

## The Otherside of the River

*[A rusted table, and behind it stood a well built man in uniform holding a spoon in his hand. Visitors, all of them looked habituated, queued up to open their plastic bags containing food, allowing it to be smelt, sometimes even tasted. The security man's spoon paved its way through the thick grease floating curries-Malai Kofta, Shahi Paneer, Aalu Bengan, and Mixed vegetables. As the visitors opened tiny bags of curries the spoon separated each piece of vegetable from the other, quite mechanically. 'Frisking' the food of a middle aged woman the spoon took a dip at the water in the steel bowl nearby, it then moved to the plastic bags of the next in the queue, an early teenage boy. By now water in the steel bowl has all kinds of colours. The floating oil gave it a vibgyor effect when light hit at it on the winter afternoon. Around 4.30 my turn came. The man left the spoon on the table and frisked my body top to bottom, thrice thoroughly. And when the metal detector made noise I had to remove my belt, steel watch, and keys. The man on duty bearing the badge of Tamilnadu Special Police (TSP) looked satisfied. I am allowed to enter now. This is the fourth security drill I had to go through to get into the High Risk Ward of Prison No 3 in Tihar central Prison. I am on my way to meet Mohammad Afzal, one of the most talked about man in the contemporary times. A room with many tiny cubicles. Visitor and inmate were separated by a thick glass, and iron grills. Both were connected through a mike and a speaker fixed on the wall. Poorly audible, people at both sides of the glass strained their ears out touching the wall to listen other. Mohammad Afzal was already at the other side of the cubicle. His face gave me an impression of unfathomable dignity and calmness. A little short man in his mid-thirties wearing white kurta pajama had a Reynolds pen in his pocket, very clear voice welcomed me with the best of all mannerisms. Vinod Jose recently spoke with Afzal Guru. Excerpts:]*

*How are you sir?*

*I said, I'm fine. Am I to return the same question to a man on the deathrow, was apprehensive for a second, but I did. Very fine. Thank you sir, he answered with warmth. The conversation went on for close to an hour, and continued a fortnight later with a second Mulakat. Both of us were in a hurry to answer and ask whatever one could in the time. I went on scribbling him in my tiny pocket book. He seemed to be a person who wanted to tell a lot of things to the world. But repeated his helplessness to reach people from the current stature of 'condemned for life'.*

### **There are so many contradicting images of Afzal. Which Afzal am I meeting?**

Is it?

But as far as I'm concerned there is only one Afzal. That is me.

Who is that Afzal?

A moment's silence—Afzal as a young, enthusiastic, intelligent, idealistic young man, Afzal a Kashmiri influenced like many thousands in the Kashmir Valley in the political climate of early 1990s, who was a JKLF member and crossed over to the other side of Kashmir, but in a matter of weeks got disillusioned and came back and tried to live a normal life, but was never allowed to do so by the security agencies who inordinate times picked me up, tortured the pulp out of me, electrified, frozen in cold water, dipped in petrol, smoked in chilies you name it, and falsely implicated in a case, with no lawyer, no fair trial, finally condemned to death. The lies the police told was propagated by you in media. And that perhaps created what the Supreme Court referred to as "collective conscience of the nation". And to satisfy that "collective conscience" I'm condemned to death. That is the Mohammad Afzal you are meeting. After a moment's silence, he continued. But I wonder whether the outside world knows anything about this Afzal. I ask you, did I get a chance to tell my story? Do you think justice is done? Would you like to hang a person without giving him a lawyer? without a fair trial? without listening to what he had to go through in life? Democracy doesn't mean all this, does it? Can we begin with your life? Your life before the case...

It was a turbulent political period in Kashmir when I was growing up. Maqbul Bhatt was hanged. The situation was volatile. The people of Kashmir decided to fight an electoral battle once again to resolve the Kashmir issue through peaceful means. Muslim United Front (MUF) was formed to represent the sentiments of Kashmiri Muslims for the final settlement of the Kashmir issue. Administration at Delhi was alarmed by the kind of support that MUF was gaining and in

the consequence we saw rigging in the election on an unprecedented scale. And the leaders, who took part in the election and won with huge majority, were arrested, humiliated and put behind bars. It is only after this that the same leaders gave call for armed resistance, in response thousands of youth took to armed revolt. I dropped out from my *mbbs* studies in Jhelum Valley Medical College, Srinagar. I was also one of those who crossed to the other side of Kashmir as a *jklf* member, but was disillusioned after seeing Pakistani Politicians acting the same as the Indian politicians in dealing with Kashmiris. I returned after few weeks. I surrendered to the security force, and you know, I was even given a BSF certificate as surrendered militant. I began to start the life anew. I could not become a doctor but I became a dealer of medicines and surgical instruments on commission basis (laughs).

With the meagre income I even bought a scooter and also got married. But never a day passed by without the scare of Rashtriya Rifles and STF men harassing me. If there was a militant attack somewhere in Kashmir they would round up civilians, torture them to pulp. The situation was even worse for a surrendered militant like me. They detained us for several weeks, and threatened to implicate in false cases and were let free only if we paid huge bribes. Many times I had to go through this. A Major of 22 Rashtriya Rifles gave electric shock to my private parts. Many times I was made to clean their toilets and sweep their camps. Once I had to bribe the security men with all that I had to escape from the Humhama STF torture camp. DSP and one inspector supervised the torture, one of their torture experts, electrified me for three hours until I agreed to pay one lakh rupees as bribe. My wife sold her jewelry and for the remaining amount they sold my scooter. I left the camp broken both financially and mentally. For six months I could not go outside home because my body was in such a bad shape. I could not even share the bed with my wife as my penile organ had been electrified.

I had to take medical treatment to regain potency.... Afzal narrated the torture details with a disturbing calmness on his face. He seemed to have lot of details to tell me about the torture he faced. But unable to hear the horror stories of security forces that operate with my tax money, I cut him short and asked:

If you could come to the Case..., what were the incidents that led to the Parliament attack case?

After all the lessons I learned in stf camps, which is either you and your family members get harassed constantly for resisting or cooperate with the STF blindly, I had hardly any options left, when a DSP asked me to do a small job for him. That is what he told, "a small job". He told me that I had to take one man to Delhi.

I was supposed to find a rented house for him in Delhi. I was seeing the man first time, but since he did not speak Kashmiri I suspected he was an outsider. He told his name was Mohammad [Mohammad is identified by the police as the man who led the 5 gunmen who attacked the Parliament. All of them were killed by the security men in the attack].

When we were in Delhi Moham-mad and me used to get phone calls from the DSP. I had also noticed that Mohammad used to visit many people in Delhi. After he purchased a car he told me now I could go back and gave me 35,000 rupees saying it was a gift. And I left to Kashmir for Eid. When I was about to leave to Sopore from Srinagar bus stand I was arrested and taken to Parimpora police station. They tortured me and took to STF headquarters and from there brought me to Delhi. In the torture chamber of Delhi Police special Cell, I told them everything I knew about Mohammad. But they insisted that I should say that my cousin Showkat, his wife Navjot, SAR Geelani and I were the people behind the Parliament attack. They wanted me to say this convincingly in front of media. I resisted. But I had no option than to yield when they told me my family was in their custody and threatened to kill them. I was made to sign many blank pages and was forced to talk to the media and claim responsibility for the attack by repeating what the police told me to say. When a journalist asked me about the role of SAR Geelani I told him Geelani was innocent. A high-ranking police officer shouted at me in the full media glare for talking beyond what they tutored. They were really upset when I deviated from their story and the said officer requested the journalists not to broadcast that part where I spoke of Geelani's innocence.

The police official (in charge) allowed me to talk to my wife the next day. After the call he told me if I wanted to see them alive I had to cooperate. Accepting the charges was the only option in front of me if I wanted to see the family alive and the Special Cell officers promised they would make my case weak so I would be released after sometime. Then they took me to various places and showed me the markets where Mohammad had purchased different things. Thus they made the evidence for the case.

Police made me a scapegoat in order to mask their failure to find out the mastermind of Parliament attack. They have fooled the people. People still don't know whose idea was to attack the Parliament. I was entrapped into the case by Special Task Force (STF) of Kashmir and implicated by Delhi Police Special Cell.

The media constantly played the tape. The police officers received awards. And I was condemned to death.

Why didn't you find legal defence? I had no one to turn to. I did not even see my family until six months into the trial. And when I saw them it was only for a short time in the Patiala House Court. There was no one to arrange a lawyer for me. As legal aid is a fundamental right in this country I named four lawyers whom I wished to have defended me. But the judge said all four refused to do the case. The lawyer whom the Court chose for me began by admitting some of the most crucial documents without even asking me what the truth of the matter was. She was not doing the job properly and finally she moved to defend another fellow accused. Then the Court appointed an amicus curie, not to defend me, but to assist court in the matter. He never met me. And he was very hostile and communal. That is my case, completely unrepresented at the crucial trial stage. The fact of the matter is that I did not have a lawyer and in a case like this, what does not having a lawyer mean everyone can understand, if you wanted to put me to death what was the need for such a long legal process which to me was totally meaningless?

Do you want to make any appeal to the world? I have no specific appeals to make. I have said whatever I wanted to say in my petition to the President of India. My simple, appeal is that do not allow blind nationalism and mistaken perceptions to lead you to deny even the most fundamental rights of your fellow citizens. Let me repeat what SAR. Geelani said after he was awarded death sentence at the trial court, he said, peace comes with justice. If there is no justice, there is no peace. I think that is what I want to say now. if you want to hang me, go ahead with it but remember it would be a black spot on the judicial and political system of India.

What is the condition in jail?

I'm lodged in solitary confinement in the high risk cell. I'm taken out from my cell only for a short period during noon. No radio, no television. Even the newspaper I subscribe reaches me torn. If there is a news item about me, they tear that portion apart and give me the rest.

Apart from the uncertainty about your future, what else concerns you the most?

Yes, a lot of things concern me. There are hundreds of Kashmiris languishing in different jails, without lawyers, without trial, without any rights. The situation of civilians in the streets of Kashmir is not any different. The valley itself is an open prison. These days the news of fake encounters is coming out. But that is only the tip of a big iceberg. Kashmir has everything that you don't want to see in a civilised nation. They breathe torture, inhale injustice. He paused for a moment. Also, there are so many thoughts that come into my mind; farmers who get displaced, merchants whose shops are sealed in Delhi and so on. So many faces of injustice you can see and identify, can't you? Have you thought now many thousands of people get affected by all this, their livelihood, family...? All these things too, worry me. Again a longer pause Also global developments. I took to the news of the execution of Saddam Hussain with at most sadness. Injustice so openly and shamelessly done. Iraq, the land of Mesopotamia, world's richest civilisation, that taught us mathematics, use a 60 minute clock, 24 hour day, 360 degree circle, is thrashed to dust by the Americans. Americans are destroying all other civilisations and value

systems. Now the so-called war against Terrorism is only good in spreading hatred and causing destruction. I can go on saying what worries me.

Which books are you reading now?

I finished reading Arundhati Roy. Now I'm reading Sartre's work on existentialism. You see, it is a poor library in the jail. So I will have to request the visiting Society for the Protection of Detainees and Prisoners' Rights (spdpr) members for books.

There is a campaign in defence for you...I am really moved and obliged by the thousands of people who came forward saying injustice is done to me. The lawyers, students, writers, intellectuals, and all those people are doing something great by speaking against injustice. The situation was such at the beginning. In 2001 and initial days of the case that it was impossible for justice loving people to come forward. When the High Court acquitted SAR Geelani people started questioning the police theory. And when more and more people became aware of the case details and facts and started seeing things beyond the lies, they began speaking up. It is natural that justice loving people speak up and say, injustice is done to Afzal. Because that is the truth. Even if they kill me for no crime of mine, it would be because they cannot stand the truth. They cannot face the questions arising out of hanging a Kashmiri with no lawyer.

An ear-splitting electric bell rang.

This was my last question to Afzal. What do you want to be known as?

He thought for a minute, and answered : As Afzal, as Mohhammad Afzal. I am Afzal for Kashmiris, and I am Afzal for Indians as well, but the two groups have an entirely conflicting perception of my being. I would naturally trust the judgment of Kashmiri people not only because I am one among them but also because they are well aware of the reality I have been through and they cannot be misled into believing any distorted version of either a history or an incident.

I was confused with this last statement of Mohammad Afzal, but on further reflection I began to understand what he meant. History of Kashmir and narration of an incident by a Kashmiri is always a big shock for an Indian whose sources of knowledge on Kashmir happen to be confined only to the text books and media reports. Afzal did just that to me.

Two more bells. Time to end interviews (Mulakat). But people were still busy conversing. Mike put off. Speaker stopped. But if you strained your ear, and watched the lip movement, you could still hear him. The guards made rough round-ups, asking to leave. As they found visitors not leaving they put the lights off, interview room turned dark.

In the long stretch of walk out from the Jail No 3 of Tihar jail compound to the main road I found myself in the company of clusters of twos and threes, moving out silently-either a cluster of mother, wife and daughter; or brother, sister and wife; or friend and brother; or someone else. Every cluster had two things in common.

3. They carried an empty cotton bag back with them. Those bags had stains of Malai Kofta, Shahi Paneer and Mixed vegetables, often spilled over by the rash frisking of the TSP man's spoon. The second, I observed, they all wore inexpensive winter clothes, torn shoes, and outside Gate No 3 they waited for Bus No 588, Tilak Nagar-Jawaharlal Nehru stadium bus, that perhaps took them to Dhaulakuan main junction-they are the poor citizens of this country. Remembered President Abdul Kalam's musing how poor people were the awardees of capital punishments. My interviewee is also one. When I asked him how much 'tokens' (the form of currency allowed in the jail) he had, he said "enough to survive". ~~zzz~~