

## India to turn to UN pacts on maritime security, hostages

With no bilateral pact on extradition with Pakistan, [New Delhi](#) has specifically gone on a strategy of stressing Islamabad's commitment to offences ranging from marine security to terrorist bombings to make the international community party to the pressure build-up against the [Mumbai](#) attack masterminds.

This strategy had been referred to repeatedly by India, with top officials referring to 'international conventions' that make Pakistan obliged to take action on India's evidence relating to the conspiracy being hatched on Pakistani soil.

This had also been referred to by India's External Affairs Minister Pranab Mukherjee in a statement Monday, when he said he hoped Pakistan would 'implement her bilateral, multilateral and international obligations to prevent terrorism in any manner from territory under her control'.

Out of the 13 UN conventions on terrorism, the external affairs ministry has identified four, which are applicable to the Mumbai attacks. 'We have not mentioned these by name in the note that we handed over to Pakistan along with the material evidence, but Pakistan is aware of which ones are being talked out,' Mukherjee said.

These are regarded as 'extraditable offences', and the signatories are obliged to either extradite or prosecute the offenders, cooperate in preventive measures, and exchange information and evidence needed in the related criminal proceedings.

As per the confessional statement of the lone terrorist caught alive, Ajmal Amir Kasab, his band of 10 terrorists had left Karachi and hijacked an Indian trawler, MV Kuber, once they entered India's territorial waters. They had also killed the ship's captain, whose body had been found later by the coast guard on the abandoned vessel.

These acts are liable for persecution as per the 1998 convention for the suppression of unlawful acts against the safety of maritime navigation, which had been ratified by Pakistan in 2000. This convention covered offences such as seizure of ship and violence against a person on the vessel.

According to Kasab's statement, each of the 10 terrorists were given 200 grenades among the ammunition provided. Security officials said the use of grenades by the holed-up terrorists, who were on higher floors of the buildings they took siege to, was one of the primary reasons for the operations taking three days.

All these acts fall under the 1997 international convention for the suppression of terrorist bombing, which not only applies to the actual perpetrator, but also to the organisers of these acts.

While it came into force in 2001, Pakistan acceded to the treaty only a year later - but even then with a caveat. It said the convention will not be applicable 'to struggles, including armed struggle, for the realization of right of self-determination launched against any alien or foreign occupation or domination, in accordance with the rules of international law'.

This had been objected by India as it unilaterally limited the scope of the convention and had been echoed by other major signatories like the US, Britain, Germany, Sweden, Norway and Japan.

At each of the three targets for terrorists attacks, Taj Mahal Palace and Tower, Oberoi Trident and Nariman House, survivors recounted how they had been rounded up by the terrorists to act as human shields during the first day of the attacks. While some guests managed to escape from the two hotels, there were no survivors at Nariman House, which was the Mumbai headquarters of an orthodox Jewish charity group.

Therefore, the other UN convention applicable in the attacks is the International Convention against the Taking of Hostages, which came into force in 1983. India ratified the treaty in 1999, while Pakistan accepted it in 2002.

Another treaty which the ministry believes could be relevant here is the 1999 International Convention for the Suppression of the Financing of Terrorism, which has however, not been signed by Pakistan.

But an MEA official said the provisions of the convention were referred to in an additional protocol to the Saarc regional convention on suppression of terrorism, which was signed by all the members of the South Asian body in 2004.

'Therefore, even if they are not party to the earlier treaty, by accepting the Saarc additional protocol, they have to accept those provisions,' the official said.

The 1999 UN treaty makes it punishable to collect fund that could lead to acts, which had been covered in previous terrorist treaties, including the three applicable to the Mumbai attacks.

'If Pakistan has signed this multilateral pacts, it is also a responsibility of the international community to ensure that it acts as per their provisions and lives up to its obligation,' the MEA official said.

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