earlier by the cops themselves were part of a joint effort allegedly of asstt. Commissioner Rathina Sabhapati and one inspector Elankovan with due support of senior officers. Basically it was an exercise to malign the MNP.

Of course it would not be improper to say that the act by the Coimbatore police pales in significance if one were to look at a case involving the Delhi police itself. The case pertains to two persons namely Mohammad Marouf Qamar and Irshad Ali, residents of namely Bhajanpura (Delhi) and Sultanpuri (Delhi), who were working as informers for the Special Cell of the Delhi police. It has been more than two and a half years that they are languishing in Tihar Jail on false charges of "Al Badr terrorists". Thanks to their refusal to continue working for Special Cell who wanted to send them as moles to a militant camp in Kashmir, they were first kidnapped by the police themselves and later showed that they were nabbed from Mubarak Chowk bus stop on G T Karnal road in North Delhi on February 9, 2006 with two kgs of RDX and pistols. Later it was revealed that Qamar was abducted from his Bhajanpura residence on 22 December 2005 whereas Irshad Ali went missing from his Sultanpuri home on December 12. Oblivious of the fact that the Special Cell people had themselves kidnapped the duo, the family members of both of them lodged a complaint with the police about their sudden disappearance.

Later Qamar and Ali both moved Delhi high court and in protest against police harassment asked their lawyer Sufiyan Siddiqui not to file any bail application. When the matter came for hearing the 'holes' in the case were evident where their counsel produced records of calls between them and Special Cell officials before their "arrest" to prove that they were informers. Interestingly statements of Special Cell officials contradicted each other. While the police had claimed that they were nabbed from a J & K bus in the capital with RDX, neither it could produce tickets of the journey nor the driver or conductor of the said bus knew anything about the matter. Neither the special cell carried out any search at these "dreaded terrorists" nor they disclosed in the chargesheet from where did they receive the arms and explosives.

The CBI enquiry made it clear that the Special Cell's version "did not inspire confidence" (*Hindustan Times* : Some Respite for Police Officers who 'framed' Informers', 6th August 2008). It also agreed to the fact that the 'duo were victims of a conspiracy hatched by the Special Cell in collaboration with the IB officials". Justice Suresh has asked the CBI to proceed against the guilty officials.

One can just imagine that if it is possible to implicate innocents in the national capital itself, under the full glare of the media, then if one moves further away from the capital, there would be further deterioration in the situation. Of course, looking at the tremendous importance of the media, which is considered a 'watchdog of democracy' it becomes easy if the stakeholders in the media itself are ready to sidestep institutions of democracy and take upon themselves the job to 'investigate' such 'terror related crime' and pronounce 'judgement'.

#### **MEDIA**

Gauri Lankesh, a senior journalist from Karnataka, and editor of a Kannada weekly *Lankesh Patrike*, had in an article (*The Milli Gazette*, 16-31 March, 2008) demonstrated how the media itself joins the bandwagon of demonising particular communities and sections of society and metamorphose into a 'legitimate tool' in their 'terrorisation' and 'stigmatisation'. In her detailed writeup she discussed details of a case where three young men were arrested in Hubli and Honnali towns on charges of vehicle theft. (Riazuddin Ghose, Mohammad Abubakar and Mohammad Asif) Looking at the fact that all of them belonged to the minority community, 'within a day of their arrests, police sources leaked to the media that they suspected that the trio might be involved in planning terrorist attacks all over the country'.

The police leak was enough for all sorts of speculative stories in the print as well as electronic media where the reporters provided juicy and spicy details about the 'terrorist trio's plan' to blow most of Kamataka's key buildings. All these reports which were sourced to 'police officials who did not want to be named' contended that these three young men 'had links upto Osama Bin Laden and down to the local 'sleeper cells' of LeT or SIMI. The men were also suspected of conducting

arms training in forests, flying Pakistani flag, possessing RDX, distributing arms and weapons to 'sleeper cells', recruiting hundreds of youth to terrorist organisations, possessing AK-47s etc.

One report which appeared in the *The Hindu*, can be summed up thus: The fact that one of the arrested youth claimed before the magistrate that his human rights have been violated by the police made the magistrate suspect that he was no ordinary youth....On the basis of this assumption, the magistrate instructed the police to subject him to a thorough interrogation. And that was when the "terrorist links" were revealed."

The hyper activity in media - which even published news of 'arrest' of a number of students when the police had not done so and which also reported that "religious books and material" were seized from the trio ( as if carrying religious literature itself is a crime ? )- led to a situation where the three 'accused in bicycle theft' were depicted as most dreaded terrorists which the world has seen in recent times.

The caution expressed by a senior police officer Mr Shankar Bidri, while talking to a TV channel just fell on deaf ears. He had said : "So far no proof has been unearthed to label these youths as terrorists. The media is indulging in blatant fabrication of news. What if their case too turns out to be another Dr Mohammad Haneef case? Let us not turn into terrorists those who are innocent."

Of course there is another sinister way in which media goes the extra mile in 'stigmatising', 'criminalising' individuals under some false pretext. The highly mischievous manner in which *Times of India* carried a defamatory report on Bangalore Technies is a case in point. Under the caption 'New Network of Terror Technies Come To Light" (28 Feb 2008) it tried to put every Muslim individual who is working in the IT sector under suspicion. The report by some N D Shiv Kumar claimed that 'Bangalore appears to have turned into a hub of radical technies. Under the banner of Muslim Information Technology Professionals Association, these technies in the city are said to be networking and aiding radical groups.' Apart from spreading such baseless canard against a particular community, it also singled out few persons whose contribution to the whole IT industry is recognised by their adversaries also. And this included Mr K M Sherif. The mischievous report even mentioned that the police is looking for K M Sherif imputing that he is absconding.

K M Sherif, a noted IT professional for 25 years who has worked with Wipro, Sun Microsystems and who is at present Chief Executive Officer of a reputed IT firm, would not have imagined in his wildest dreams that such a slanderous piece would be carried by TOI. He has promptly filed a criminal proceedings case against *Times of India* for defamation and has even sent a legal notice to the owners and publishers, editor of the paper. In a moving letter he explained the prevalent situation :

*...An environment has been created where the press can imply any random person to be a terror suspect, and the so-called terror suspects are immediately judged by the press and fascist sections of society to be terrorists with no due process available to them. In most cases, the people who are thus implicated have no backing or support and are isolated by the society and thus are doomed even when they are innocent.*

It is not difficult to imagine how such reports do irreparable damage to the careers of minority students who are aspiring to get into IT industry and also to those who are already working in IT firms by planting suspicion and mistrust in the minds of people.

Interestingly, the media which is ready to go the extra mile when it comes to the issue of 'Jihadi terrorism' (or 'Fassadi terrorism' -to quote M J Akbar) seems to develop cold feet when they clearly see the involvement and participation of Hindu terrorist groups in such violent act(s). The blasts in Kanpur (24th August 2008) which occurred in a private hostel run by a retired employee M S S Mishra which clearly saw the involvement of Bajrang Dal activists is a case in point. It took more than three days for *Indian Express*, *Hindustan Times*, *The Hindu* or for that matter *The Times of India*, to report the incident which exposed a big conspiracy hatched by the Hindutva brigade to foment communal riots. In the words of a senior police officer, the explosives gathered by the duo 'were enough to blow half of Kanpur'. Surprisingly the hindi newspapers were more forthright in reporting the incident. Even a newspaper like *Jagran*, which is considered close to the Hindutva brigade covered the explosion immediately.

#### **VICTIMS AS PERPETRATORS**

Friday, the 22nd day happened to be an important day as far as focusing/underlining the manner in which minorities are viewed and dealt with by the state and the civil society in today's India. A

three day 'People's Tribunal on the Atrocities Committed Against Minorities in the Name of Fighting Terrorism' saw its inauguration on this day at Hyderabad. Organised jointly by different civil society organisations the tribunal intended to see victims from 10 states depose before an eminent jury of judges and lawyers and journalists.

The People's Tribunal sought to question the manner in which terrorist incidents/acts are treated in the country where 'Only people from one community are arrested, only organisations of one sort are blamed and motives too similar are rattled most of the times. Facts like members of all community dying, including of the one being blamed for the act, or the particular community targeting its own place of worship simply go unquestioned.'

The day also saw a protest demonstration in Churchgate, Bombay under the auspices of Awami Bharat and the Dalit-OBC Intellectual Forum' against the manner in which Ken Heywood, a key suspect in the Ahmedabad terror attack, who had sent the terror mail just five minutes before the attack happened, was allowed to escape the country.

Demanding that 'Ken Haywood should be immediately be recalled to India and a thorough investigation be carried out, as he seems to be a key person in the planning and execution of the Ahmedabad and other terror attacks' the organiser for the demonstration expresses the possibility that 'Haywood being an undercover CIA operative with the task of fomenting terror so as to destabilise India and spread fear and insecurity and thus pushing India further into the US-Israeli camp.' The concerned citizens' demonstration at Churchgate Railway Station sought to question the manner in which 'A person who was under the constant glare of the media and who even had police security posted outside his residence' was allowed to leave the country. It rightly says 'The very fact that even his passport was not confiscated speaks volumes of "intelligence" agencies.'

The deponents in the tribunal composed of two types of people. People who were arrested by police on flimsy charges and then let off due to lack of evidence, relatives of people who are in jail under similar charges. Those who deposed, belonged to Muslim community. A few of the deponents also submitted copies of documents pertaining to their cases. The jury which comprised eminent judges, social activists and journalists issued its interim report which emphasised that a large number of innocent young Muslims have been or are being victimised by the police on charges of terrorism in gross violation of law. The People's Tribunal showed that police, intelligence agencies and even judiciary are constantly compromising civil liberties and constitutional rights all over India. It seems that the Indian state has become an apparatus that willfully ignores the basic human rights of minorities and the poor in the country. It rightly emphasised that it is the collective responsibility of society 'to ensure that the merchants of terror are punished but at the same time society has to take care that deep rooted prejudices do not develop against certain sections - so much so that these sections start wondering whether they are part of this society at all or not.'

A tendency on part of the police also came in for a lot of criticism wherein police seem to rush to the press immediately after nabbing some person and dole out the stories of their success and relate the progress of the investigations. The media inadvertently or because of malice towards particular communities also reproduced this police version ad verbatim.

Interim recommendations of the People's Tribunal are worth consideration : Human Rights Commissions at the state as well as central level taking up such matters sincerely, courts becoming more cautious in granting police or judicial custody looking at the fact that alleged confessions of the accused can also be doctored, Courts awarding compensation for the destruction of life and reputation of persons acquitted by the courts, trial courts being provided with medical officer who can immediately examine any accused complaining of torture in Police or judicial custody, police should not be allowed to get blank papers signed by the accused, members of Bar Associations seeking to prevent lawyers from representing accused persons must be hauled up for Contempt of Court for interfering with the administration of Justice. And the most important recommendation was addressed to the Indian government which talked of its signing the International Criminal Court Treaty known as the Rome Statute which has been signed by most countries.

#### **ALL BEATEN BEARS**

The saffrons have a good ability of peddling their 'achievements' and denouncing their 'opponents'. And when Narendra Modi's anti-terrorist squad with due help from other state governments officially 'cracked the case' about Ahmedabad blasts and arrested its 'masterminds' there was no stopping them. Senior leaders of the saffron dispensation described the 'success' of

the Modi regime in solving the case within a fortnight as the culmination of the no nonsense approach of the Party towards terrorism.

But despite all the brouaha over this 'spectacular achievement' and despite receiving congratulatory messages from many quarters, one notices public scepticism over the claims by the government. Sheela Bhatt, (rediff.com, 26th August 2008) who recently did a story 'highlighting how the Gujarat police force cracked the Ahmedabad blasts conspiracy and how they were going about building an airtight case against the terrorists,' gave vent to this feeling. According to her 'the biggest stumbling block before the Gujarat police' is the general disbelief or public scepticism 'over its claim of having cracked the case.'

But before coming to the grand disjunction between claims by the Gujarat government and the people's perception about it, it would be opportune to underline an important conclusion which has largely gone unnoticed. As per the Gujarat government's claims it has not only got evidence against the planners and executioners of the bomb blasts in Ahmedabad and Surat, but it has definite insights into the conspiracy aspect of the blasts in Samjhauta Express and in Jaipur. The import of this is that (to quote Ms Sheela Bhatt):

*In other words, what the Gujarat police is claiming is that the blasts in Hyderabad, Bengaluru, Jaipur, Ahmedabad and probably Sam-jhauta Express were conceived, planned and executed by the militant faction of the Students Islamic Movement of India formed after 2005.*

*That also means the usual suspects — like Pakistan's Inter Services Intelligence, Lashkar-e-Tayiba or HUI of Bangladesh — can't be blamed for some of the recent blasts that have killed more than 200 innocent Indians...*

*A senior Bharatiya Janata Party leader in Gujarat, whose party is in power in the state, says, "We have not found any external links to SIMI in the execution of the blasts in Ahmedabad and Surat."*

It remains to be seen how palatable this would be to the ideologues of RSS-BJP.

The general public scepticism could be discerned at two levels.

The police force in the country is laced with tremendous power and little accountability which has made it too lousy. It is normally the case that as they can pick up any bear and parade it as a self-confessed tiger, they have little drive or motivation to go after the real tiger(s). This situation results in appalling intelligence failures by breeding incompetence and corruption within the force. It was not for nothing that in one famous judgement in the fifties Justice A N Mulla castigated it as 'the biggest organised goonda force in the country'. □□□