

THE CONVERSATION

The only formal transcript (Kashmiri / Hindi / English) of the conversation between Geelani (G) and his brother Shah Faisal (F) was made by two expert witnesses called in by the defence lawyers. They worked from the audiotape provided by the police. Geelani (G) Faisal (F) in English and Kashmiri.

| | | |
|---|-------|--|
| | G | >Hello |
| Hello, assalamvalikum | F | >Hello, assalamvalikum |
| | noise | noise |
| How are you? | F | Varay? |
| Doing well, and happy. Sir | G | Theek paeth, Khosh khosh, Janab ... |
| Are you well? | F | Jaan paeth? |
| Why should I lie? | G | Naa apuz kiizi wany? |
| Where are you? At home? | F | Tse kariye chukh... gare paethie? |
| No, not at home, I'm outside | G | Na, na, na, bu chus na gare paethie, bu chus naebrey |
| What? | F | Kya? |
| I'm in a bus | G | Bu chus base manz |
| In a bus? | F | Base manza? |
| He'll be leaving soon, [sic] I'm going home | G | Timme naeren vaneh, bu gatsaye garre |
| | noise | noise |
| I said it happens | F | Meh varmus, "hota hai" |
| | noise | noise |
| Tell me what you want ...? | G | Tse van tse kya gyatsen... |
| Syllabus and prospectus | F | Syllabus teh prospectus... |
| Syllabus and prospectus | G | Syllabus teh prospectus...? |
| I think you should leave the phone | | miyane khyalaha tse trav vershi phone |
| I'll call you later, in a couple of days | | ba karay tse taaray phone ya dai treye dowh |
| He's leaving soon, Khansahib is ... | | naemas chuh naeron vuvnih, Khansahibussa... |
| Fine | F | Accha |
| I'll call you later, tomorrow, day-after - or on Eid, I'll call | G | Ba karay bey phone oz ya pagah ds phone - ya Eid dah karay phone |
| its costing a lot right now ... | | rozpiyah khasaan ziyadeh venkess... |
| Otherwise all well? | F | Bae soray theek? |
| Yes, sir - all well | G | Janab - bikiut theek |
| What's happened? | F | Yeh kya koruva? |
| What? in Delhi? | G | Kya? Dilli ha? |
| What's happened? in Delhi? | F | Dilli kya koruva? |
| | noise | noise |
| | G | [Laughs] By god...! |
| Now, you just take it easy | F | Vanneh behzih sokh saaner |
| What? | G | Kya? |
| You just take it easy | F | Vanneh behzih sokh saaner |
| Fine - where are you? in Srinagar? | G | Accha - tse karay chukh? Srinagar-ha? |
| | noise | noise |
| Are you in Srinagar? | G | Tse chukha Srinagar? |
| No, I've left that place | F | Naa, mai kar tate chutti |
| Are you now in Baramulla? | G | Tse chukh vaim Varmuley? |
| Yes | F | Aa |
| Fine | G | Accha |
| I've left that place | F | Tete kar me chutti |
| Fine | G | Accha |
| Fine, God keep you well. | F | Accha, khuda hafiz... |
| God keep you well. | G | Khuda hafiz... |
| Fine, should I put it down? | F | Accha, trava? |
| Fine, put it down, put it down | G | Accha, trav, trav |

Since our campaign, the prosecution's enthusiasm for this intercepted call has waned. "I am not putting all my eggs in the basket of that intercepted call," said the Special Prosecutor during the High Court hearing. (The Hindu, May 6, 2003)

Tried by The Media

The S A R Geelani TRIAL

NANDITA HAKSAR

Since July 2002, I have been deeply involved in the campaign for the acquittal of Syed Abdur Rahman Geelani, the thirty-four year old Delhi University lecturer accused of conspiring to attack the Indian Parliament. The man has been tortured, humiliated and framed in a crime he condemned in a SMS message within a few minutes of hearing the news. But there is no way of getting the record of the SMS message.

The only piece of evidence against him is a two minute sixteen second telephone conversation (reproduced opposite) he had with his brother while travelling in a bus from his home to the nearby mosque on Friday, December 14th, 2001. It seems truly incredible that a man involved in such a big crime should the next day be busying himself buying a hearing aid for his mother-in-law and going for Friday prayers in a bus.

It was while he was travelling in the bus that he received a call from his eighteen year old brother, Shah Faisal, asking Geelani to send him a prospectus and syllabus. Faisal had called the previous evening and was now reminding him. Shah Faisal, a particularly gentle young man with a sheepish smile, was dreaming of becoming a doctor. He could not have guessed that the brief call to remind his brother to send the prospectus would be produced as the main evidence against Geelani and he would be sentenced to death.

When Shah Faisal asked Geelani "what had happened", he was delicately referring to Geelani's decision not to go to Kashmir for Id since there were very few holidays and it would cost too much. Geelani's wife was angry and was insisting on going home. A younger brother in a large feudal family would never directly ask his eldest brother about a quarrel with his wife. The elder brother would not answer, laughing away the query. The policemen of the Special Branch who were tapping his mobile felt that the laugh showed Geelani's complicity in the conspiracy to attack the Parliament.

The police were never able to explain why they had not arrested the younger brother; after all, if he asked the question he must have knowledge of the conspiracy. The police officer in charge of the investigation testified in court that Shah Faisal was innocent. The police also never did explain why they never put a transcript of the telephone conversation on record.

Geelani produced two independent witnesses who put the transcript of the taped conversation on record and testified that the conversation could not be remotely linked to the conspiracy to attack the Parliament.

The trial court judge sitting in a specially constituted court for hearing cases booked under the new anti-terrorist law (Prevention of Terrorism Act, POTA) held that the two

independent defence witnesses were in fact “interested witnesses”. He did not explain how a trade union leader and a documentary film maker, both Kashmiri Pandits, who appeared in court at the request of senior civil liberties activists known for their personal integrity could be called “interested”. The Judge stated in his judgment that he himself had taken lessons in the Kashmiri language and was thus competent to decide on the truth of the police version.

Geelani was condemned to death on the basis of this evidence and he spent one year on death row before being acquitted by the High Court on October 29th, 2003. The police have since filed an appeal in the Supreme Court and are hoping to get Geelani back in his cell in the Tihar jail. They have given public statements expressing the hope that he will be hanged.

What has been the role of the media? Many people across the country have been deeply troubled by the role of electronic and print media in the context of the ‘War against Terrorism’, internationally and in India. All of us involved in the campaign for the acquittal of Geelani have been acutely aware of the crucial role that the media would play in our campaign. The challenge before us is to reach and shape public opinion in the midst of the growing communalism at home, and the demonization of the Muslim world by the international media.

II

Trial by Media

Abdur Rahman is a brilliant scholar of Arabic and the first Kashmiri Muslim to get a permanent job in the prestigious Delhi University. He was thus a perfect candidate for framing in a case of terrorism. From the time of his arrest, the investigating agencies planted a series of stories designed to portray Geelani as a mastermind of the conspiracy. Newspapers across the country, even respectable conservative dailies, carried tabloid-style headings and sensational confessions by Geelani. *The Hindustan Times* carried a report entitled “Case Cracked: Jaish Behind Attack”, which stated, “A Delhi lecturer, who spoke to militants, also called up Jaish militants in Pakistan” (December 16, 2001). The staid *Hindu* carried a story the next day entitled “Varsity Don Guided ‘Fidayeen’”. The report states, “Geelani revealed that he became part of the conspiracy due to his ideological leanings. He was closely related to the main *Jaish-e-Mohammad* co-ordinator in Delhi, Mohammad Afzal and his cousin, Shaukat Hussain Guru, who have been arrested. He also knew the terrorists who had come to the Capitol to execute the plan”.¹

These newspapers carried such reports without thought to basic journalistic ethics. The usual healthy scepticism about police stories disappeared as patriotism took over, and patriotism excluded the possibility of raising some basic questions about the truth of the police stories supposedly based on confessions made by Geelani while in custody. Even when the court records clearly showed that Geelani had refused to implicate himself by giving a false confession, the newspapers did not relent.

A few individuals and organizations were alarmed by the trial by media and voiced their concerns in the form of letters to the editor. Amnesty International released an Open Letter to the Indian Law Minister on the eve of the trial expressing concern over the media coverage. The letter stated: “Amnesty International is concerned that the media coverage of the

arrests and concerning the person of Abdul Rehman Geelani during the pre-trial period has been extremely prejudicial to his case and that the Government of India has not taken any steps to halt this. The media coverage, which largely presented Geelani as guilty before the trial had even begun, must be presumed to impact negatively on Abdul Rehman Geelani's right to be presumed innocent as required by Article 14 (2) of the International Covenant on Civil and Political Rights and on the impartiality of the POTA court which is to hear the case from 8 July 2002".

Amnesty International expressed its concern over the way that the prime accused, Mohammad Afzal, had been brought before the national media and made to confess to being party to the conspiracy. He, however, told the media that Geelani was not involved. The police officer in charge of the investigation shouted at Afzal and told him that he had been warned not to speak about Geelani. Then the officer turned to the media and requested the media not to broadcast that part of Afzal's statement. Later, during the trial, the senior police officer told the court that he did not know anything about the media conference held at the police station. He lied under oath.

The trial began. In a record time of four months, the prosecution produced eighty witnesses. Not a single prosecution witness even alleged that Abdur Rahman belonged or sympathised with any banned organization. There was no evidence against Geelani except for the two minute sixteen second conversation and the fact that he knew the co-accused. Geelani never denied his acquaintance with the two Kashmiris who were from his home district, Baramulla, in Kashmir.

However, there was no evidence at all that Geelani was ever in touch with the five men who actually attacked the Parliament or with the three Pakistanis who were supposed to have masterminded the attack. In fact, Geelani was the only one who had a regular connection and paid his bills through his bank. The judge who condemned him to death acquitted him of the charge of belonging to any terrorist organization.

The media covered the trial, but entirely from the prosecution point of view. The public never heard of the glaring contradictions in the police version. In fact, on the first anniversary of the Parliament attack, Zee TV produced a film called *December 13th*. Zee proudly announced that the film was not merely a story, it was the truth. Before the broadcast of the film, Zee had Raza Murad, a well-known Bollywood actor with a deep, resonant voice, declare that he thought it his patriotic duty to introduce the film. It could not be a mistake that Zee had chosen a Muslim to do that kind of an introduction.

The film claimed to be based on the charge sheet but it went well beyond the prosecution case presented in the court. The film portrayed Geelani as the mastermind and showed scenes of him talking to the five dead attackers and planning the attack. The film was shown to the Prime Minister and then the Home Minister, and the media recorded their approval of the film.

Geelani's lawyers moved the court and the High Court did stay the broadcast. Zee TV moved the Supreme Court. The corporation was less concerned with the protection of the freedom of speech and expression than with the possibility of losing money. The Supreme Court vacated the stay and the entire nation watched the film a few days before the Designated Court sentenced Geelani to death.

III

Mobilizing Prejudice

On September 19th, 2002, one day after Syed Abdur Rahman Geelani, the thirty-two year old college lecturer, was given a death sentence for a crime he did not commit, an anonymous person wrote the following postcard from Mayapuri, Delhi, to him: "Janab Jilani What do you think about your Islam? In your religion there is no sister, aunt, mother...you are a *Haram ki aaulad* (illegitimate offspring)...this is your fucking religion which will destroy your community".

This was not just an isolated incident. Geelani received dozens of such hate-filled postcards. The postcards reached Geelani deep inside the high-risk ward of Tihar jail. The jail authorities obviously enjoyed delivering these to him while they threw away the letters written to him by his ten year old daughter. They also denied Geelani and other Muslim prisoners and detainees their right to offer *namaz*.

This hate, prejudice and dehumanization are a product of a well thought out strategy in which the media has played a crucial role. Arvind Rajagopal, in his *Politics After Television* (2001), documented the role of television in reshaping and mobilizing Hindu nationalism in the 1980s and 1990s. The Bombay film industry has produced a series of films on insurgency in Kashmir, such as *Maa Tujhe Salaam* (2002) in which there is this slogan found all over the country: "Doodh Mangoge to Kheer Denge, Kashmir Mangoge to Cheer Denge" (If you ask for milk, we will give you cream; if you ask for Kashmir, we will flay you alive). Other films such as *Hero* (2003), *L.O.C.* (2003), *Mission Kashmir* (2002) and *Roja* (1992) play upon the same prejudices and stereotypes. I do not know whether any studies have been done to assess the impact of these films, but the hate and prejudice we encountered in our campaign cannot be de-linked to the media portrayals of so-called Islamic violence.

Chandan Mitra of *The Pioneer* wrote the following lines after Geelani was acquitted in an editorial page article dated November 2, 2004 titled "Go Home, Geelani and Friends": "His masters across the border must have been delighted to see TV pictures of some demented Indian citizens dancing in joy on hearing the news of his acquittal. No wonder Pakistani soldiers are repeatedly told by their commanders that Indians have no stomach for a fight, that as a people Indians are pot-bellied, indolent and seeped in a pacific Hindu culture".

The real crisis in the media is not the existence of Chandan Mitra's kind of hate-filled journalism. The problem is that even journalists with a reputation for professional courage felt that we should rejoice at Geelani's acquittal and we should make it a showcase of Indian democracy; but when Geelani raised vital questions about the threat of fascism towards democratic institutions, the liberals stopped celebrating his acquittal and warned him not to speak out. Instead of praising his courage, they condemned him for it. Kuldip Nayar reprimanded Geelani in an article entitled "Spoilers in the Peace Process" on November 4th, 2003, a few days after his acquittal. Kuldip Nayar told Geelani not to mix Kashmir politics with the conspiracy to attack the Parliament. It did not occur to the veteran journalist that Geelani was a victim of India's policy in Kashmir. Telling Geelani not to voice his opinions on Kashmir was denying him his fundamental right to freedom of speech and expression. It was not only Kuldip Nayar who took this stand. Many people who had campaigned for a fair trial for Geelani now advised that he should not exercise his right to freedom of speech and expression.

The problem is not whether Geelani should speak out or not. The real problem is that patriotic journalists like Kuldip Nayar seem to be willing to sacrifice basic values of democracy and human rights when it comes to defending the nation. They are not willing to raise their voice against the use of the media by the police for mobilizing hatred and prejudice. When the High Court raised some vital questions with regard to the media, even liberal journalists were silent.

The judgment of the Delhi High Court that acquitted Geelani noted the arguments of the Defence Counsel that media trials are an antithesis to the rule of law and pre-trial publicity is sufficient to cause prejudice and hatred against the accused. The High Court endorsed the concerns of the Defence Counsel by holding that media trials are a disturbing feature and the police are misusing custody, but held that judges do not get influenced by propaganda or adverse publicity. The High Court did not pass any strictures against the police for using the media to mobilize hatred and prejudice, even though it is a specific crime under the Indian Penal Code.

IV

Covering Islam

The crisis in the media has been tragically exposed by the coverage of the trial of the four accused in the Parliament case. Many of us are deeply concerned and disturbed by this crisis. However, we still have to give the crisis a name. We have to acknowledge that we have just begun to raise issues relating to the problems of news and media coverage in the context of Islamophobia and the 'War against Terrorism'.

Let me cite a concrete example from our own campaign: Throughout our campaign we came across many Muslim citizens who expressed their appreciation for our work but felt they could not openly express their solidarity. These people included our friends, colleagues, Geelani's students, his teachers and colleagues.

No Muslim organization came forward to either demand a fair trial for Geelani or to condemn the judiciary for displaying prejudice and hostility. It was only on September 20th, 2003, that seven Muslim organizations finally gave a joint statement demanding a fair trial for Geelani. However, Syed Shahabuddin, President of All India Muslim Majlis-e-Mushawarat told me that he would not release the joint statement himself. Since the joint statement was in solidarity with our All India Defence Committee for Syed Abdul Rehman Geelani, we released it to the press, both in Srinagar and in Delhi. No one carried the report.

Three days later Noam Chomsky gave a statement supporting the Delhi University teacher's campaign for a fair trial for Geelani. Chomsky said he hoped that Indian democracy and its legal system would rise to the challenge, reverse this decision, and ensure that human and civil rights are properly protected. Newspapers in Kashmir and Delhi carried Chomsky's statement.

How are we going to deal with the war against Terrorism without addressing the issue of Islamophobia? How are we going to deal with the issue of Islamophobia without talking about Kashmir? And how are we going to approach the Kashmir issue without supporting Geelani's right to freedom of speech and expression?

The problem is well stated by an American Professor of journalism: "The media's

choice of patriotism has terribly important consequences for democratic life. When they opt for 'a love of country' that quickly transmogrifies into chauvinism, they prepare the cultural ground for violence and do a disservice to national and global democracy. Journalism needs to resist the temptation to dance to the tune of deafening nationalism often found in public opinion. Instead, it could courageously show patriotic spirit by keeping criticism alive rather than becoming compliant with 'home essentialism'. It could provide reassurance by lowering the fear volume and offer community by defending diversity and tolerance rather than foundational, ethnocentric patriotism".²

Is this not what Geelani also said when he told the media on September 18th, 2001, a few minutes after he was sentenced to death, "By convicting innocents you cannot suppress feelings. Peace comes with justice. Without justice there will be no democracy; it is Indian democracy that is under threat".

Geelani's conviction exposed how far democratic institutions in our country have been co-opted into the 'War against Terrorism'. His acquittal showed that there is still space for democratic struggle.

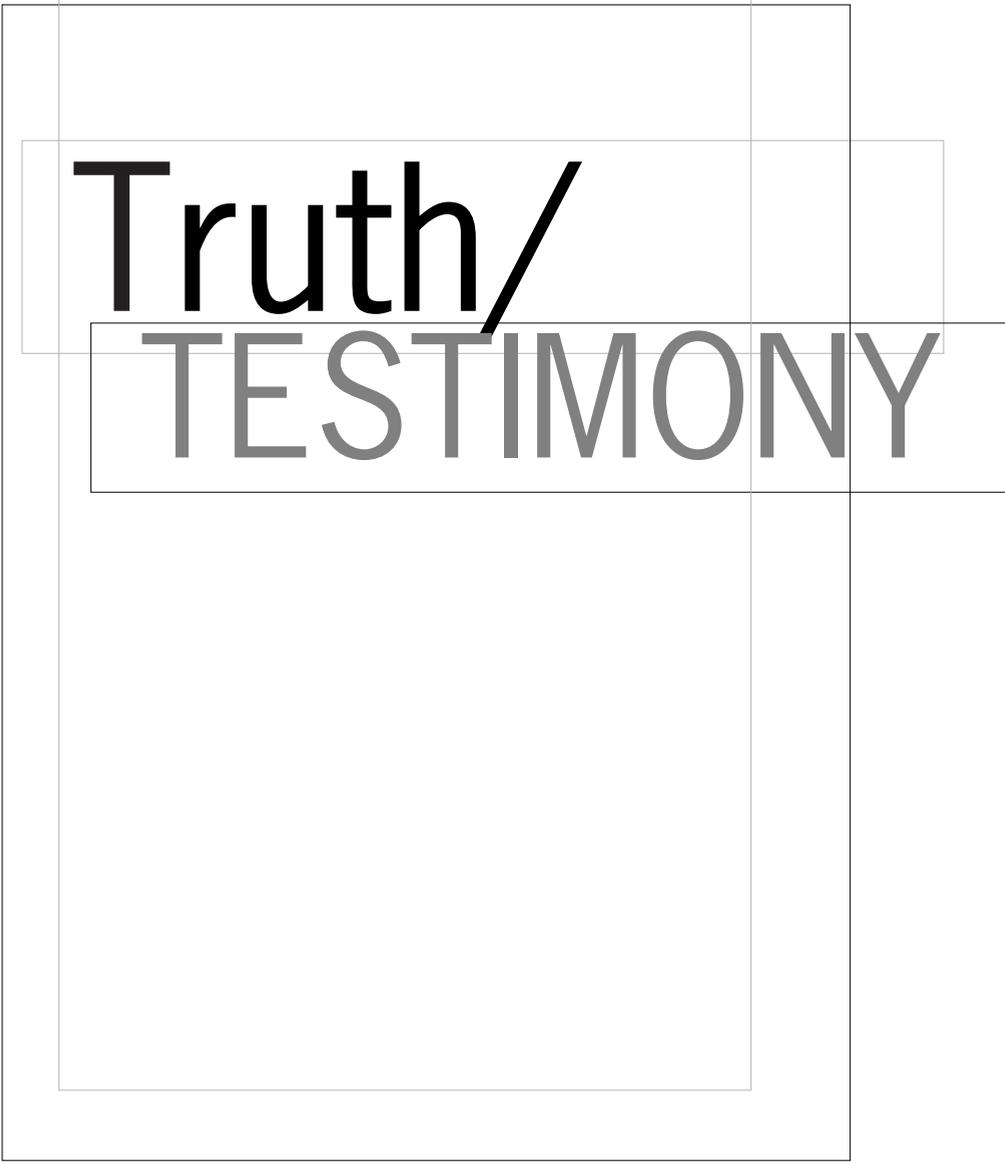
The author would like to thank Syed Bismillah Geelani for sharing his insights and views, many of which have been incorporated here.

NOTES

1. S A R Geelani is named in this text in two different ways, as Syed Abdur Rehman Geelani and as Syed Abdul Rehman Geelani. S A R Geelani's name is 'Abdur Rehman' and not 'Abdul Rehman', but since the police records have always called him Abdul Rehman (having lost the r and picked up the l, even as they were 'adjusting' other facts about his life), the defence committee, his lawyers, the court and the press have had to consistently refer to Syed Abdul Rehman Geelani when speaking of the person under trial. Here, in using both spellings, reference is being made both to S A R Geelani the man, as well as to S A R Geelani the accused.
2. Waisbord, Silvio. "Journalism, Risk and Patriotism" in Barbie Zelizer and Stuart Allan, eds., *Journalism After September 11th* (Routledge, 2002).

RELEVANT URLS

1. All India Defence Committee for Syed Abdul Rehman Geelani
www20.brinkster.com/sargeelani
2. "Police misinterpreted phone conversation"
<http://www.hinduonnet.com/thehindu/2002/10/12/stories/2002101200711300.htm>
3. "The Worst is Always Precise", by Shuddhabrata Sengupta,
<http://mail.sarai.net/pipermail/reader-list/2002-December/001981.html>



Truth/
TESTIMONY