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### India to send magistrate to US to record Headley's statement

PTI

New Delhi, March 27, 2010

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With hopes of David Headley's extradition receding, India has decided to send a magistrate to the US to record his statement which would be admissible as evidence in a court here.

A request letter for access to Headley, Lashkar-e Taiba operative who has admitted his role in Mumbai attacks, would be sent by Home Ministry next week to the US Department of Justice, official sources said on Friday.

The magistrate will be sent when the US grants permission for direct access to Headley to record his statement under CrPC 164, which is admissible in an Indian court of law, the sources said.

The statement would be crucial when a chargesheet is filed against Headley in Mumbai.

Besides the magistrate, the team will also comprise lawyers and officials of Mumbai Police and NIA, who will question the 49-year old Pakistani-American, who has admitted to plotting the audacious Mumbai terror attack.

As Headley's extradition appeared difficult, India was immediately focussing on getting direct access to him to know details about the terror plot.

In the letter, which is being finalised by Home Minister P Chidambaram and top officials, the Ministry will tell the American authorities that a team of Indian investigators was ready and it could visit the US once a confirmation is given.

Sources said the NIA, probing the case, will file the chargesheet against him only after having a direct access to him.

Under the plea bargain, India can have access to the terrorist by deposition, video conferencing or through Letters Rogatory. Sources said India will like to explore all the three.

Headley had last week pleaded guilty to all the 12 terror charges of conspiracy involving bombing public places in India, murdering and maiming persons and providing material support to foreign terrorist plots and Pakistan-based LeT besides aiding and abetting the murder of six US citizens in the 26/11 attacks that killed 166 people.

Asked about reports that among Headley's handlers, there were four Pakistan Army officers -- three serving and one retired --, the sources said India has information about two Army officers -- one serving and one retired.

Their names were mentioned in the dossiers given to Pakistan during the February 25 Foreign Secretary level talks between India and Pakistan.

"There could be a third Army officer, but there is no reliable information about him," the sources said.

The sources, however, said hundreds of Pakistan Army officers could be involved in anti-India activities or giving training to terrorists like Indian Mujahideen.

"Some of them may be involved in sending people through Nepal border, some of them may be involved in sending people through Bangladesh or other anti-India activities," they said.

Headley was arrested by the FBI in October last year.