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Newsweek
November 28, 2008

Counterterrorism in India

Eben Kaplan and Jayshree Bajoria, Council on Foreign Relations

The deadly terrorist assault on Mumbai's hotel district and a spate of bomb attacks across India's cities this year have claimed hundreds of lives and once again raised questions about India's vulnerability to terrorism. According to the latest report on global terrorism by the U.S. government's National Counter-Terrorism Center, more than 1,000 people died in India because of terrorist attacks in 2007, ranking India fourth behind only Iraq, Afghanistan and Pakistan. India, a nation of a billion people, has been confronted with terrorism since its birth, and currently contends with a variety of regional groups mainly intent on separatism.

Why is India the target of so many terrorist attacks? India is embroiled in a number of low-intensity conflicts throughout its territory. Many terrorist incidents are the products of these clashes. The regions most affected are:

Jammu and Kashmir. Located at the northern tip of India's territory, this state has been the focal point of a territorial dispute dating back to 1947—when British colonial rule ended—involving India, Pakistan and China. India claims the entire region as its sovereign territory, though it controls only about half of it. A third of the land is controlled by Pakistan, and China controls the remainder. The quarrel between India and Pakistan has touched off a number of military showdowns. Since the late 1980s, the region has been home to a number of militant groups seeking independence for the region. Experts say these groups have extensive support networks in Pakistan, and some accuse Pakistan of using these insurgent groups to wage a proxy war in the region. Over the last decade, this conflict has been linked to some two-thirds of all fatalities from terrorist attacks in India.

Andhra Pradesh. Andhra Pradesh state along the Bay of Bengal coast has endured a number of attacks linked to a group known as Naxalites. Named for the town of Naxalbari where their movement began in 1967, Naxalites are revolutionary communists. Though not all are militant, Human Rights Watch estimates some 10,000 are members of armed militias, which continue to wage a low-intensity insurgency that claims hundreds of Indian lives every year. In areas under Naxalite control "people's courts" prosecute individuals deemed "class enemies" or "caste oppressors." The U.S. State Department reports Naxalite terrorism "is growing in sophistication and lethality and may pose a significant long-term challenge." Indian officials have reportedly organized vigilante groups to help oppose Naxalite influence, and human rights groups have criticized the government's methods. Over the years, the Naxalite influence has spread to 13 of India's 28 states. The swath passes through the woods and jungles of central India, where the group takes refuge and recruits from the region's impoverished population. The states of Andhra Pradesh, Bihar, West Bengal, Jharkhand and Orissa have witnessed high levels of Naxalite activity, but Chhattisgarh witnessed the most Maoist-related violence in 2006 with more than 360 deaths.

Northeastern states. Violence has plagued several states in northeast India ever since the country now known as Bangladesh was partitioned off in 1947. Fighting has been particularly bad in the states of Assam and Nagaland, which over the years have received a large influx of immigrants. Shifting demographics in an area already prone to tribal friction have helped touch off a number of religious and cultural conflicts. Poverty is endemic in the region, and many groups are demanding independence, citing neglect and discrimination on the part of the Indian government as grounds for separation. Militant groups like the United Liberation Front of Assam have targeted politicians and infrastructure in an attempt to force out government influence.

What groups are involved in terrorism in India?

There are scores of insurgent and terrorist groups operating in the country. Those recognized by the U.S. State Department as Foreign Terrorist Organizations (FTO) or other "groups of concern" are:

Lashkar-e-Taiba (LeT), whose name means "Army of the Pure," is a militant Islamist group operating in Pakistan as well as in Jammu and Kashmir. The group reportedly received funding from Pakistan's intelligence services until 2001, when the United States designated it an FTO and Pakistan froze its assets. LeT, which has ideological, but unconfirmed operational ties to Al Qaeda, aims to win sovereignty for Jammu and Kashmir

and spread Islamic rule across India. The group is blamed for some of the most high-profile terrorist attacks in India, including the July 11, 2006 bombing of the Mumbai commuter rail.

Jaish-e-Muhammad, meaning "Army of Mohammed," is another Pakistan-based terrorist group operating in Jammu and Kashmir. Founded in 2000 by the former leader of the now-defunct group Harkat-ul-Ansar, Jaish-e-Muhammad seeks to drive India out of Jammu and Kashmir and transfer control of the region to Pakistan. Harakat ul-Mujahedeen (HuM), or the "Islamic Freedom Fighters' Group," was founded in 1985 as an anti-Soviet group fighting in Afghanistan. When Soviet forces withdrew in 1989, the Pakistan-based HuM shifted its focus to Jammu and Kashmir. HuM seeks to battle "anti-Islamic forces" and its members have helped carry out operations as far away as Myanmar, Tajikistan and Bosnia.

The Communist Party of India was formed by a merger of Naxalite groups in 2004 after talks between the Indian government and the leftist militants broke down. The group seeks to establish a "revolutionary zone" of control extending from the Nepalese border down to the southern part of Andhra Pradesh that would ultimately become a sovereign state.

Harakat ul-Jihad-I-Islami (HUJI) was founded in 1980 to fight Soviets in Afghanistan but has since concentrated its efforts in Jammu and Kashmir. HUJI, which is based in Pakistan and Kashmir, primarily attacks Indian military targets, but it is believed to be linked to the abduction and slaying of five Western tourists in Jammu and Kashmir in 1995.

Jamiat ul-Mujahedin is a small group of pro-Pakistan Kashmiri separatists operating in or near Pakistan. It is thought to be responsible for a pair of 2004 grenade attacks against political targets in India. The United Liberation Front of Assam (ULFA) has sought to establish an independent socialist state in Assam since its founding in 1979. In the 1990s, ULFA's attacks on political leaders, security forces, and infrastructure provoked a harsh response from the Indian government, causing it to lose some support among the residents of Assam. The U.S. State Department reports a December 2003 attack on a ULFA base by Indian forces caused the group's numbers to drop from more than 3,000 to several hundred.

What agencies are responsible for fighting terrorism in India?

A number of intelligence, military, and police organizations within the Indian government contribute to counterterrorism efforts. These include state-run police forces, special security forces to guard airports and other high-profile targets, and paramilitary forces that patrol the borders and assist the police when necessary. These paramilitary groups, such as the 165,000-strong Central Reserve Police Force, have been accused of committing human rights violations, especially in Kashmir, where they are particularly active. The army usually participates in counterterrorism operations as a last resort, though in Jammu and Kashmir they play a more consistent role. India's closest structural equivalent to the U.S. Department of Homeland Security is the Ministry of Home Affairs, which oversees national police, paramilitaries, and domestic intelligence gathering.

India has several intelligence agencies that monitor terrorist activities. The Research and Analysis Wing (RAW) is the external intelligence agency and the Intelligence Bureau (IB), a division of the Home Affairs Ministry, collects intelligence inside India. A Joint Intelligence Committee analyzes intelligence data from RAW and IB as well as from a handful of military intelligence agencies, which usually provide tactical information gathered while carrying out counterterrorist operations.

The IB oversees an interagency counterterrorism center similar to the CIA. The Ministry of External Affairs oversees its own counterterrorism body, much like the U.S. State Department, which oversees diplomatic counterterrorism functions such as briefing other nations on suspected Pakistani sponsorship of terrorism in India.

How does the government react to terrorist attacks?

Experts say the government's response to terrorist attacks have been episodic; soon after an attack the government appears to take short-term measures. "India lacks a coherent strategic response to terrorism; there

is no doctrine, and most of our responses are kneejerk," says retired Major General Sheru Thapliyal, who works at the Center for Land Warfare Studies in New Delhi.

Indian security officials usually focus their investigations on the country's Muslim minority following such attacks. India is home to 150 million Muslims, the second largest Muslim population in the world. But a large percentage of them feel disadvantaged and discriminated against by the government and the security forces.

How have India's counterterrorism agencies performed?

Some Indian journalists called the July 11 Mumbai bombings a failure of the country's intelligence community. Stephen P. Cohen, a senior fellow at the Brookings Institution, says that within the ongoing debate over the effectiveness of India's counterterrorism apparatus, "there's general agreement that the old institutions can't cope with the new pressures." Wilson John, a senior fellow with the Observer Research Foundation in New Delhi, writes in the *Terrorism Monitor* the problem is an intelligence structure which has yet to emerge from its "debilitating colonial legacy and a complementary stranglehold of bureaucracy." John argues the state police and intelligence units are mostly structured as agencies to protect law and order and spy on rivals rather than act as investigative and intelligence units. He says there is reluctance, and even refusal, to share information among the intelligence and security agencies.

Others counter that the intelligence agencies are performing well, but politicians too often shy away from making tough security decisions for fear of angering their constituents. Jeevan Deol, a lecturer in South Asian studies at the University of London, says, "There may well be occasions where elected politicians may not see it in their interest to isolate insurgent groups." He says their actions are nothing "too unusual for an elected democracy."

India's counterterrorism measures have often been the subject of appeals by human rights organizations. Deol says Indian officials have a higher tolerance for collateral damage than counterterrorism authorities in many other nations. In an example of such tactics, he says, "Agencies and arms of the state have been accused of turning a blind eye in order to run rival gangs that would be tasked with killing other insurgents, but would also kill innocent people." Such tactics have been effective in the past, says Cohen, but only when coupled with political accommodation.

Does India have antiterrorism legislation similar to the U.S. Patriot Act?

Not anymore. In 2002 India passed the Prevention of Terrorism Act (POTA), expanding the government's powers in combating terrorism. Some measures, such as the ability to keep terror suspects in custody without bringing them to trial, met with objections, and the law was repealed in 2004 after allegations that officials were abusing their powers. However, after the recent spate of bombings, some Indian politicians are calling for the law to be restored.

Some Indian states such as Karnataka and Maharashtra have other laws, Maharashtra Control of Organized Crime Act (MCOCA) and the Karnataka Control of Organized Crime Act, that are used to try suspected terrorists. The MCOCA was also extended to Delhi in 2002. Some lawyers have alleged that MCOCA is even more draconian than POTA and has often been misused by the investigative agencies. Other states like Rajasthan, Gujarat, Andhra Pradesh and Uttar Pradesh are also seeking similar anti-terror laws.

URL: <http://www.newsweek.com/id/171203>

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Christian Science Monitor
December 4, 2008

Are Al Qaeda's Fingerprints on the Mumbai Attack?

The consequences could definitely be in their favor.

By John Hughes

It is the deteriorating relationship between India and Pakistan in the aftermath of the violent assault on India's commercial capital, Mumbai (formerly Bombay). At least five intelligence services – of the United States, Britain, Israel, India, and Pakistan – are trying to determine the originators of the attack. If, as seems possible, they prove to be of Pakistani origin and direction, recent promising overtures to ameliorate longstanding hostility between India and Pakistan would be blown off the negotiating table.

There are more serious possible consequences. Public sentiment in India is demanding strong retaliatory action against Pakistan. President-elect Obama has said India has the "sovereign right" to go after the terrorists who attacked it. The New Delhi government is facing strong criticism from its citizens for alleged incompetence in handling the assault. Officials have resigned. Elections loom.

If this crisis, and its attendant politics, should trigger new warfare between India and Pakistan, Pakistan would be distracted from its military action against Taliban and Al Qaeda forces who operate from sanctuary along the rugged Pakistani-Afghan border. Pakistan's military would regroup to meet the threat across its border from India. This would be a welcome scenario for Al Qaeda and some of its Taliban allies, and a setback for American and NATO-nation forces in Afghanistan at war with them.

So far, the finger of suspicion about the Mumbai attackers has been pointed at Lashkar-e-Taiba, a jihadist militant group ostensibly banned in Pakistan, but once enjoying the support of Pakistani intelligence forces for action against India in disputed Kashmir. Interrogation of the sole known survivor of the small Mumbai attack group suggests that the attackers were youthful foot soldiers who must have been trained and directed and supported by more sophisticated officers. This was an operation long in the planning that required reconnaissance, training, money, and excellent communications.

Questions linger. Were there positioned aides who reported that some security measures at hotels had been relaxed? How could the attackers carry in enough weaponry, explosives, and provisions to hold off security forces for three days? How could the attackers locate so swiftly, and simultaneously, widespread targets in a city of 13 million people? How could they pinpoint a Jewish community center of which most citizens of the city were unaware?

Over the years there have been reports of Al Qaeda and Taliban cooperation with elements of the Pakistani intelligence service and Lashkar-e-Taiba. Are Al Qaeda's fingerprints on the Mumbai operation? The hunt by the gunmen specifically for American, British, and Jewish victims smacks more of an Al Qaeda agenda, than that of a bunch of militants dabbling in the politics of Kashmir. An operation that would torpedo rapprochement between India and Pakistan, and maybe draw Pakistani soldiers away from hunting down Al Qaeda and Taliban elements along the Afghan border, would surely win the approval of Osama bin Laden.

The attack on Mumbai, killing more than 170 people, has at least temporarily halted the efforts of Pakistan's new president, Asif Ali Zardari, to put hostility between Pakistan and India behind the two countries. He has been urging better relations between the two nuclear-armed nations and recently proposed a "no first nuclear strike" policy with India.

President Bush has sent US Secretary of State Condoleezza Rice to the region to calm tempers, but the best she can likely do in the immediate future is to dissuade the two nations from going to war. Indians are likening the Mumbai assault to the 9/11 attack in the US. Their prime minister, Manmohan Singh has been increasingly sharp, warning that there would be a "cost" to "our neighbors" (read: Pakistan) if it turns out the attack was launched from their territory. An accord on Kashmir, which has eluded India and Pakistan for decades, is thus unlikely. So, in this climate, is an early resumption of confidence-building between the two governments.

Clearly, the Obama administration will handle a continuing crisis. India is an important ally of the US, a democracy emerging as a powerful economic force. Pakistan is a delicate democracy, a pivotal force in the war against Al Qaeda. Both have nuclear weapons. Both must be nurtured by the US. Pakistan, a non-Arab Muslim country, and India, a Hindu, non-Arab country that contains more than 150 million Muslims, can be significant examples for the spread of freedom in the Arab world. Both must be added to the incoming president's "to do" list. Both must be treated with urgency.

- John Hughes, a former editor of the Monitor, is a professor of international communications at Brigham Young University.

<http://www.csmonitor.com/2008/1204/p09s02-coop.html>

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Asia Sentinel
December 3, 2008

Getting Pakistan Out of the Grip of Extremism

The horrific events of the last week in Mumbai, in which at least 188 wholly uninvolved people were gunned down for no other reason than that they happened accidentally to be in the way of merciless gunmen, have to be viewed in the context of Pakistan's recent history. With the backing of the United States, the Pakistani government started military operations to chase out terrorists following the attacks on the World Trade Center in New York and the Pentagon in on September 11, 2001, thereby increasing civilian resentment first against their own government, and subsequently against the US, for all the civilian casualties during operations. This resentment has resulted in domestic acts of insurgency against Western and security targets – further polarising internal divisions.

Pakistan, now considered by some as the “most dangerous place on earth” was until the late 1960s a beautiful mosaic of diverse populations where people of different faiths, casts and creeds lived together peacefully. Few remember that Pakistan's first foreign minister, Zafarullah Khan, was a Qadiani, as was the only Pakistani Nobel laureate, physics professor Dr. Abdus Salam. Qadianis comprise a sect declared non-Muslim in Pakistan's constitution in the late 1970s. And unbeknownst to many, Pakistan's first Law Minister, Jogindar Nath Mandal, was Hindu.

No one at the time of Pakistan's founding objected to a Hindu interpreting and implementing the laws of the first state established in the name of Islam. Unfortunately, however, these early indicators of lasting co-existence, cohesion and equality have eroded and Pakistan's mosaic has become divided. Recent sectarian strife in Pakistan can be traced to the use of religion by President General Zia ul Haq as a tool for regime legitimisation in the 1980s. His attempt to create an Islamic polity within Pakistan was a bid to gain legitimacy with the religious right, but instead divided the nation along religious lines.

Following the Soviet invasion of Afghanistan in 1979, a complex network developed between the Afghan mujahideen fighters, domestic religious groups, and the Pakistani state, with a generous supply of weapons coming from the United States. This combination of easily available arms and a growing, motivated cadre of militants resulted in the rapid spread of violence from Afghanistan into Pakistan itself.

The US's so-called “war on terror” directly affected Pakistan following 9/11. After the fall of the Taliban in Afghanistan, many Al Qaeda suspects and Taliban remnants fled Afghanistan and are believed to have taken refuge in Pakistan. The government has tried to commence several peace deals with these militants but no agreements have been reached.

While the above conflicts have led to increased extremism within the country, Pakistan's religiously motivated curriculum has created further divisions. The "Islamised" curriculum being taught in public schools portrays the Muslim as a hero by bluntly negating the contributions of non-Muslims, according to studies by independent writers. Hence, negative behavior, biased approaches and discriminatory mindsets towards non-Muslims, both domestically and internationally, are established at an early age. The lust for power and vested interests of political, religious and tribal leaders endangers the fabric of the society and promotes oppression and discrimination. And communal violence continuously spills into the existing environment of disharmony.

To make Pakistan a modern, moderate, peaceful, prosperous and healthy nation we must change the exploitative systems, structures, patterns of discrimination, injustice and intolerance, as well as the reactive, rather than proactive, politics that have developed over the last three decades. A participatory democracy requires open dialogue, mutual cooperation between the heads of sectarian and religious movements and the affected local populations in order to combat militancy, hatred and intolerance of all kind.

Pakistan requires a two-pronged strategy on a short-term and long-term basis to combat internal strife or sectarianism and create an environment of peace, harmony and equal opportunities for all. In the short-term it is necessary to include people feeling alienated and disenfranchised, whether ethnically, religiously, politically or economically, to devise a national policy of cohesion and inclusivity.

In the long run, a complete overhaul of the country's education system, curriculum and political process, as well as distribution of wealth and resources among all provinces and sectors, are imperative. We need to bring back a spirit of national progress founded on the principles of unity and faith, embracing diversity, pluralism, justice and equality, all of which are an integral part of this nation. It necessitates attitudinal change – from the top to the grassroots level – so that discriminatory trends, biases and taboos are wiped away.

Pakistan's enormous challenge is to ensure that the affected communities experience a smooth transition from conflict to sustainable peace, from hopelessness to hopefulness and from injustice to justice. We need new ways of thinking about old problems and new ways of acting to make a significant impression on the existing power structures.

Saiqa Qureshi is a project coordinator at the Christian Study Centre in Rawalpindi, Pakistan, working on interfaith harmony at a grassroots level. This article was written for the Common Ground News Service (CGNews)

http://www.asiasentinel.com/index.php?option=com_content&task=view&id=1588&Itemid=180

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Washington Times

December 5, 2008

The Terrorists' Gambit

Austin Bay

The Islamist terrorist attack on Mumbai sets the stage for another major war between India and Pakistan. To avoid it, statesmen will have to control inflamed public passion and manipulative politicians as well as confront the terrorists responsible for the heinous crime. Diplomats know the act of mass murder spurs legitimate anger and rage. Mumbai's death toll reached 180 earlier this week, with some 240 people

wounded. Most of the dead were Indians, but the list of victims included foreigners from at least 12 other countries, including the United States, Germany, China, Great Britain and Israel.

India's outrage has deep roots. Islamist terrorists likely connected to Pakistan have struck Mumbai many times, with attacks in 1993 and 2006 particularly notable. The July 2006 attack mimicked al Qaeda's March 2004 bombing of commuter trains in Madrid. The recent massacre-by-gunfire tactically and strategically echoes the December 2001 assault by Islamist gunmen on India's parliament building in New Delhi. That attack killed 12 and chilled prospects for a Sept. 11, 2001-inspired India-Pakistan rapprochement based on combating terrorism. With anger seizing India and fear of Indian attack gripping Pakistan, rhetorical belligerency is inevitable. Indian and Pakistani media reflect this war of words. Both governments have redeployed military forces, with the contested state of Kashmir the focus.

Mediating anger and fear requires intricate diplomatic judo. Rhetoric is fine, as long as it releases passion rather than feeds it. To paraphrase Winston Churchill, "jaw jaw" is preferable to "war war." Diplomatically structured troop movements are also permitted, where Indian and Pakistani commanders know the other side's moves. This dangerous theater buys time for cool-headed leaders pushed by politicians demanding war. "Quartet discussions" involving India, Pakistan, the United States and the United Nations Security Council are a diplomatic venue for directing this theater. U.S. satellite and electronic intelligence assets are good at tracking large-scale conventional troop movements and provide a trust-building "third-party eye." The diplomats' goal is to avoid the strategic catastrophe of an Indo-Pakistani war -- thwarting what I believe was the terrorists' strategic aim. The Pakistani government says it wants to "dampen down the discourse of conflict and work toward regional peace." Good. Ensuring peace between India and Pakistan ultimately requires defeating the terrorists, and that entails effective, coordinated action.

India wants Pakistan to arrest and then extradite several terrorists, including Dawood Ibrahim. The Indian government believes Ibrahim orchestrated Mumbai's 1993 terror bombing. Pakistan needs to comply. India also wants action against terrorist bases. Indian media report that the terrorist captured in Mumbai, Ajmal Qasab, claims he trained at camps in Pakistan run by the Islamist and Kashmiri organization Lashkar-e-Taiba (LET). Though LET spokesmen deny it, Indian intelligence believes LET is responsible for the Mumbai assault and was behind the 2001 parliament attack.

LET is an al Qaeda ally. While al Qaeda serves as a global ideological collective for assorted Islamist sociopaths who use terror to achieve their own local or regional political goals, its connections with LET are long-term. According to the State Department, in March 2002 Pakistani security arrested al Qaeda "operations planner" Abu Zubaydah in a safe house operated by LET. Personal connections go back to the mujahideen war against Russia in Afghanistan - that battle zone on the other side of Pakistan. They also connect through Pakistan's fragmented, corrupt, yet still potent Inter-Services Intelligence directorate (ISI). LET and rogue ISI operatives are dangerous to Pakistan, and Pakistan needs to shut them down.

Al Qaeda lost in Iraq. It has now shifted its main effort to Afghanistan and Pakistan. Despite the negative headlines, al Qaeda is losing in Central Asia. As StrategyPage.com noted on Nov. 20, al Qaeda's tactics aren't working in Afghanistan because there is "popular opposition to Islamic terrorism" and that Pakistan's "army offensive against the Taliban in Pakistan" has hurt the terrorists. For the last six months, strikes on al Qaeda and Taliban sanctuaries in Pakistan have been increasingly effective. The terrorists' gambit? Replay December 2001 for bigger stakes. A mass slaughter in Mumbai ignites a war with India and moves the Pakistani army from the Afghan border.

Austin Bay is a nationally syndicated columnist.

<http://www.washingtontimes.com/news/2008/dec/05/the-terrorists-gambit/print/>

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Washington Post
December 5, 2008; A25

In Mumbai this Time

By Michael Gerson

The attacks have come like the steady rhythm of a clock -- 171 dead in Mumbai. Tick. Fifty-two dead in the London bombings. Tock. One hundred ninety-one dead in the Madrid train attacks. Tick. Two hundred two in Bali, and 2,973 in New York, Virginia and Pennsylvania. Maybe this is just the risk of living in the modern world. Or maybe it is the tick of a detonator. Days after the Mumbai attacks, the Commission on the Prevention of WMD Proliferation and Terrorism claimed that a chemical, biological or nuclear terrorist attack is likely before the end of 2013. "Our margin of safety is shrinking, not growing," it concluded. People naturally tend to mentally bury such risk. Wrote T.S. Eliot: "It is hard for those who live near a Police Station/To believe in the triumph of violence."

Part of the appearance of security is rooted in seven years without additional terrorist attacks in America - itself a triumph against violence. It is difficult for a leader to take credit for a negative achievement -- for the absence of failure. But here credit is due.

Most of the methods employed in this effort have been effective, congressionally approved and broadly noncontroversial -- fighting money laundering, intercepting terrorist communications, tightening up the border. These measures were muscular but hardly as muscular as other wartime precedents: Abraham Lincoln confiscating newspapers and putting editors in jail, Franklin Roosevelt interning 120,000 people of Japanese descent.

Yet some methods designed for exceptional cases, such as waterboarding, were ethically disturbing and eventually counterproductive -- causing self-inflicted ideological wounds in a largely ideological struggle. And there is little doubt that some administration claims of executive power invited a judicial backlash and undermined the power of future presidents. The Supreme Court reversed the administration three times on detainee issues because Bush officials relied exclusively on executive authority for their actions. If the administration had sought congressional backing for military commissions in 2001, and later for rules to hold combatants, the resulting legal framework would probably have been upheld by the courts -- and would probably have been closer to administration goals than the eventual result.

There is a lesson here for Barack Obama's administration: Sometimes power must be lightly held to be effectively employed. But this lesson should not be overlearned. To assume the presidency is also to assume a responsibility for the safety of Americans that Congress and interest groups will never feel as directly. Whatever the past debates, much of the legal framework of the war on terror has already been clarified by judicial and congressional intervention. The Foreign Intelligence Surveillance Act has largely been fixed, and few in the incoming administration seem anxious to revisit it.

On interrogation, Obama's choice is clear. The Defense Department has already adopted restrictive standards on the treatment of all detainees -- more restrictive than the law requires. But should the Pentagon rules for 1.4 million soldiers, airmen, sailors and Marines be applied to CIA treatment of a newly captured terrorist with vital information? Or should the CIA be allowed to employ still-classified "enhanced" techniques short of torture? During his campaign, Obama promised the universal application of the Defense Department approach -- but that is easier for a candidate than a president to pledge.

The hardest issues concern detained terrorists. Guantanamo will and should be closed as a public diplomacy nightmare. Perhaps half of the detainees will be sent home, leaving about 100 exceptionally dangerous men. The Obama administration will need to decide on a format for trials -- much improved

but politically discredited military commissions, ordinary civilian courts or some kind of national security courts created by Congress and supervised by the federal judiciary.

But the administration will not be able to try everyone. Some detainees will be too dangerous to release but too difficult to convict in a normal court setting using unclassified evidence. And any president will need the ability to hold and question newly captured terrorists outside the procedures designed for American criminals. Unless Obama returns to a simple exertion of executive authority, he will require congressional authorization to detain people. And this will expose a major tension between the new president's military responsibilities and the views of supporters who believe that detainees should be held only in preparation for trial. By all accounts, the president-elect is taking the time to examine these issues -- and is putting serious thinkers in charge of his review. Mumbai is a timely reminder that the stakes get no higher.

<http://www.washingtonpost.com/wp-dyn/content/article/2008/12/04/AR2008120402932.html>

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New York Times
December 5, 2008

Terror Attacks Traced to Two from Pakistan

By JANE PERLEZ and ROBERT F. WORTH

ISLAMABAD, Pakistan — Fresh evidence unearthed Thursday by investigators in India indicated that the Mumbai attacks were stage-managed from at least two Pakistani cities by top leaders of the militant group Lashkar-e-Taiba.

Indian and American intelligence officials have already identified a Lashkar operative, who goes by the name Yusuf Muzammil, as a mastermind of the attacks. On Thursday, Indian investigators named one of the most well-known senior figures in Lashkar, Zaki-ur-Rehman Lakhvi. The names of both men came from the interrogations of the one surviving attacker, Muhammad Ajmal Kasab, 21, according to police officials in Mumbai.

While Mr. Muzammil appears to have served as a control officer in Lahore, Pakistan, Mr. Lakhvi, his boss and the operational commander of Lashkar, worked from Karachi, a southern Pakistani port city, said investigators in Mumbai. It now appears that both men were in contact with their charges as they sailed to Mumbai from Karachi, and then continued guiding the attacks even as they unfolded, directing the assaults and possibly providing information about the police and military response in India.

Some of the calls appeared to be conversations about who would live and who would die among the gunmen's hostages, according to an official who interviewed survivors and a report by security consultants with contacts among the investigators. While Indian officials have pointed a finger directly at Pakistani elements, terrorism experts and some Western officials warned that the emerging sketch of the plotters was still preliminary and could broaden even to include militants within India. India, too, has a long history of antagonism with Pakistan.

The new links emerged as Secretary of State Condoleezza Rice met in Islamabad with Pakistani leaders, a day after meeting with Indian leaders, to urge that the two countries work together to find the attackers' commanders and bring them to justice. "What I heard was a commitment that this is the course that will be taken," Ms. Rice told reporters at Chaklala Air Base in Pakistan after meeting with President Asif Ali Zardari and Prime Minister Yousaf Raza Gilani. But while Pakistan's leaders offered polite assurances, they made no public announcement of concrete measures to be taken against Lashkar. They have also continued to express skepticism of Pakistani involvement and have resisted handing over 20 suspects demanded by India.

Lashkar-e-Taiba, whose name means “army of the pure,” was founded with the help of Pakistani intelligence officers more than 20 years ago as a proxy force to challenge Indian control of Muslim-dominated Kashmir.

Since then, the group has broadened its ambitions, its reach and its contacts with an international network of jihadi groups. Its fighters have turned up in Afghanistan and Iraq and have been blamed for several other high-profile attacks in India before. Today it is technically banned in Pakistan but operates openly through affiliates. Its links to Al Qaeda remain murky, as does the extent of its current ties to Pakistan’s main spy agency, Inter-Services Intelligence, or ISI.

In an interview this week, Muhammad Yahya Mujahid, a spokesman for Jamaat-ud-Dawa, a parent organization of Lashkar, denied that Lashkar or its leader, Haffiz Muhammad Saeed, had any connection to the attack. The surviving gunman in Mumbai claimed to have met Mr. Saeed at a training camp in Pakistan. American counterterrorism officials said there was no clear evidence that the Pakistani intelligence service played a role in the Mumbai attacks, or that Pakistani operatives were linked to the attackers.

Deven Barthi, a deputy commissioner on the Mumbai police force, would not comment on Indian media reports claiming direct links between the ISI and the Mumbai attacks. But, he said, “we have certain evidence of government complicity that we are trying to verify.” The weapons used in the attacks, he said, came from a factory based in Punjab Province in Pakistan that is under contract to the Pakistani military, he said.

The factory was also the source of grenades and explosives used in several earlier terrorist attacks in India, Mr. Barthi said. Those included bombings in Mumbai in 1993; a suicide attack on the Indian Parliament in 2001 and the bombing of the Indian Embassy in Kabul, Afghanistan, in July, he said. Investigators discovered the link to the Pakistan factory, Mr. Barthi said, after recovering a grenade left by the attackers that had EN ARGES printed on it.

That corresponds to a brand name belonging to a German company that granted a license to the factory to make weapons for the Pakistani military. One possible collaborator in the plot, the authorities say, was an Indian named Faheem Ahmed Ansari, who was arrested in February in a northern Indian state, Uttar Pradesh, along with two other suspected Lashkar members. Mr. Ansari told the police interrogators that from fall 2007 to February 2008 he surveyed possible targets for Lashkar in Mumbai, including the Taj Mahal Palace & Tower hotel and the Chhatrapati Shivaji Terminus, the old Victoria rail station.

The Uttar Pradesh police said he was arrested in connection with a gun and grenade attack on New Year’s Eve on a police camp in Rampur when he returned to pick up weapons left behind. His intention was to take the weapons to Mumbai for use in a later operation, they said. Other evidence emerged Thursday highlighting the sophistication and cruelty of the attacks. Some of the six people killed at the Jewish center in the city had been treated particularly savagely, the police said, with bodies bearing what appeared to be strangulation marks and other wounds that did not come from gunshots or grenades.

Even before the attackers landed on Mumbai’s shores, Mr. Lakhvi, the Lashkar commander, who is normally based in Kashmir, helped organize the plot from Karachi for the last three months, said a Pakistani official in contact with Lashkar. The gunmen also kept in contact with their handlers in Pakistan with cellphones as they rounded up guests at the two hotels, officials say. The attackers left a trail of evidence in a satellite phone they left behind on the fishing trawler they hijacked near Karachi at the start of their 500-mile journey to Mumbai.

The phone contained the telephone numbers of Mr. Muzammil, Mr. Lakhvi and a number of other Lashkar operatives, according to a report on the Mumbai siege released Thursday by M. J. Gohel and

Sajjan M. Gohel, two security analysts who direct the Asia-Pacific Foundation in London. The numbers dialed on the phone found on the trawler used to call Mr. Muzammil matched the numbers on the cellphones recovered from the Taj and Oberoi hotels, the report said.

Based on evidence found on the trawler, it was possible that five other men were involved in the plot and were still at large, the report said. In one of the hotels, a gunman asked several Indian guests what caste they belonged to and what state they came from, said an official who interviewed the guests. Once the attacker found out these details, he then called someone believed to be Mr. Muzammil, who was also identified by the surviving gunman and who was in Lahore, according to phone records recovered by investigators.

The surviving guests said the attacker told the person on the other end of the phone the guests' details and asked whether they should be killed or not. At one point, a guest said one of the calls seemed to be a conference call with two people on the other end. Once the calls were finished, the attacker moved the small group of guests, who did not know what their fate would be, into a room. When the attackers became distracted by tear gas fired by the police, the hostages managed to escape.

In another instance, the gunmen forced a Singaporean hostage at the Oberoi hotel, Lo Hwei Yen, to call her husband in Singapore. She told him that the hostages were demanding that Singaporean officials tell India not to try a rescue operation. The next day, Ms. Lo was killed, the foundation's report said. Investigators found that after the gunmen killed her, they used the phone she had called her husband with, the report said. "The worrying scenario is that Muzammil may have ordered her execution along with two other hostages that were found murdered in the same room," the report said.

Jane Perlez reported from Islamabad, and Robert F. Worth from Mumbai, India. Reporting was contributed by Somini Sengupta and Jeremy Kahn from Mumbai; Hari Kumar from New Delhi; Salman Masood from Islamabad; and Eric Schmitt from Washington.

http://www.nytimes.com/2008/12/05/world/asia/05mumbai.html?_r=2&ref=world&pagewanted=print

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Global Security and Intelligence Report (STRATFOR.COM)
December 3, 2008

From the New York Landmarks Plot to the Mumbai Attack

By Fred Burton and Ben West

On the surface, last week's attack on Mumbai was remarkable for its execution and apparently unconventional tactics. But when compared to a plot uncovered 15 years ago that targeted prominent hotels in Manhattan, it becomes apparent that the Mumbai attack was not so original after all.

The 1993 New York Landmarks Plot

In July 1993, U.S. counterterrorism agents arrested eight individuals later convicted of plotting an elaborate, multistage attack on key sites in Manhattan. The militants, who were linked to Osama bin Laden's then-relatively new group, al Qaeda, planned to storm the island armed with automatic rifles, grenades and improvised explosive devices (IEDs). In multiple raids on key targets combined with diversionary attacks, they aimed to kill as many people as possible.

The planned attack, which came to be known as the "Landmarks" plot, called for several tactical teams to raid sites such as the Waldorf-Astoria, St. Regis and U.N. Plaza hotels, the Lincoln and Holland tunnels, and a midtown Manhattan waterfront heliport servicing business executives and VIPs traveling from

lower Manhattan to various New York-area airports. The militants carried out extensive surveillance both inside and outside the target hotels using human probes, hand-drawn maps and video surveillance. Detailed notes were taken on the layout and design of the buildings, with stairwells, ballrooms, security cameras and personnel all reconnoitered.

The attackers intended to infiltrate the hotels and disguise themselves as kitchen employees. On the day of the attack, one attack team planned to use stolen delivery vans to get close to the hotels, at which point heavily armed, small-cell commando teams would deploy from the rear of the van. Stationary operatives would use hand grenades to create diversions while attack teams would rake hotel guests with automatic weapons. The attackers planned to carry gas masks and use tear gas in hotel ballrooms to gain an advantage over any security they might come up against. They planned to attack at night, when the level of protection would be lower.

The targeted hotels host some of the most prestigious guests in Manhattan. These could have included diplomats like the U.S. ambassador to the United Nations, who traditionally keeps an apartment in the Waldorf-Astoria, or even the U.S. secretary of state, who is known to stay at the Waldorf during U.N. sessions. They also host various business leaders. If successful, the attackers doubtless would have killed many high-profile individuals key to New York's stature as a center for financial and diplomatic dealings.

Meanwhile, the plots to detonate explosives in the Lincoln and Holland tunnels would have blocked critical transportation infrastructure, sowing chaos in the city as key escape routes were closed off. And VIPs seeking to escape the city via the midtown heliport would have been thwarted by the attack planned for that location. In fact, the heliport attack was planned to be carried out using watercraft, which also could have been used to target transport ferries, further disrupting transportation in and out of Manhattan. The New York City Police Department could plausibly even have quarantined Manhattan to prevent the attackers from fleeing the city.

With the city shut down and gunmen running amok, the financial center of the United States would have been thrown into chaos and confusion until the attackers were detained or killed. The attacks thus would have undermined the security and effectiveness of New York as a center for financial and diplomatic dealings.

At the time, U.S. counterterrorism officials deemed that the attack would have had a 90 percent success rate. Disaster, then, was averted when federal agents captured the plotters planning the Landmarks attack thanks to an informant who had infiltrated the group. Along with the 1993 World Trade Center bombing just four months earlier, which killed six people but was intended to bring down both towers, the United States dodged a major bullet that could have been devastating to New York.

The Nov. 26 Mumbai Attack

A little more than fifteen years later, the Nov. 26 attacks in Mumbai closely followed the script of the New York plot. Militants armed with AK-47s, grenades and military-grade explosives carried out a very logistically sophisticated and coordinated attack on the financial capital of India. Clearly, the Mumbai attack involved extensive preoperational surveillance. Attackers had maps of the targeted hotels, and according to the Indian Marine Commandos who raided the Taj Mahal hotel, the militants moved around as if they knew the hotel's layout by heart. Advance members of the attack teams had already taken up positions in the hotels, stockpiling firearms, ammunition, grenades and food that were quickly accessed and used to maintain the attackers' positions in the hotels. One of the attackers reportedly also had taken a job as an intern chef in the Taj Mahal hotel kitchen, so his movements raised less suspicion and he had a detailed knowledge of the entry points and corridors. For such attacks, preparedness is key, and escaping alive is a long shot. The attackers therefore must have been highly motivated and willing to die — a rare combination that requires immense amounts of training and ideological zeal.

At least two teams entered the city by watercraft, breaking up into smaller groups as they made their way to the Taj Mahal hotel, Oberoi-Trident hotel complex and Nariman (also known as Chabad) House, a Jewish center in the same area of Mumbai. These tactical teams dispersed across the city, attacking prominent sites where foreign VIPs were sure to be present. They infiltrated the hotels through back entrances and kitchens, thus enhancing the element of surprise as they opened fire on guests in the dining areas and atriums of the hotels.

Beyond killing people and holding hostages in Mumbai's most prestigious hotels, other attack teams assaulted additional strategic sites in Mumbai, creating a sense of chaos and confusion over the whole city. Mumbai's main train station, Chhatrapati Shivaji Terminus, as well as Cama Hospital, offices of The Times of India newspaper, restaurants, a theater, and bars frequented by foreigners also were attacked. The attackers' excellent coordination — the multiple attacks took place nearly simultaneously — thus ensured maximum confusion and chaos, frustrating police responses. This could explain in part why operations like those at Nariman House and the hotels lasted for more than 48 hours.

Similarities between New York and Mumbai

The similarities between the Landmarks plot and the Nov. 26 Mumbai attack are quite obvious. In symbolic terms, as the Mumbai attack unfolded, many onlookers said that an attack on Mumbai is to India what an attack on New York is to Americans. In more concrete terms, the targets, methods, weapons and geography involved were similar (if not identical), and the unconventional style of the attacks points to a common author.

U.S. counterterrorism forces in 1995 detained Landmarks plot mastermind Ramzi Yousef, who remains in U.S. federal prison. But his ideas obviously did not stay behind bars. This illustrates how a plan's initial failure does not mean the threat has been eliminated. Indeed, Stratfor observed in 2005 that the 1993 Landmarks plot (among others) should not be discounted, as al Qaeda or other terrorist groups are known to return to past targets and plot scenarios.

The similarities between the Landmarks plot and the Mumbai attack exist at several levels.

The first relates to the target set. Both New York and Mumbai are the respective financial centers of their countries and home to their nations' major stock exchanges. In both cities, the planners had picked out high-profile soft targets — sites that have less security personnel and countermeasures than, say, a military installation or key government building. Softer security means gaining access to strategic assets and people is easier. Stratfor has long stressed the importance of maintaining vigilance at soft targets like hotels that cater to international guests, as these are likely targets for militant Islamists. Both plans also involved infiltrating hotel staff and booking rooms in the hotels to gain inside information and store supplies.

The second similarity involves how both plans included peripheral targets to cause confusion and chaos and thus create a diversion from the main targets. In Mumbai, transportation infrastructure like the city's main railway station was attacked, and militants detonated explosive devices in taxis and next to gasoline pumps. Meanwhile, roving gunmen attacked other sites around the city. In a country where coordination among first responders is already weak, the way the attackers fanned out across the city caused massive chaos and distracted security forces from the main prize: the hotels. Attacking Cama Hospital also sowed chaos, as the injured from one scene of attack became the targets of another while being rescued.

A third similarity exists in the geography of the two cities. In both plots, the use of watercraft is a distinctive tactical similarity. Watercraft gave militants access at unconventional locations where security would be more lax. Both Mumbai (a peninsula) and Manhattan (an island) offer plenty of points where

militants can mount assaults from watercraft. Such an attack would not have worked in New Delhi or Bangalore; these are landlocked cities where militants would have had to enter by road, a route much more likely to encounter police patrols. Being centers of trade and surrounded by water, both Mumbai and New York have high levels of maritime traffic. This means infiltrating the area from the water would raise minimal suspicions, especially if the craft were registered locally (as was the case in the Mumbai attack). Such out-of-the box tactics take advantage of security services, which often tend to focus on established threats.

A fourth similarity lies in transportation. In addition to using watercraft, both plots involved the use of deceptive vehicles to maneuver around the city undetected. The Landmark plotters used taxis to conduct surveillance and planned on using a delivery van to approach the hotels. In Mumbai, the attackers planted bombs in taxis, and at least one group of militants hijacked a police van and used it to carry out attacks across the city. Using familiar vehicles like taxis, delivery vans or police vans to carry out surveillance or attacks reduces suspicion and increases the element of surprise, allowing militants to stay under cover until the moment of attack.

An Off-the-Shelf Plan

As indicated, the striking similarities between the Landmarks plot and the Mumbai attack suggest that Ramzi Yousef and other early al Qaeda operatives who helped prepare the Landmarks plot in New York authored the Mumbai plan. Considering that the militants launched their original attack from Karachi, Pakistan, and the previous involvement of Pakistan's Inter-Services Intelligence (ISI) agency — which has connections with al Qaeda leaders in western Pakistan — it is very likely that al Qaeda in Pakistan at least provided the blueprints for this attack. On-the-ground operations like training, surveillance and the actual attack appear to have been carried out by the Pakistani militant group Lashkar-e-Taiba in connection with Indian Islamist groups.

Here we see more evidence of the existence of an ideological or strategic battle space that exists in the radical Islamist world, which has been greatly influenced by al Qaeda. Like a contingency plan that might sit on the shelf for years or decades before it is useful, terrorist plots (especially good ones) can have a long shelf life and be applied in various scenarios. In fact, plans that sit on the shelf longer might actually be more effective as security officials focus their attention on evolving threats and forget old ones.

Just because a plot has been disrupted, the threat has not been eliminated. Once terrorists happen upon a successful model, they are likely to follow that model. This can be seen in al Qaeda's return to the World Trade Center in 2001, eight years after the initial truck bomb attacks in 1993. It can also be seen in the fact that Mumbai has been the target of multiple attacks and threats, including train bombings in 2006 that killed approximately 200 people. Though the tactics might have differed, the target set remained the same. Various parts of the attack cycle can change, but rarely does an attack occur that is completely novel

Ultimately, the biggest difference between the Landmarks plot and the Mumbai attack is that the Mumbai attack succeeded. The failure of the Landmarks plot probably provided key lessons to the planners of the Mumbai attack, who were able to carry out the stages of the attack without detection and with the full element of surprise. Gauging by the success of the Mumbai incident, we can expect similar strategies and tactics in future attacks.

<http://www.stratfor.com/mmf/126606>

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Wall Street Journal

DECEMBER 4, 2008, 2:05 P.M. ET

Pakistan Won't Cooperate with India

By SUMIT GANGULY | From today's Wall Street Journal Asia

Upon her arrival in New Delhi this week, United States Secretary of State Condoleezza Rice said she expected the Pakistani regime to "cooperate fully and transparently" with India to try and bring the perpetrators of last week's terrorist outrage in Mumbai to justice. Ms. Rice's position -- though seemingly sensible -- is actually off the mark. The regime of President Asif Ali Zardari has no incentive whatsoever to cooperate with India to ensure that the terrorists who were responsible for the Mumbai attacks are actually apprehended.

Pakistan has pursued a successful strategy of asymmetric warfare through jihadists since the outbreak of an ethno-religious insurgency in Kashmir in 1989. Part of Islamabad's strategy is to appear cooperative. After members of two jihadi groups, Jaish-e-Mohammed and the Lashkar-e-Taiba, attacked the Indian parliament on Dec. 13, 2001, for instance, then-President Pervez Musharraf nominally banned both entities. He placed their leaders under house arrest and had many of the terror groups' members arrested. On Jan. 12, 2002, he declared he would not allow Pakistani territory to be used for acts of terror.

Thanks to persistent American prodding, the two sides embarked on a peace process in 2004. The two sides agreed on a cease-fire along the Line of Control, the de facto international border in Kashmir, expanded people-to-people contacts and loosened travel restrictions.

Yet even in those times of apparent peace, Pakistan did not wholly abandon the jihadi option. As the inaugural bus service between Srinagar in Indian-controlled Kashmir and Muzaffargarh in Pakistan-controlled Kashmir was about to depart in April 2005, terrorists attacked the tourist reception center. The military regime in Islamabad issued a predictable communiqué condemning the attack while suggesting that it was the work of miscreants intent on undermining the nascent peace process.

Pakistan's standing in the Indian public eye has waned in recent months -- even before the Mumbai attacks. Pakistan's Inter-Services Intelligence agency was linked to an attack on the Indian Embassy in Kabul on July 7 this year. The suicide bombing, which leveled significant portions of the embassy, resulted in the deaths of several Indian Embassy personnel, including India's defense attaché. In the aftermath of the attack India raised the matter in the next round of the diplomatic dialogue between the two sides, to little effect.

Now in the aftermath of the Mumbai attacks, when a substantial corpus of circumstantial evidence is confirming a Pakistani connection, Mr. Zardari is recycling old, familiar tactics. He immediately rebuffed Indian Foreign Minister Pranab Mukherjee's request to extradite some 20 suspects to India. And he insists that India proffer evidence of Pakistani complicity before the country takes any steps to bring the culprits to book. Moreover, Hafiz Mohammed Saeed and Maulana Masood Azar, the heads of Lashkar-e-Taiba and Jaish-e-Mohammed, continue to operate openly in the Pakistani cities of Lahore and Quetta.

This puts India in a tough spot. The Congress Party-led government in New Delhi cannot reveal the sources and methods of its intelligence intercepts -- especially at a moment as politically fraught as the present. Indian policy makers also cannot be seen to do nothing. It is a dangerous impasse.

Given these circumstances, if the U.S. wishes to bolster its growing relationship with India and demonstrate its seriousness in combating the global jihadi menace, it needs to call Pakistan's bluff. Only sustained American pressure designed to induce Pakistan to dismantle what Indian security analysts refer to as "the infrastructure of terror" will produce the right outcome. Without this U.S. pressure, Pakistan and India will continue the same diplomatic dance that they've been doing for years, to little effect. The victims of the Mumbai bombings, and the city's terrified residents, deserve better.

Mr. Ganguly is a professor of political science and the director of research of the Center on American and Global Security at Indiana University, Bloomington.

<http://online.wsj.com/article/SB122841737710879917.html>

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Washington Times

December 5, 2008

India-Pakistan Nuclear Risk?

Martin Schram

Once again, terrorists struck, slaughtering 174 people in Mumbai, India, in a crisis that may have been malevolently designed to blast the adversarial nuclear neighbors India and Pakistan into war. Once again, world leaders fear another conventional war between India and Pakistan could go nuclear -- even as both governments utter all the usual assurances that they can keep their nukes under control.

Once again, world leaders need to recall the frighteningly candid words of a former Pakistan army general who explained to me years ago how in a conventional weapons clash between India and Pakistan, even a well-intentioned, highly trained general such as he was could inadvertently start a nuclear war. And how the initial nuclear launch would not only be responded to but would instantly escalate tenfold -- a catastrophe that would not only obliterate the region but would have severe global consequences

The warning spoken by retired Brig. Gen. Feroz Khan in my interview with him in 2002 reads like a warning call today. We spoke at a time when India and Pakistan seemed headed toward yet another ground war over the disputed bucolic region of Kashmir -- after Pakistan-based guerrillas of Lashkar-i-Taiba attacked India's Parliament. Now India says last month's Mumbai murderers were trained inside Pakistan by the same militant group, which is linked to elements of Pakistan intelligence.

"Once the conventional war breaks out, the fog of war sets in," Gen. Khan said then. "And during war you have deceptions. You have misperceptions. You have communications breakdowns. Things get heated up."

The retired general noted that "nuclear weapons... are normally kept in peacetime, or even during the crisis, under a certain set of conditions where safety is more important than effectiveness." But he said that as the military situation worsens, these nuclear weapons could be made available to generals for "battle deployment," adding: "You are now moving the safety coefficient lesser and lesser -- in favor of battle effectiveness." And that can cause what Gen. Khan called "the danger of inadvertence."

Time can be the ultimate enemy in a war between nuclear next-door neighbors, because missiles are launched just minutes from their targets. And nuclear decisions sometimes need to be made instantly -- by generals in the field -- not civilian leaders in the capitals. The former Pakistan general cited three scenarios in which a general in combat might have to issue an order to retaliate without having enough time to know for sure whether the enemy has actually attacked with a weapon carrying a nuclear warhead.

- Scenario One: India launches a missile that Pakistan knows is "nuclear-capable" - but this missile only has a non-nuclear warhead. It hits its Pakistani target. "It may or may not be a nuclear explosion, but it could be perceived as if a nuclear strike has already taken place." A Pakistan general might order a nuclear strike he thinks is retaliatory - but he has actually triggered a nuclear first strike.

- Scenario Two: In a conventional attack, a weapon hits a nuclear target, causing a radioactive plume. "Now, nobody knows whether a nuclear weapon was fired or the nuclear asset was blown up on the

ground." The instant field report calls it a nuclear attack. Headquarters orders a retaliatory strike - but it is really the first nuclear strike.

- Scenario Three: A conventional attack takes out the command center. Commanders perceived it as a "decapitating attack" intended to knock out one side's nuclear weapons. "And they would then say, 'Look, before my weapon goes out, I'd better use it or lose it.'" So a nuclear weapon is launched. In each case, the nuclear exchanges escalate tenfold. That is why India and Pakistan dare allow terrorists to blast them into an unwanted war. And world leaders dare not allow it to happen.

Martin Schram is a columnist for Scripps Howard News Service.

<http://www.washingtontimes.com/news/2008/dec/05/india-pakistan-nuclear-risk/print/>

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Miami Herald
November 28, 2008

A Leader on Fighting Terrorism

BY JAMES K. GLASSMAN

Colombia has as much experience with terrorism as any country in the world. Since 1964, armed groups of both the left and right have been brutalizing farmers and union leaders, kidnapping and executing officials, setting off bombs in urban areas, shelling towns and trafficking in cocaine.

But today, Colombia is succeeding against terrorism, and, against all odds, it has become an international model. Since Alvaro Uribe became president in 2002, homicides have dropped 40 percent; kidnappings, 83 percent; and terrorist attacks, 76 percent.

Part of this success is owed to the nation's military, which has driven terrorists of the FARC, or Revolutionary Armed Forces of Colombia, out of strongholds like Vista Hermosa, a farming town I recently visited about 100 miles from Bogota.

But the big story is that Colombia is relying not just on bullets and defoliants, but also on ideas. Colombia has developed an anti-terror model in our own hemisphere that has powerful applications in North Africa, South Asia and the Middle East.

Consider a shy teenager named Flor. She says that she left her rural home at age 12 to join the FARC because it would be "an adventure." But she quickly found it was a terrible mistake -- a life of brutality and isolation in the jungles of central Colombia. Once you're in the FARC, she says, you're in for life: "They told us that if we tried to leave, they would kill us."

But, today, after seven years, Flor is out and alive. She is among 10,000 fighters who have escaped the FARC in a vast "demobilization and reintegration" program that ensures their safety and seeks to make them productive citizens. Since 2005, about 48,000 members of armed groups of both left and right have been demobilized, many through the encouragement of sophisticated strategic communications programs that include text-messaging and MTV-style videos aimed at young FARC fighters.

While extremists around the world justify their violence with a variety of ideologies, what the groups have in common is that they hijack impressionable youth to carry out their crimes. These young people are exceptionally vulnerable. A terrorist leader fills the opportunity gap with what kids like Flor see as the most alluring game in town, linking "adventure" with a doctrine of hatred, fantasy, greed and hysteria.

Colombia shows that this phenomenon is not exclusive to Muslim societies. An effective anti-terrorist strategy must both undermine the ideology of a violent extremist group and disrupt its flow of recruits by

offering productive alternatives for young people. These simultaneous approaches are what we have been attempting lately in America's war of ideas abroad, as are countries as diverse as Saudi Arabia, Singapore and Britain.

The strategy is beginning to work. Public support for al Qaeda's ideology, which justifies the slaughter of fellow Muslims, has been weakening in nearly all Muslim nations. But, while the movement of foreign fighters into Iraq has slowed significantly, the flow of recruits globally has not stopped. Our strategy to stanch it is called "diversion" -- the channeling of young people away from violence with the attractions of technology, sports, culture, education and entrepreneurship.

Colombians have shown that they can rescue even young people who have been caught up for years in a violent extremist group. Often, a former FARC fighter can find a new constructive identity that combines idealism with maturity and restraint, just as a former Mideast terrorist can build an identity on the positive values of Islam.

The struggle against terrorism also requires a change in the surrounding environment. If the public is too scared to stand up against violence or, worse, condones it, then extremists will fight on.

The environment in Colombia changed significantly this year after a young unemployed technician named Oscar Morales started an anti-FARC movement using the organizing power of Facebook.com. Soon, 12 million were marching against the FARC in Bogota and 190 cities around the world.

The U.S. State Department has joined a public-private group, including tech firms like Facebook, Howcast and Google, that will bring Colombia's anti-FARC organizers together with about 15 other global anti-violence groups in New York in a few weeks to discuss best online practices.

Perhaps we'll soon see masses of young people mobilizing against the mindless violence of al Qaeda, the Taliban and other terrorists in places like Kabul, Islamabad, London, Bali, New Delhi and Mexico City. There's no more important cause, and Colombia is leading the way.

James K. Glassman is the under secretary for public diplomacy and public affairs at the Department of State.

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<http://www.miamiherald.com/294/v-print/story/786311.html>

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Terrorism Monitor Volume: 6 Issue: 22

November 25, 2008

India's Troubled Northeast Region: The Resurgence of Ethno-Islamist Terrorism

By: Animesh Roul

The security situation in India's troubled northeast region plumbed new depths in October when two major terror incidents struck Manipur and Assam states. On October 21, nearly 17 people were killed in Imphal and over 30 injured in a powerful bomb blast triggered by suspected militants of the People's Revolutionary Party of Kangleipak (PREPAK). The militants were believed to be targeting government security forces (The Sangai Express, October 22). A week later, on October 30, neighboring Assam witnessed serial explosions that killed nearly 84 people and left scores of wounded (Assam Tribune, November 3). Suspicion in these attacks focused on the United Liberation Front of Asom (ULFA) and the Bangladesh based Harkat ul-Jihad Islami (HuJI) combine. The attacks consisted of ten low and high intensity bomb blasts within a span of 20 minutes in the cities of Kokrajhar, Bongaigaon, Barapeta and

Guwahati. The Assam blasts occurred as recent terror attacks have targeted other parts of India, including Jaipur, Delhi, Ahmadabad and Bangalore (see Terrorism Focus, August 5).

New Methods of Attack

The aim of the perpetrators was a high fatality rate and widespread chaos, as the blasts were aimed at crowded places crammed with office workers and shoppers. Forensic investigations revealed that the bombs used a cocktail of RDX (hexogen), ammonium nitrate, plastic explosives and TNT with high-tech timer devices (Economic Times [India], November 7). For the first time in India, cars laden with explosives were used in the blasts in Guwahati, whereas motorbikes and cycles were used in previous blasts. The trend of using a deadly mixture of explosives, which is a hallmark of Islamist groups like HuJI, is new to the region. HuJI or other Islamist terrorists active in the region (e.g. the Lashkar-e-Toiba or the newly emerged Indian Mujahideen) have been accused of orchestrating a number of such terror strikes in major cities across India in the past. For the first time, however, traces of jihadi footprints are emerging in northeast India.

One hitherto unknown outfit, the Islamic Security Force-Indian Mujahideen (ISF-IM) claimed responsibility for the Assam blasts. Investigating agencies doubted the claim, thinking it may have been sent to derail the investigation (Hindustan Times, November 2). Instead, ULFA, the senior terrorist group operating in the region, remains the primary suspect in the October 30 incidents, along with HuJI and the National Democratic Front of Bodoland (NDFB). All three groups are active in the region and have a strong presence in Bangladesh, Bhutan and Myanmar.

The confusion of the present investigation notwithstanding, as many as 23 suspects have been arrested so far by the Special Investigation Team (SIT) of the Assam police in connection with the October 30 serial blasts. SIT sleuths are also zeroing on the involvement of another ethnic militant outfit, the NDFB, along with ULFA and HuJI. The SIT has arrested a Bhutanese national, Tenzing G Zangpo and the self-proclaimed home secretary of the NDFB, Sobin Boro from Guwahati, amongst others. Police sources reported the October 30 terrorist attacks were given final shape at a meeting at Sobin Boro's rented house in Guwahati on October 17. The SIT also claimed to have arrested two more NDFB cadres, Thungri Boro and Dinesh Boro, who, according to SIT, were directly involved in the blasts (Assam Times, Nov 18). Both ULFA and NDFB leaderships have issued notes of denial, perhaps fearing a backlash after sensing public outrage.

The magnitude and intensity of the latest terror attacks show the deteriorating security situation vis-a-vis the resurgence of militancy that plagues the region, especially in Assam over the last three decades. State Chief Minister Tarun Gogoi has blamed the attacks on "religious terrorism," an obvious allusion to Islamist militancy, which he suggested posed "a greater danger than insurgency." Gogoi pointed fingers at neighboring Bangladesh, indicating that the militant groups in that country were helping extremists to carry out terror strikes in the Assam state and elsewhere in the country (Times of India, November 08).

The Role of Bangladesh

Assam was a Muslim majority state before independence in 1947. Muslims became a minority in Assam after the post-independence exodus of Muslims to East Pakistan (now Bangladesh). Indian nationalists have pointed to recent census figures as proof that some districts of Assam have returned to having a Muslim majority as a result of massive illegal migration from Muslim Bangladesh. Assam Muslims deny the claims of migration from Bangladesh, attributing the demographic change to the high birth-rate of Assam's Muslim community (Milli Gazette, December 16-31, 2004).

Bangladesh had denied earlier that any insurgent outfit based in the country was involved in the blasts (North East Tribune [Assam], November 2). Dhaka's denial notwithstanding, the role of Bangladesh has

attracted serious scrutiny. It's commonly believed within India that both Pakistan's Inter Services Intelligence (ISI) and its Bangladesh counterpart, the Directorate General of Forces Intelligence (DGFI), have assisted ethnic and Islamist terrorists and militants from West Bengal and India's northeastern states. [1]

According to the federal Home Ministry, the Bangladesh wing of HuJI has provided assistance to ULFA and NDFB, as both Assam-based groups lack the technology and manpower to carry out large-scale operations. ULFA militants have suffered set-backs following intermittent but massive military operations in recent years. Its once-dreaded "28 Battalion" is in complete disarray after arrests and the defection of two companies in June. One theory suggests that the remnants of the ULFA colluded with other likeminded outfits in perpetrating these sophisticated terror attacks to reassert their presence in the area. The other angle being investigated by intelligence officials relates to HuJI and the possibility of links with the ethnic riots of early October, when Assam was hit by clashes between the indigenous Bodo tribes (about 5% of the Assam population) and immigrant Muslim settlers that killed nearly fifty people and rendered thousands homeless in Udalgiri and Darang districts (The Telegraph [Kolkata], October 7). According to some sections of the government and police, this could have triggered the HuJI leadership to avenge the deaths of fellow Muslims.

Homegrown Jihadis?

Encircled by four countries- Bangladesh, Bhutan, Burma (Myanmar) and China, India's northeast region is home to more than 30 active or dormant terrorist organizations, spread over seven states. At least five major ethnic/Islamist terrorist organizations are actively involved in violence in Assam and elsewhere: the National Democratic Front of Bodoland (NDFB), the United Liberation Front of Asom (ULFA), the Dima Halim Daogah (DHD), the All Adivasi National Liberation Army (AANLA) and the Muslim United Liberation Tigers of Assam (MULTA). [2] ULFA, an ethnic terrorist group fighting for an independent Assam since 1979, operates several camps in Bangladesh and Myanmar and its top leaders are presently based in Bangladesh. ULFA has a reputation for providing guerrilla and arms training to most of its northeast affiliates, including the NDFB. There are signs that ULFA, a group devoted to sovereignty for Assam, is becoming increasingly Islamized through ties to groups such as MULTA and HuJI, as well as through what India's central government alleges is patronage by Pakistan's ISI (Rediff.com, July 25, 2006; Times of India, July 25, 2006). A senior Indian Army official, Major General KS Sethi, recently stated that "home-grown terrorist organizations active in the northeast are aiding jihadi elements with logistical support" (Economic Times, November 2). If intelligence reports are to be believed, the Bangladesh-based HuJI has active operational links with northeastern militant groups like ULFA, PREPAK of Manipur and the All Tripura Tiger Force (ATTF).

Conclusion

The recent terror attacks in Assam were significant for two reasons: this was the deadliest attack ever in the northeast region; and for the first time there were tell-tale signs of collaboration between ethnic-separatist militants and Muslim jihadi groups with a strong cross-border reach. Evidence to this end is found in the forensic and intelligence reports and further confirmed by the confessions of Tripura-based militants arrested for their alleged role in the October 1 serial bombings in the city of Agartala. Sachindra Debbarma, the main suspect in the Agartala attacks, revealed in his confession that the attacks were planned at an NDFB safe-house in Bangladesh by agents of the Pakistan's ISI, Bangladesh's DGFI and cadres from seven Assam-based militant groups (Sakaal Times, November 7).

ULFA has developed the expertise needed to carry out the Agartala terrorist operation. The October 30 attacks, however, were far more sophisticated and seemingly beyond ULFA's capabilities. The Assam government has suggested the involvement of a "third force," besides the usual suspects, the ULFA and

NDFB. This elusive third force may have roots in Bangladesh, as claimed by Assam's senior minister, Pradyut Bordoloi (Press Trust of India, November 18).

Notes

1. Jaideep Saikia, *Terror Sans Frontiers: Islamic Militancy in North East India*, Program in Arms Control, Disarmament, and International Security (ACDIS), Occasional Paper, University of Illinois at Urbana-Champaign, July 2003; Rediff, January 9, 2007.
2. MULTA was founded in 1994 by a local mosque cleric in the wake of the Bodo tribal attacks on Muslim areas in Barpeta district. Its operation area covers Goalpara, Dhubri, Darrang, Nalabari and Naogaon districts. MULTA maintains ties with ULFA and the Bangladesh based HuJI, Jama'atul Mujahideen Bangladesh (JMB) and Pakistan's Inter-Services Intelligence (ISI). See Abu Nasar Saied Ahmed, *Fundamentalism in Bangladesh: Its Impact on India*, Akansha Publishing House, New Delhi, 2008, pp187-190.

http://www.jamestown.org/programs/gta/single/?tx_ttnews%5Btt_news%5D=34175&tx_ttnews%5BbackPid%5D=26&cHash=9f9a3cae70

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Terrorism Focus Volume: 5 Issue: 41
December 3, 2008 01:10 PM

U.S. Missiles Target Suspect in Transatlantic Airliner Plot

By: Raffaello Pantucci

Late in the evening of November 21, a U.S. operated Predator drone struck a house in North Waziristan owned by local warlord Khaliq Noor. Among those allegedly killed were British-Pakistani militant Rashid Rauf and senior al-Qaeda leader Abu Zubair al-Masri (Dawn [Karachi], November 22; BBC, November 22). It was not immediately clear whether Rauf, wanted by British and American security services for his alleged role in masterminding the August 2006 transatlantic airlines plot, was the target of the attack, though Pakistani authorities later confirmed that Rauf was the main target. His location was determined after communications between Rauf and other militants in the area were intercepted (Times, November 24).

There was some confusion whether Rauf was actually killed in the attack. One report from Pakistani intelligence claimed they overheard radio chatter that he was amongst the casualties, while his family lawyer, Hashmat Malik, claimed that they were sure he was not amongst the dead (Observer, November 23; BBC, November 25). At the time of writing it remained unclear whether Rauf was alive, with British Foreign Secretary David Miliband formally asking the Pakistani government for confirmation of his death (BBC, November 26). According to one theory making the rounds in Pakistan's North-West Frontier Province (NWFP), Rauf was deported to Britain with the news of his death providing a cover for this action (Frontier Post [Peshawar], November 27).

Like his alleged death, Rashid Rauf's history remains something of an enigma. It appears he was born in the Mirpur region of Pakistan (where the majority of Britain's Pakistani immigrants come from) to a family that moved to the United Kingdom when he was very young, though other sources claim he was born in Birmingham (Independent, November 23; BBC, November 22). The family settled down in Birmingham and Abdul Rauf, Rashid's father, established a bakery for which Rashid helped make deliveries. According to Amardeep Bassey, a British investigative journalist, the family had a lineage of religious preachers and Rashid was likely being groomed to take on a similar role, while other reports claim that Abdul Rauf was a pious man who had been a religious judge back home (BBC, November 22; Independent, November 23). Little is known of Rashid's early life, with some reports stating that he was a "normal" young man with no particular radical tendencies (Independent, November 23). His family

refuses to talk to the press, no doubt because of the fact that other family members have been targeted previously by the security services. Rashid's brother, Tayib Rauf, was amongst those initially arrested in connection with the airliner plot in August 2006, though he was subsequently released and cleared on all charges. Some rumors in the wake of the arrests alluded to a role played by Rashid Rauf's father in terrorist activity, but these proved unfounded and resulted in media apologies (Birmingham Post, February 26, 2007).

What is known, however, is that on April 24, 2002, Mohammed Saeed, Rashid Rauf's uncle, was stabbed to death in Birmingham in a "frenzied attack" (Sunday Mercury, November 22). The reasons behind this murder remain unclear, though it appears as though a family feud, possibly connected to an arranged marriage, may have been the cause (Independent, November 23). Whatever the case, West Midlands police sought Rauf and childhood friend Mohammed Gulzar for questioning (Gulzar was arrested in 2006 and charged in connection with the airliner plot, though he was subsequently cleared on all charges. He remains in custody on unrelated charges). Sensing trouble, the young Rauf fled the UK, travelling to Pakistan and seeking refuge amongst extended family and friends in the Bahawalpur region of Pakistan. There he met and married into the family of Maulana Masood Azhar, founder of the Islamist Jaysh-e-Muhammad (Army of Muhammad – JeM). At this point he apparently came under the influence of Abu Zubair al-Masri, one of al-Qaeda's top explosives experts (Times, November 23). There are conflicting reports about when Rauf was radicalized, with some reports suggesting he had already become an extremist before he left Birmingham (Independent, November 23).

This is not an insignificant detail, as it demonstrates the root counter-terrorism problem that the UK faces when looking at the threat through the prism of its domestic British-Pakistani population. The official Pakistani line is that some Britons are radicalized in the U.K., while others arrive in Pakistan "pre-cooked" (Observer, November 23). The reality would seem to indicate that a more complex blend of home-grown factors and familial connections back to Pakistan is in fact closer to the correct mix. In many ways Rauf encapsulated this trend, and his strong connections with radicals in the UK and high ranking access to al-Qaeda's core in Pakistan undoubtedly made him an important connection.

Whether he was more than a crucial connection and was in fact the terrorist "mastermind" that he is often referred to in the press is unclear, but it was his arrest in 2006 that suddenly accelerated the process of closing down the cell in the UK, codenamed "Overt" by the British police. Questions remain unanswered about who pushed Pakistan to make this arrest and whether there was consensus on both sides of the Atlantic about its timing. In his controversial book, *The Way of the World*, Ron Suskind claims that the U.S. government pushed for the arrest in an attempt to accelerate Britain's shutdown of the plot to ensure that terrorism was high on the agenda during U.S. mid-term elections. U.S. Department of Homeland Security Secretary Michael Chertoff told the BBC's Panorama program that there was intelligence suggesting Rauf was about to go off the radar into parts of Pakistan where he would be unreachable (BBC Panorama, September 9). Whatever the case, as then head of Counter-terrorism Command Peter Clarke put it, Rauf's sudden arrest "was not good news" for the investigation and some have blamed the subsequent problems with the case against the transatlantic airline plotters on this action (Times, November 23; see also *Terrorism Focus*, September 18). Rauf subsequently escaped from Pakistani custody under suspicious circumstances, something that further strengthened the mythology around him, and gave rise to further rumors about his involvement with Pakistan's security services.

It remains to be seen whether Philip Mudd, Deputy Director of the National Security Branch of the FBI, has gotten his wish to see Rauf "go down," but what is clear is that a small cadre of individuals like Rauf remain at the core of the problems that the UK faces with terrorism from Pakistan (BBC Panorama, September 9). Their strong familial connections in Pakistan and the UK, their dual nationalities and their links to Pakistani extremist groups make them excellent facilitators for groups seeking to target the West.

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Washington Post

Thursday, December 4, 2008; A21

Pirates, Again

After 2,000 Years, It's Time for a New Strategy

By Peter Fromuth

Somali pirates hijack another boat -- or two or three -- every day despite the best efforts of the U.S. 5th Fleet, NATO, Russia, India and others. This is not new; pirates have been frustrating the mighty for at least 2,000 years -- since snatching Julius Caesar, then ransoming him for 50 talents, and leading Alexander the Great on a wild goose chase around the Mediterranean. As the U.N. Security Council grapples with Somali piracy, its members are in venerable company.

According to Plutarch, Caesar got even: He caught and crucified his hapless captors, but he never drove piracy from the Roman Empire. Today's brigands have faster boats and rocket-propelled grenades, but their best assets are the same as those used to stymie Caesar and Alexander -- big seas, many prey and few protectors. For Somali pirates today, the odds are even better: They have a hunting ground of 2.5 million square nautical miles (about five times the size of the Gulf of Mexico) transited by 20,000 commercial ships annually. Muscle-bound warships try but regularly fail to defend all those merchantmen.

It may be time for a new strategy. This week, the Security Council gave Secretary General Ban Ki-moon 90 days to come up with one. The usual nostrums do not look promising. Late last month, for example, the council adopted a British plan for travel and financial sanctions against the pirates' leading lights. That's fine, but the pirates seem to have their own means of travel and finance, including million-dollar bounties that fall from the sky in suitcases -- and no one seems to know who the leaders are anyway. The Organization of African Unity wants a U.N. peacekeeping force to tame Somalia, but the United Nations has sought recruits for months without success. Private security guards will shoot it out with bandits for \$5,000 to \$20,000 a day, but many ships carry flammable cargos, so seaborne firefights between thugs and testosterone-soaked mercenaries are best avoided.

The global shipping association wants to seal off Somalia with a blockade. Since the country has the longest coast in Africa, that's a little ambitious. But the shippers are on the right track. Somali pirates need havens that have water deep enough not to run trophy ships aground yet that are close enough to towns for resupply. From the capital, Mogadishu, north around the Horn of Africa into the Gulf of Aden, Somalia has only a few suitable places: Eyl, Hobyo and Haradhere on the Indian Ocean; Bosaso on the Gulf of Aden; Mogadishu itself; and possibly one or two more. Separate the pirates from those havens, and their cost-risk ratios may once again favor fishing.

At each of those ports, cooperating naval vessels could establish a sort of police line to challenge, board and inspect suspicious craft, both leaving and returning. Evidence of piratical acts or intent would trigger confiscation of their boats, weapons and materials and the detention of crews for prosecution. One small naval ship per port, equipped with a helicopter and smaller boats, would suffice. The dozen ships patrolling these waters could handle this task with ships to spare for pirate duty farther out at sea.

A legal basis for a pirate blockade exists. In fact, piracy has been a crime under international law since the 17th century. Building on customary law and the U.N. Law of the Sea Convention, the Security Council in June authorized a six-month mandate, which this week was extended for a year, for cooperating states

to use force against pirates in Somali territorial waters and on the high seas. Because piracy is a crime of universal jurisdiction, captors with no connection to the victims, property or perpetrators may detain and prosecute suspects. For those who prefer to extradite suspects from Somalia, nearby Kenya is an option; its courts have been convicting pirates for years.

Alongside those sturdy criminal and jurisdictional foundations is the Security Council's own authority to impose blockades, under Article 42 of the U.N. Charter, to counter threats of any stripe to international security. Because the multinational flotilla already in place and the European Union force en route to Somalia essentially operate independently, a clear mandate would facilitate agreement on a number of key issues -- tasks, tactics, communications, rules of engagement and logistics. A limited blockade would also cost less than the combined insurance premiums, security charges, expenses from longer voyages and million-dollar bounties likely to be paid if piracy continues. Shippers could cushion the blow to national treasuries by paying into a multinational fund -- set up outside the United Nations -- to support the operation.

The concept of a blockade was rejected last month by a NATO spokesman as something not "contemplated" by the Security Council. Now, though, it should be. Trillions of dollars in commercial cargos transit the sea lanes annually; so long as they do, thugs in boats will prey on them. The world has a chance to shut down the Somali pirate franchise. Let's not squander it.

The writer, a lawyer, served at the State Department and the U.S. Mission to the United Nations during the Clinton administration.

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Financial Times
December 3 2008

NATO Aims to Combat Somalia Pirates

By James Blitz in Brussels

Nato is considering a significant extension of its anti-piracy mission off Somalia amid growing concern within the 26-member alliance at the risk pirates pose to international trade and security. For the past six weeks Nato forces have deployed four ships in anti-piracy patrols in the Gulf of Aden, the perilous stretch of water separating Yemen and Somalia. Those are due to withdraw this month when seven naval vessels under European Union command are deployed in the region.

Legal flaws hinder piracy fight, warn lawyers - Dec-02 Pirates near deal on tanker ship - Dec-01 However, Nato's military committee, which draws up operational plans for the western alliance, is now considering asking member states to mount another operation early in the new year. This new task force would supplement anti-piracy missions run by the EU and by US central command out of Bahrain. Nato officials say a renewal of Nato's existing mission, called Allied Provider, would increase the total number of ships from all states conducting operations in the Gulf of Aden.

"There's a growing recognition that it will take more than seven ships from the EU to provide the kind of protection that commercial shipping needs in the region," said a Nato official. "At present, what you have is regular roll-over of small-scale anti-piracy operations. But what the military committee is now looking at is whether Nato needs to be there on a semi-permanent basis. This would allow naval forces of member states to make long-term preparation." Concerns on piracy were high on the agenda of member states and other allies at this week's foreign ministers' meeting in Brussels.

One of the central issues raised with Mediterranean nations was whether the United Nations should now bring all anti-piracy operations under a single flag. Nato officials say there are currently about 16 naval vessels on anti-piracy watch off Somalia, including vessels from Russia and India. Some foreign ministers at this week's meeting said a single flag approach would provide better co-ordination of operations. Diplomats said Ahmed Aboul Gheit, Egypt's foreign minister, told the meeting that this move should be accompanied by a beefed-up UN resolution that gave navies greater powers to disrupt and prosecute pirates.

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New York Times
December 5, 2008
Op-Ed Contributor

Piracy is Terrorism

By DOUGLAS R. BURGESS Jr.

THE golden age of piracy has returned. Just as Henry Every and William Kidd once made their fortunes in the Red Sea, a new generation has emerged, armed with grenade launchers and assault rifles, to threaten trade and distract the world's navies. With the recent capture of the Saudi supertanker *Sirius Star*, a crime that once seemed remote and archaic has again claimed center stage.

And yet the world's legal apparatus is woefully confused as to how to respond to piracy. Are the Somali pirates ordinary criminals, or a quasi-military force? The question is not insignificant. It has virtually paralyzed the navies called to police the Gulf of Aden. The German Navy frigate *Emden*, on patrol this spring to intercept Qaeda vessels off the Somali coast, encountered pirate vessels attacking a Japanese tanker. But since it was allowed to intervene only if the pirates were defined as "terrorists," the *Emden* had no choice but to let the pirates go. Currently, 13 vessels are held by pirates in the Gulf of Aden, while the navies of a dozen nations circle almost helplessly. The legal confusion extends to what happens once pirates have been caught. In theory, any nation can shoulder the burden of prosecution. In fact, few are eager to do so.

Prosecuting pirates puts enormous strain on a country's legal system. A state whose ship was not attacked, and whose only involvement with the incident was as rescuer, might balk at being asked to foot the bill for lengthy and costly proceedings. Yet it might find itself forced to do so, if neither the victim's nor the pirates' state is willing. As Somalia has not had a recognized government since the early 1990s, the situation is all the more precarious for would-be capturers. The result is that ship owners, knowing that no rescue is imminent, pay the ransom. This emboldens the pirates further, and the problem worsens.

Fortunately, there is a way out of this legal morass. Indeed, the law is very clear — we just seem to have forgotten about it. The solution to piracy lies in the very nature of piracy itself. The Roman lawmaker Cicero defined piracy as a crime against civilization itself, which English jurist Edward Coke famously rephrased as "hostis humani generis" — enemies of the human race. As such, they were enemies not of one state but of all states, and correspondingly all states shared in the burden of capturing them.

From this precept came the doctrine of universal jurisdiction, meaning that pirates — unlike any other criminals — could be captured wherever they were found, by anyone who found them. This recognition of piracy's unique threat was the cornerstone of international law for more than 2,000 years. Though you

wouldn't guess it from the current situation, the law is surprisingly clear. The definition of pirates as enemies of the human race is reaffirmed in British and American trial law and in numerous treaties.

As a customary international law (albeit one that has fallen out of use since the decline of traditional piracy) it cuts through the Gordian knot of individual states' engagement rules. Pirates are not ordinary criminals. They are not enemy combatants. They are a hybrid, recognized as such for thousands of years, and can be seized at will by anyone, at any time, anywhere they are found.

And what of the *Emden's* problem? Are pirates a species of terrorist? In short, yes. The same definition of pirates as *hostis humani generis* could also be applied to international organized terrorism. Both crimes involve bands of brigands that divorce themselves from their nation-states and form extraterritorial enclaves; both aim at civilians; both involve acts of homicide and destruction, as the United Nations Convention on the High Seas stipulates, "for private ends."

For this reason, it seems sensible that the United States and the international community adopt a new, shared legal definition that would recognize the link between piracy and terrorism. This could take the form of an act of Congress or, more broadly, a new jurisdiction for piracy and terrorism cases at the International Criminal Court.

There is ample precedent. In the 1970s, the hijacking of airliners was defined by the United Nations as "aerial piracy." In 1985, when Palestinian terrorists seized the cruise ship *Achille Lauro* and held its passengers hostage, President Ronald Reagan called the hijackers "pirates." Recent evidence also indicates that the Somali pirates hand over a part of their millions in ransom money to Al Shabaab, the Somali rebel group that has been linked to Al Qaeda.

The similarities and overlaps between the two crimes have prompted some jurists to advocate abandoning the term piracy altogether in favor of "maritime terrorism." By reasserting the traditional definition of pirates as *hostis humani generis*, and linking it to terrorism, the United States and other nations will not only gain a powerful tool in fighting the Somali pirates, but other incidents of terrorism around the world as well.

Recognizing piracy as an international crime will do something else: It will give individual states that don't want to prosecute pirates an alternative — the international court. If pirates are recognized under their traditional international legal status — as neither ordinary criminals nor combatants, but enemies of the human race — states will have a much freer hand in capturing them. If piracy falls within the jurisdiction of the international court, states will not need to shoulder the burden of prosecution alone.

Today the world's navies are hamstrung by conflicting laws and the absence of an international code. A comprehensive legal framework is the only way to break the stalemate off Somalia. In a trial before the Old Bailey in 1696, Dr. Henry Newton, the Admiralty advocate, declared, "Suffer pirates and the commerce of the world must cease." More than 300 years later, the world is suffering again. Fortunately, this time we have the answer.

Douglas R. Burgess Jr. is the author of "The Pirates' Pact: The Secret Alliances Between History's Most Notorious Buccaneers and Colonial America."

http://www.nytimes.com/2008/12/05/opinion/05burgess.html?_r=1&adxnnl=1&ref=opinion&adxnnlx=1228482537-bEgcqBvp2iX2303z4Ftasg

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New York Times

December 5, 2008
Op-Ed Contributor

Grand Theft Nautical

By JOHN S. BURNETT

TO the horror of many and the fascination of most, the Sirius Star, an enormous tanker transporting two million barrels of crude oil to the United States, was captured by pirates far off the African coast on Nov. 15.

The tanker, owned by Aramco, the Saudi oil company, was carrying enough crude to supply New England with fuel oil for 10 days — in the winter. It is seven times the size of the Titanic and longer than the Chrysler Building is tall. How, then, could a dozen pirates in two puny boats armed with rifles and a grenade launcher board a ship this size?

Quite easily — as I found out after spending weeks on a nearly identical ship on a passage from Saudi Arabia to Singapore five years ago. From the bridge nine stories above the sea, there was a feeling of absolute invincibility. I remember the captain of the ship telling me that it was inconceivable that pirates could board his vessel. I imagine he feels differently today. The Sirius Star was plodding at service speed — 15 knots — about 480 miles off the East African coast. This is far away from known pirate waters, so the 25 crewmen aboard were probably working their regular watches, performing duties during a normal day at sea.

The Sirius was on autopilot; the proximity alarm on the radar — the collision avoidance system — had been set, and a young third officer was most likely alone on the bridge reading a magazine or sending e-mail messages to his family and occasionally glancing at the myriad dials and gauges embedded in the instrument panel. He may have seen a small blip on the radar screen; this far offshore, it was likely a fishing trawler. But the mysterious vessel was watching him; it then launched its boats for the attack.

The aft deck of a fully laden crude carrier is only 10 to 13 feet above the surface of the sea. Motoring up to the giant ship, the pirates hooked grapnels connected to ropes and fastened to aluminum ladders onto the railings above, scaled the hull, rushed the bridge and commandeered the ship. It was probably over in minutes.

The Sirius was just a target of opportunity. Pirates had no idea that they were about to capture a potential floating bomb. It is not the crude oil that is volatile. You can douse a cigarette in the stuff. It is the vapor from the cargo that is vented into the air that is explosive. For this reason, no one is allowed on deck with a camera, flashlight, cellphone or a plastic cigarette lighter in his pocket. One can imagine the captain of the Sirius Star pleading with his captors not to shoot their guns on deck.

No one wants to contemplate the effects of an exploding tanker laden with 300,000 tons of crude oil. To place this ship in some perspective, the Exxon Valdez, which ran aground in the Gulf of Alaska in 1989, carried 53 million gallons of crude oil. The Sirius is carrying nearly 84 million gallons. If that amount of crude were to escape, the environmental damage to the Indian Ocean and the East African coast, upon which millions earn their living, would be catastrophic.

So what can be done?

Given the failure to stop the pirates, shipping companies are now diverting their fleets — instead of sailing through the Suez Canal and the Gulf of Arden, tankers and other merchant vessels are forced to travel around the tip of South Africa to get from the Middle East to Europe and the United States, all of which adds weeks to the passage and increases the cost of delivery. But this is merely a short-term solution. The only long-term fix has to take place on shore, in Somalia. Somalia has not had a recognized functioning government since 1991. Law is dispensed through the barrel of a gun.

There was some semblance of law and order in 2006, when the Islamic Courts Union, loosely linked with Al Qaeda, took over much of the country and imposed Shariah law. Though there were cruel tradeoffs, the Islamists virtually eradicated piracy. (The crime was a capital offense punishable by beheading.) When Ethiopian forces, supported by the United States, replaced the Islamists with an ineffective transitional government in 2006, piracy returned with an intensity not seen since the 17th century.

It is evident that no nation can impose its will on Somalia; the colonial British and Italians learned the hard way. And certainly no nation can force Somalis to stop the best business in town. But if the West really hopes to eliminate the scourge of piracy in these strategic shipping lanes, then it should consider involving the courts union, the only entity that has proved it could govern the country, and its militant wing, Al Shabaab, in a new government.

If there is movement to talk to the Taliban in Afghanistan, then there should be some effort to talk to the fundamentalists in Somalia. If the Islamists were permitted to form a viable, functioning and effective government, this shattered land might be able to return to the community of nations — and supertankers will be able to deliver oil to the United States without fear of getting hijacked.

John S. Burnett, the author of “Dangerous Waters: Modern Piracy and Terror on the High Seas,” is working on a book about the hijackings off the Somali coast.

<http://www.nytimes.com/2008/12/05/opinion/05burnett.html?ref=opinion&pagewanted=print>

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Foreign Policy
December 2008

Europe vs. the Pirates

By Robert Farley, Yoav Gortzak

GERARD JULIEN/AFP/Getty Images Just as the Barbary pirates hamstrung European monarchs in the early 19th century, their Somali counterparts are proving maddeningly difficult to defeat today. This is a thorny problem, and an intriguing new European initiative may well fail to bring the pirates to heel. Yet it just might bring Europe one step closer to becoming a real military power.

On Dec. 8, the European Union will launch Operation Atalanta, designed to protect shipping from piracy in the Gulf of Aden. Up to six warships from several European countries, along with numerous maritime aircraft, will be involved. The deployment may or may not deter pirates, but it already has Euroskeptics worried. Atalanta represents the latest salvo in the fight over an independent European Union military capability—and for the moment it appears the French are winning.

The European Security and Defense Policy (ESDP) is what amounts to the EU’s military wing. Security and defense have historically represented the weakest links in the EU fabric, but in recent years the scope of the ESDP has grown substantially. The EU is currently involved in 14 missions abroad, including the deployment of 3,000 troops to Chad and various other, smaller deployments in Europe, Africa, and Asia. The EU has also created 15 “battlegroups,” mostly multinational in composition, each consisting of 1,500 soldiers.

Generally speaking, France has consistently pursued a more assertive military role for the EU, while Britain has tried to limit EU-sponsored military cooperation. France sees an independent European military capability as an alternative to NATO, and thus a counterweight to U.S. influence. The British place a strong value on their relationship with the United States, and consequently prefer NATO. At stake

in this debate is not only the political balance of power within Europe, but also the character of Europe's contribution to international order.

Perhaps not coincidentally, the French have taken a leading role in the fight against piracy. In April, French commandos operating from the helicopter carrier *Jeanne d'Arc* seized several Somali pirates after paying a ransom. The French arrested more pirates in October, later turning them over to authorities in Puntland.

The French undoubtedly see the fight against piracy as an ideal venue for the application of EU military force. To put it crudely, nobody likes pirates, and nobody—legal niceties aside—really minds too much if you shoot them. Pirates represent a classic “enemy of humanity,” such that few of the messy questions associated with peacekeeping and peace enforcement (who's the bad guy, are we doing more harm than good, and so forth) arise. Pirates excepted, everyone benefits from cracking down on piracy. And though pirates do shoot back, they present no serious challenge to a modern naval warship, meaning that the EU pays no price in blood. If the EU can conduct successful antipiracy operations, the military prestige of the organization will grow both inside and outside Europe.

Hence, some Euroskeptics are fretting. In the December edition of *Warships: International Fleet Review*, a British maritime magazine, Conservative MEP and defense spokesman Geoffrey Van Orden challenged the decision to deploy warships under the aegis of the EU, arguing that “it will draw from the same navies that are already contributing ships to operations in the area, it will add no value, and cause unnecessary complication, confusion, and duplication—all so that the EU can nail its flag to another military operation and add to the plausibility of its narrative on EU defense policy.” Van Orden went on to bemoan the fact that the French Navy has grown larger than the Royal Navy and that the latter no longer has the power to unilaterally sweep the seas of pirates.

Perhaps in response to British concerns, Operation *Atalanta* will be commanded by a vice admiral from the Royal Navy, Philip Jones. French Defense Minister Hervé Morin made the connection between naming a British commander and earning British cooperation on European defense explicit, saying on Nov. 10, “Britain is a great maritime power. It is a nice symbol that this operation be commanded by a British officer and from a British headquarters. It is a good symbol of the evolution in European defense, and I would say, of its coming of age.”

Both Van Orden and Morin have a point. It's unclear what effect Europe's deployment will have on the problem of piracy off the Horn of Africa. Even if the EU contingent significantly increases the number of ships available for fighting pirates, the patrols may not suffice. More ships help, but narrow rules of engagement limit the ability of warships to respond to pirate attacks and to apprehend pirates who have successfully seized ships. Moreover, NATO might have otherwise extended and expanded its Somali mission in the absence of the EU, or the individual states of Europe might have stepped up.

The deployment does, however, reinforce the idea that the European Union is interested in becoming a serious regional security player. Contrary to what the Euroskeptics argue, this might be a good thing. Although the EU's antipiracy efforts could ultimately fail, Operation *Atalanta* helps put the EU in the useful habit of contributing to international order outside the structure of NATO. The distinction is not merely about substituting one acronym for another: For European domestic constituencies and international audiences, the EU presents a less menacing profile than the U.S.-led NATO, increasing its likelihood of success.

The fight for freedom of the seas also carries a symbolic implication for the maintenance of the international system. Great powers from Rome to the British Empire took action against pirates; the EU stakes a claim to being an international player of consequence by continuing the struggle.

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