

A legal lynching: Indian government executes Afzal Guru

By Kranti Kumara and Keith Jones
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In an action that exemplifies the reactionary trajectory of India's Congress Party-led government, it ordered the secret execution last Saturday of Mohammad Afzal Guru, a 43-year-old Kashmiri man whom Indian authorities framed up for the December 2001 terrorist attack at India's parliament buildings.

That attack left eight security personnel, a gardener, and five reputed Kashmiri separatist insurgents dead. It was immediately declared by India's political establishment and corporate media to be "India's 9/11" and was used to justify an aggressive geo-political agenda and sweeping attacks on civil liberties. As in the case of the 9/11 attacks in the US, there are many unanswered questions about the December 13, 2001 armed assault on India's parliament—questions the authorities have never evinced any interest in examining.

India's government, then led by the Hindu supremacist Bharatiya Janata Party (BJP), quickly charged Pakistan with complicity in the terrorist attack, then ordered the deployment of 700,000 troops on Pakistan's borders. For months, the subcontinent was on the brink of all-out war.

The government and media hysteria about "Islamic" and "Pakistan-based" terrorism was also used to ram through a draconian "anti-terrorism" law (the Prevention of Terrorism Act). Among other things, it gave the authorities the right to hold persons for 180 days without charge and changed the rules of evidence to allow for secret witnesses and widespread use of confessions—this in a country where the police are notorious for using torture.

State executions have hitherto been rare in India. Prior to the execution last November of Ajmal Kasab, the lone surviving gunman involved in the November 2008 terrorist attack in Mumbai, there had not been an execution in India since 2004. Now there have been two in less than three months.

Afzal Guru was scheduled to be hanged in 2006, but as is the norm in such cases, the execution was stayed or suspended after his wife Tabassum filed a petition for mercy. Although the BJP, which fell from power in 2004, repeatedly demanded Guru's immediate execution, the

mercy petition apparently languished for years in the Indian president's office with no particular importance being attached to it.

Then, all of sudden last month, executing Guru became a government priority. On January 23, Indian President Pranab Mukherjee, a former finance minister and longtime Congress insider, formally rejected the mercy petition on behalf of Afzal Guru and soon after Home Minister Sushil Kumar Shinde ordered his execution.

All of this was done in secret, so as to prevent Guru from exercising his legal right to ask for a judicial review of the rejection of his mercy petition and to prevent people in Indian-held Kashmir, where there is widespread sympathy for Guru, from agitating against his impending execution.

In a calculated act of extreme cruelty, Afzal Guru only learned that he was to be executed when he was forcibly awakened at 5 AM on Saturday morning. At 7:30 AM he was force-marched to the gallows and by 8 AM he was pronounced dead.

Guru's family members, including his wife and 14 year-old son Ghalib, were not only denied any chance to meet with him before his execution. The authorities immediately buried his remains in the prison grounds, so they could deny them possession of his corpse.

In a further outrage, the Indian state chose to inform Guru's wife of his execution through "speed mail," that is by a letter that arrived yesterday, more than 48 hours after the government had publicly proclaimed Guru's execution.

While the Indian government decided, organized and carried out Guru's execution in secrecy, it mobilized the repressive apparatus of the state to suppress the expected popular outrage in Kashmir. Residents of Jammu and Kashmir awoke Saturday to find thousands of heavily-armed security personnel deployed on the streets, internet connections suspended, and, in all major urban areas in the Kashmir Valley, a blanket indefinite curfew in effect.

Despite this, several heated protests against Guru's execution have taken place, with at least three youths killed. Two drowned while trying to escape police and the third

was shot dead by security personnel. Scores have also been injured.

Afzal is the victim of a state lynching.

Police extracted a confession of his involvement in the December 2001 attack through brutal torture. At his first trial, which was conducted by a “fast-track” court, Guru had an inexperienced court-appointed lawyer who failed to mount any defence, not even cross-examining prosecution witnesses.

Ultimately, the police-prosecution story of the “conspiracy” that resulted in the December 2001 attack unraveled. Of the other three persons who were charged and like Guru convicted by the “fast-track” court of being part of the conspiracy, two successfully appealed all their convictions. This included S.A.R. Geelani, a university professor, whom the police had asserted had “masterminded” the conspiracy. Guru’s third co-accused, Showkat Guru, had his death sentence reduced to a 10-year prison term and was released in 2010.

Despite the material evidence linking Guru to the terrorist attack having been tampered with, his confession having been subject to what it itself called “violations of procedural safeguards,” and other holes in the prosecution case, India’s Supreme Court upheld Guru’s convictions, awarding him “three-life sentences and a double-death sentence.” In so doing, it declared, “the collective conscience of society will only be satisfied if capital punishment is awarded to the offender.”

As the noted Indian writer and political activist Arundathi Roy observed in a column published in the *Hindu* on Sunday, if there was any truth to the claim Indian society would only be satisfied by exacting revenge on Guru, it was because the political elite and corporate media had whipped them into a frenzy. (Roy has meticulously investigated and exposed the contradictions in the official story of the December 2001 terrorist attack and the state case against Afzal Guru.)

But even if one were to concede for argument’s sake all the Indian authorities’ claims about Guru’s involvement in the 2001 attack, he was only a peripheral player, who provided logistical assistance to the attackers.

The decision of the Congress Party-led United Progressive Alliance government to organize Guru’s speedy execution was highly calculated. Prime Minister Manmohan Singh and the top leadership of the Congress wanted to make a public demonstration of their ruthlessness—of their readiness to kill to uphold the authority of the state—and to promote national and communal chauvinism and social reaction in general, so as to shift the political climate further right.

The immediate backdrop to this political shift is heightened tensions with Pakistan, including border clashes

along the LOC (Line-of-Control) that forms the de-facto border between Indian- and Pakistani-controlled Kashmir.

It also comes within the context of a right-wing political offensive on the part of the BJP, which has repeatedly attacked the Congress Party for being “soft on terrorism,” and which has been buoyed by the promotion of the arch-communist Gujarat Chief Minister Narendra Modi by many prominent business leaders as a first-rate “prime ministerial candidate” in the 2014 national elections.

The BJP, supported by much of the corporate media, it also should be noted, seized on the much-publicized brutal gang-rape of a young Delhi woman last December to demand stepped up use and wider application of the death penalty.

But more generally this shift comes under conditions of heightened class tensions, as the government, in response to demands from domestic and international capital, seeks to push through unpopular policy changes aimed at making India more attractive to investors.

The state lynching of Guru has been applauded by India’s political elite across the political spectrum with both the BJP and the Communist Party of India (Marxist), the Stalinist party that leads the Left Front, voicing support.

CPM Politburo member Sitaram Yechury, said, “I think, the law of the land with all its provisions has finally been completed as far as the Afzal Guru case and the attack on Parliament is concerned. The issue which had been lingering for the past 11 years has finally completed its due course.”

He then went on to urge that other high-profile death penalties be carried out as soon as possible, thereby lending further support to lethal state violence. Referring to those convicted of assassinating Prime Minister Rajiv Gandhi and Punjab Chief Minister Beant Singh he said, “Justice should be delivered in these cases. They should also reach their due course.”

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