

Afzal Guru's Case

The UPA government does not appear to have any interest in implementing the death sentence given to Mohammad Afzal Guru, the main accused involved in the conspiracy behind the attack on the Parliament House on 13th. December, 2001. Afzal has been marking his time in Tihar jail since September, 2005, when the petitions seeking review of the judgement upholding the death sentence on Afzal Guru were dismissed by the Supreme Court. On Dec 13, 2001, five gunmen who tried to storm the heavily guarded parliament complex were shot dead by the security personnel. Seven members of the security force were also killed in the said encounter. The attack on the Parliament House was jointly conducted by the Lashkar-e-Toiba (LeT) and Jaish-e-Mohammad (JeM), two Kashmiri militant groups operating from Pakistan.

Just before the scheduled execution of Afzal Guru on October 20, 2006, Afzal's family had filed a clemency plea with the President who referred it to home ministry which in turn sent it to the Delhi government for its views, as per the procedure. Since then the matter is pending, with the Union government showing no urgency or interest in expediting the matter.

The death sentence awarded to Afzal Guru had triggered wide-spread protests in Kashmir. J&K politicians like Omar Abdullah of National Conference, Ghulam Nabi Azad of the Congress and Mehbooba Mufti of the People's Democratic Party had pleaded against hanging Afzal Guru..Former Union Home Minister Shivraj Patil had said on one occasion that hanging Afzal would prejudice India's attempt to bring back Sarabjit Singh, an Indian on the death row in Pakistan. His statement on Afzal Guru had invited a lot of criticism from the media as comparing the case of Sarabjit who is facing a death sentence in Pakistan for allegedly being an Indian spy with that of Afzal Guru who is an Indian sentenced to death for being the main conspirator in the Parliament attack is totally out of place.

Meanwhile, some pseudo-secular groups had started a Save Afzal Campaign both within and outside India claiming that Afzal did not get a fair trial and proper legal aid and that evidence against him was fabricated by the J&K STF. They conducted some protest programmes in places like New Delhi and London demanding justice for Afzal. They had many supporters abroad, from Amnesty International to Noam Chomsky. The South Asia Solidarity Group in London organised a protest programme in front of the Indian High Commission in London on 26th. January, 2007 in protest against the denial of justice to Afzal Guru. The Solidarity Group also sent a letter with signatures of three British Labour MPs and several representatives of some Indian and Pakistani organisations urging the Indian President to give a reprieve for Afzal. On 12th. April, 2007 a public meeting was organised in Central London at which Moazzam Begg, who was earlier incarcerated in Guantanamo, also spoke in support of Afzal Guru. A book on Afzal titled "Framing Geelani, Hanging Afzal" written by Nandita Haksar about the plight of Afzal Guru and the Indian State's repression in Kashmir was also released on the occasion. At the end of the meeting the Save Afzal Guru Campaign in the UK was formally set up by the local activists and groups like the Islamic Human Rights Commission, the 1857 Committee, Cage Prisoners, Campaign Against Criminalising Communities and South Asia Solidarity Group. They had also written to all members of the European Parliament apprising them about the plight of Afzal Guru. Two of the British MPs of European Parliament had taken up the Afzal case with the Indian President Abdul Kalam when he visited the European Union in 2007. They had described the death sentence awarded to Afzal Guru as a miscarriage of justice. In an unusual development, President of European Parliament Hans-Gert Poettering himself had personally taken up

the Afzal Guru issue with the Indian President pleading for a reprieve for Afzal during his said visit to the European Union.

In a calculated move to attract international attention to the Afzal Guru's case, British MP John McDonnell had put down an early day motion signed by 23 MPs in the British parliament on 23d. April, 2007 seeking President of India's intervention to revoke the death sentence on Afzal Guru. The motion said that "this House notes with concern that Afzal Guru, convicted of attacking the Indian parliament in December 2001, is facing the death penalty in India; notes that there are concerns and questions being raised by campaigning organisations regarding Afzal's trial and therefore the legitimacy of the verdict; further notes that there are claims that Afzal Guru was tortured by the police and security forces; believes that the death penalty is inhumane; and asks the President of India to intervene urgently to use his prerogative of mercy to revoke the death sentence and call an inquiry into Afzal Guru's conviction".

The attack on the Parliament House, the symbol of Indian democracy, was one of the most heinous terror crimes in India. All the five terrorists involved in the attack were killed in the encounter with the security force personnel. Afzal Guru was found to be the main conspirator behind the attack. His death sentence by the trial court was upheld by both the High Court and the Supreme Court. Why are some so called Indian intellectuals and human rights activists are trying to defame and malign the Indian Judicial system including the Supreme Court by spreading the canard that there has been a serious miscarriage of justice in the Afzal Guru case? Why are they trying to garner support of foreign agencies and leaders to save Afzal Guru who is involved in one of the most serious terror crimes in India like the Parliament attack case and whose death sentence has been upheld by the highest court in India? Why should British Parliamentarians and European Union leaders interfere in India's internal affairs, and that too in support of a terrorist who is involved in the most sensitive case of assault on the Indian Parliament? Clearly there is a conspiracy behind this smear campaign by the fifth columnists in India and some external agencies to project Afzal Guru, the death convict in the Parliament attack case, as an innocent Kashmiri and play up the entire episode as a classic case to the world to show how the innocent Kashmiris are often subjected to injustice and victimisation by the Indian authorities using the biased Indian security agencies and judiciary. The terror attack on the Parliament complex was one of the worst incidents of terror in India and it had brought India to the brink of an all out war with Pakistan. The UPA government's indifferent stance on implementing the death sentence awarded to Afzal Guru in such a sensitive case naturally gives rise to suspicion about its real intentions.

The mercy petition submitted by Afzal Guru's family is yet to be disposed off due to lack of any initiative or urgency on the part of the government. Apparently the pro-terrorist UPA government is not prepared to carry out the death sentence awarded to Afzal Guru. The fact is that some anti-national elements masquerading as NGO and human rights activists have described Afzal Guru as an innocent man and have vehemently criticized the death sentence given to him as blatant injustice. The UPA government is also toeing this line. On April 15, 2010, Syed Ali Shah Jeelani, Chairman of the hardline faction of Hurriyat Conference, a Kashmiri militant outfit, had met Mohammad Afzal Guru at the Tihar jail in New Delhi. Both Syed Jeelani and Afzal Guru hail from Sopore. Jeelani was also allowed to meet six more jihadi prisoners lodged in Tihar jail on the same day.