



Q10984 - India - Researched and compiled by the Refugee Documentation Centre of Ireland on 30 September 2009

Information on state actions following the Mumbai hotel bombings in November 2008.

The May 2009 *Amnesty International* World Report for India, states:

“Following the November Mumbai attacks in which more than 170 people were killed, the government tightened security legislation and set up a federal agency to investigate terrorist attacks. Judicial processes failed to ensure justice for many victims of communal violence. The courts sentenced at least 70 people to death. No executions took place.” (*Amnesty International* (28 May 2009) *India: Amnesty International Report 2009*)

The same document under the heading ‘Background’, continues:

“India-Pakistan ties deteriorated following allegations by the Indian authorities that the November Mumbai attacks had been carried out by people or groups based in Pakistan. India-Pakistan peace initiatives including talks on Kashmir failed to make progress.” (*ibid*)

Under the heading ‘Security and human rights’, the report adds:

“The authorities responded to the November Mumbai attacks by tightening security legislation and setting up a federal investigating agency. The amended legislation includes sweeping and broad definitions of “acts of terrorism” and of membership of terrorist organizations and extends the minimum and maximum detention periods for terrorism suspects before they are charged.

More than 70 people were detained without charge, for periods ranging from one week to two months in connection with bomb-blasts in several states throughout the year. Reports of torture and other ill-treatment of suspects led to protests from both Muslim and Hindu organizations.” (*ibid*)

Section 1g of the 2008 *US Department of State* Country Report on Human Rights Practices for India under the heading ‘Killings’, reports:

“From November 26 to 29, 10 terrorists carried out coordinated attacks across Mumbai, targeting luxury hotels, restaurants, the railway station, a hospital, and the Nariman House. The attackers killed 173 persons and injured at least 308 persons. Mohammed Ajmal Amir Kasab, the only terrorist captured alive, disclosed that the attackers belong to LeT. Investigations continued at year's end.” (*US Department of State* (Bureau of Democracy, Human Rights, and

Labor) (25 February 2009) India: 2008 Country Report on Human Rights Practices)

A January 2009 *Guardian* newspaper article states:

“The daring, murderous assault of Mumbai last November was another. It was not the first attack by Islamic militants in India, but it was the first in which westerners were deliberately targeted. Ironically, as is the tendency with most non-state actor violence, the attacks galvanised support for India. Unlike Pakistan, which is seen as a source of international terrorism, India is now considered a partner in combating it.

Of course, the reality is somewhat different, as Arundhati Roy eloquently noted in the *Guardian* last month. But in international politics, perceptions count for a great deal.

For its part, Pakistan has tried to assure the world, particularly the United States and India, that it is cracking down on the militants. Soon after the Mumbai attacks, Pakistani authorities arrested Hafiz Mohammad Saeed, founder of the religious welfare organisation *Jamaat-ud-Dawa*. *Jamaat* is widely considered the public face of *Lashkar-e-Taiba*. Both have been banned by the Pakistan government and the UN security council as terrorist organisations.

Saeed is under house arrest but the arrangement is more precautionary than punitive. He spent a year under house arrest after the 2001 New Delhi attacks and Pakistan has refused an Indian request for his extradition.

In December, Pakistan's prime minister confirmed the arrest of Zaki-ur-Rehman Lakhvi and Zarar Shah, key leaders of *Lashkar-e-Taiba* whose extradition has been sought by Indian authorities to no avail.

According to the *Wall Street Journal*, under interrogation from Pakistani authorities Shah and Lakhvi confessed to involvement in the attacks. The US claims to have intercepted phone calls between Shah and one of the attackers at the *Taj Mahal* hotel in Mumbai too.

Publicly at least, Pakistan still denies any links between Mumbai and militants within their shores. The interior secretary, Kamal Shah, even went as far as to say that Mohammad Ajmal Mohammad Amin Kasab, the only Mumbai gunman captured alive, was not a “real” Pakistani.

And yet Ajmal's family was tracked down by the Observer's Saeed Shah and hesitantly admitted that the lone Mumbai attacker caught alive was his son.

The conflicting public signals reflect an uncertainty on the part of Pakistan's leadership as to the most appropriate response to the crisis created by the Mumbai attacks.” (The *Guardian* (6 January 2009) *Are India and Pakistan heading for war?*)

A December 2008 *Amnesty International* document states:

“New anti-terror laws introduced two days ago in India after the November 2008 multiple attacks on Mumbai city, which took a toll of more than 170 lives, fail to meet international human rights standards, Amnesty International said today.

Amnesty International calls upon the President of India to reject the new amendments to the anti-terror laws as they contain several provisions which violate international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR) which bind India legally.

The organization calls upon the President of India, Indian authorities and lawmakers to review the new amendments to the Unlawful Activities (Prevention) Act, (UAPA), 1967, and provisions of the new legislation aiming to set up a National Investigating Agency (NIA) exclusively meant to probe acts of terrorism in the country.” (Amnesty International (18 December 2008) *India: New anti-terror laws must meet international human rights standards*)

A January 2009 *Human Rights Watch* report, states:

“It is now a full month since Mumbai came under attack and the mood in the subcontinent has shifted somewhat. What might have resulted in a joint effort by India and Pakistan to root out terror networks has turned into mutual recrimination.

Nothing would surprise those who sponsored the Mumbai attacks more than if the governments in Delhi and Islamabad worked together to defeat terrorism.

Each country feels persecuted. Each believes the other to be a serious threat. Each nation, armed with nukes and prodded by extreme views that spew venom and vengeance, remains at risk of being forced into hard line positions, even full scale war.

The Mumbai attacks were so well planned and so coolly carried out that it felt like a military operation. As the assaults were brought under control, allegations soon emerged that the perpetrators belonged to the Pakistan based Lashkar-e-Toiba, a terrorist organisation banned in 2002 but which has continued to operate openly (such as after the 2006 Kashmir earthquake, when it mounted a large domestic relief operation under a new name, the religious charity Jamaat-ud-Dawa).” (Human Rights Watch (19 January 2009) *The Single Lesson of Mumbai*)

The same report continues:

“Until this happens, India says it has to keep its options open, not least because of strong public pressure for a military response to the violence. Fortunately, thus far the Indian government has kept its head, perhaps realizing that an attack on Pakistan will only strengthen the most nationalistic and anti-peace elements in

Pakistan and weaken the Zardari government's resolve to fight terror. (Zardari's wife, Benazir Bhutto, was killed by terrorists on December 27, 2007.)

If either side fails to act wisely, the losers will again be ordinary people and the result may be a further diminution of human rights. In India, Muslims are at risk of arbitrary arrest and torture or are targeted by hate groups. In Pakistan, increased tensions with India are likely to lead to the recruitment of more terrorists, including children, who will be encouraged to believe that arbitrary killing serves their cause." (ibid)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

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