

THE HEADLEY CASE

• **By Dr. M.N. Buch**

Some months after the attack on Bombay on 26.11.2008 FBI arrested an American national, David Cameron Headley, who was of Pakistani origin and whose original surname was Gilani. After months of sustained interrogation in custody Headley was arraigned before a federal court in Chicago on twelve serious charges, which included the Bombay attack. During the period of custody India had requested that our police should be permitted to interrogate Headley under American supervision, that what he had revealed to the American investigating agencies, especially in the matter of Pakistani involvement in the Bombay attack, should be made available to us and that we should be given voice over recordings of Headley so that we could compare them with telephone intercepts recorded in the course of the Bombay attack. The American attitude was totally negative on all the above counts. Compare this with the access that we gave to the American investigating agencies to Ajmal Kasab who was in our custody. Obviously the Americans are leaning over backwards to ensure that India is denied any hard evidence which could link Pakistan officially with the terrorists who attacked Bombay.

Under American law an accused is permitted plea bargaining whereby he accepts guilt and in return the prosecution agrees to a relatively lower penalty. Of course plea bargaining requires that the prosecutor, in this the federal prosecutor, must agree to the acceptance of such an agreement and it is only thereafter that the court will allow the accused to enter a plea of guilty in return for a lower sentence. When this happens there is no trial, no recording of evidence and there is only the award of a sentence. All very convenient in a case where the prosecutor is interested in ensuring that adverse evidence is swept under the carpet. Because the federal prosecutor would need the approval of the Attorney General of the United States (in effect Law Minister), it is obvious that the U.S. Federal Government is a party to what has happened in Chicago.

India has long averred that the Pakistan Government is hand in glove with terrorist organisations creating mayhem in India. In Kasab we have proof locally but in Headley we have the potential of proof internationally. In order to protect Pakistan's interests the Americans have thwarted any attempt to bring home the responsibility of terrorist operations to their Pakistani friends. Where does that leave us? America cannot even argue that a plea bargain has to be accepted because I am sure that none of the Guantanamo Bay prisoners will ever be allowed a plea bargain. That privilege is reserved by the Americans for terrorists who attack India. This shows the extent of genuine friendship that the Americans have for us. Their sole interest is Pakistan and in order to save that country from embarrassment the Americans are prepared to let down India.

What are our options? We should have then and now must tell the Americans in no uncertain terms that there will be total reciprocity in the matter of intelligence sharing and the investigation of offences. With immediate effect we must cancel all protocols which govern sharing information by our intelligence agencies with their American counterparts. We should deny access to the Americans to any criminal investigation in India and we must ask the Americans to wind up their offices of FBI, Drug Enforcement Agency, Customs or any other such organisations of that government which collect intelligence in India. We should also try and render all CIA operations in India neutral and ineffective. We should also tell the Americans that under these circumstances we have given our own intelligence and counter intelligence agencies the freedom of covert and overt action in Pakistan in order to safeguard our own interests. What is more, it should also be made clear that our armed forces have been told that when faced with belligerency they are free to retaliate at their own discretion. If this leads to a

war like situation the Americans will have to share the responsibility for this with the Pakistanis. America has huge commercial interests in India. Whatever the cost to our economy we have to tell the Americans that our trade relations will be reviewed unless America stops giving massive military aid and a protective defence umbrella to Pakistan. One of the consequences of this will be that India will seriously consider excluding U.S. warplanes when finalising the purchase of fighter aircraft for the Indian Air Force. In other words, the Americans must realise that they are inviting a kick in the fundamentals unless they stand by us and ensure that the Pakistan Government controls its own unruly elements. I see no reason why we should pay the Americans tens of thousands of crores of rupees for military hardware when in effect America is a partner with Pakistan, even if by remaining silent in the matter of organising terrorist attacks on India.

Oh, you jackals inhabiting Raisina Hill, when will you pick up the courage to roar like tigers? At present even squeaky rodents sound more powerful than you.
