PERSPECTIVES ON TERRORISM

Volume IV, Issue 4

October 2010

Table of Contents:

A Financial Profile of the Terrorism of Al-Qaeda and its Affiliates

by **Juan Miguel del Cid Gómez**

Abstract

This working document offers an analysis of the sources of financing of the Al-Qaeda network including some of its affiliated groups. The development of Al-Qaeda's financing has been similar to the evolution of its operational structure. The organization is currently under significant financial pressure. However, the number and magnitude of terrorist attacks attributed to Al-Qaeda in a number of countries implies that the network continues to have access to substantial financial resources to support its activities. The international community has so far not succeeded in cutting off many of Al-Qaeda's sources of financing; the organisation continues to access funding from wealthy benefactors, legitimate business and criminal activities.

Introduction

Since its foundation in 1988, *Al-Qaeda* has used various methods to obtain funding. Currently, its cells, branches and affiliated groups are obliged to act autonomously; many of them have, to a great extent, to finance themselves, including by means of ordinary crime. These groups have also had to resort to *hawala* (a trust-based informal banking system) and cash couriers to move money or operate on the margins of the formal financial system. There are also other methods that are used by terrorist groups to transfer funds with little risk of detection. International trade is particularly vulnerable, due to its size and the complexity of methods of payment. The emergence of new methods of payment through new developments in information technology present additional risks for the authorities as these enable terrorists to move money with total anonymity.

The measures established by the United Nations Security Council, based on asset freezing, have failed to disrupt *Al-Qaeda*'s activities to a significant extent. On the other hand, the enforcement of due diligence with bank clients has been helpful in detecting some terrorist operations, although in general reports of suspicious financial transactions made by financial institutions are currently of limited value in actually seizing assets of terrorist organisations.

Al-Qaeda's Operational Costs

According to a CIA report, *Al-Qaeda*'s financial requirements before the 11 September 2001 attacks amounted to 30 million US dollars annually.[1] This money was earmarked for carrying

out attacks, for the maintenance of its quasi-military apparatus, for training and indoctrination of its members, for contributions to the Taliban regime but also for the occasional support of associated terrorist organisations. It is currently very difficult to make a reliable estimate of the operating cost of *Al-Qaeda*, as it now acts through a large number of cells and satellite terror groups which are more or less autonomous.

The means these terrorist groups use to perpetrate attacks (vehicles, maps, components of explosives, surveillance material, etc.) are of relatively low cost compared to the damage they can cause. Certain estimates, whose accuracy may be open to question, provide an idea of the ratio of the approximate direct costs of certain attacks carried out by *Al-Qaeda* or its affiliates and the damage caused in terms of economic destruction and loss of human lives.

Table 1: Cost of Carrying out Various Terrorist Attacks

Attack	*Date*	*Estimated Cost [2]*
London Underground/ Bus	7 July 2005	8,000 GBP [3]
Madrid Railway Atocha)	11 March 2004	100,000 EURO [4]
Istanbul	15 & 20 November 2003	40,000 US $
Marriot Hotel Jakarta	5 August 2003	30,000 US $
Bali Bombings	12 October 2002	50,000 US $
New York Twin Towers	11 September 2001	400,000-500,000 US $ [5]
USS Cole, Aden	12 October 2000	10,000 US $
US Embassies in Kenya and Tanzania	7 August 1998	50,000 US $

However, terrorist organisations have to defray both the costs of carrying out an attack and the more substantial structural costs of maintaining the organisation and disseminating its ideology. In addition to purchasing weapons, vehicles, explosive material and detonators to be used in attacks, terrorist groups need to anticipate other needs, such as:

1. Subsistence living costs for its members and sometimes also their families. These expenses are considerable, despite the terrorists' generally frugal life styles. Costs vary according to the

proximity of terrorists to their targets. The costs of activities in Western Europe will be considerably higher than those in African or Asian countries.

2. A terrorist cell also needs for its members reliable channels of communication, including highly secret channels to its leadership, from which it receives its instructions. Although communications costs have been reduced considerably through the use of mobile telephones, pre-paid cards and e-mail (often sent from Internet cafés), the procurement and use of communication tools can entail significant expenses.

3. Training new recruits constitutes a large investment for terrorist groups, both in terms of ideological indoctrination as well as the procurement of practical items to prepare for attacks. Although part of the general preparation can be carried out in terrorist training camps, some specific operations may require specialist skills (such as piloting planes)which can only be achieved with expensive training.

4.Travel costs for group members in preparation of an attack and acquiring false documentation papers, which may also involve travel. Further travel is required to meet other members of the network, to meet senior members of the hierarchy or to meet individuals able to provide material or financial support.

5. Propaganda for the cause via various channels of communications. *Al-Qaeda*'s capability of using camrecorders to broadcast its video footage is well-known. This terrorist organisation also makes extensive use of the Internet for recruitment, to spread its jihadi message and to raise funds. Al-Qaeda has managed to develop powerful propaganda materials that advocates violence, suicide attacks and the murder of infidels – which includes many Muslims deviating from Salafist ideals as understood by the group and its affliliates.

6. Charitable activities as a means of social legitimisation in order to win and maintain a constituency are another significant cost for some organisations that pursue their goals by means of terrorism (however, this does not apply to Al-Qaeda as much as to some other terrorist groups).

The points listed above lead us to conclude that although individual terrorist attacks can be performed at relatively low costs, organizations that are responsible for them need to be able to finance a considerable infrastructure to sustain themselves and to promote their objectives.

Sources of Al-Qaeda's Financing

In the past eighteen months, groups associated with *Al-Qaeda* have made many appeals for funds. A leader of *Al-Qaeda*, Mustafa Abu al Yazid, also known as Jeque Saeed, complained in a declaration published in extremist forums on 10 June 2009 that "many of the mujahidin have been inactive and failing to participate in jihad through lack of money".[6]
Various extremist Internet sites have discussed the risks militants face while fundraising and laundering the money obtained by various methods. A report published in April 2009 warned members of Al-Qaeda's network that intelligence services could identify jihadists through banks, money transfer services, credit cards and online websites.[7]

Such statements indicate that *Al-Qaeda* is under significant pressure resulting from international measures aimed at freezing its assets and cutting off its traditional sources of income. According to the US Treasury Department, Al-Qaeda is in its worst financial position for many years.[8] In addition, the organisation cannot transfer money with the same ease as in the past. Parts of the purportedly charitable organisations that formed the backbone of its financing have been liquidated by national authorities and added to the UN list of organisations that support terrorism. However, the number and magnitude of terrorist attacks attributed to *Al-Qaeda* throughout the world indicate that the network continues to have access to considerable funding to support its activities.

In order to understand how the organisation currently finances itself, it is necessary to study the development of its operational structure. Since the 11 September 2001 attacks, *Al-Qaeda* has morphed into a decentralised organisation. Currently, three distinct but interlinked entities co-exist within *Al-Qaeda*. The first and original entity, established by its previous leaders and led by Osama Bin Laden, retains its importance and influence. It is most likely located in the rugged area on the border between Afghanistan and Pakistan.

The second group, consisting of veteran combatants who had received training in Afghanistan, extends to dozens of countries. It serves as an example and provides training and instructions to new recruits wish to become part of the jihadist enterprise.

The third group consists of newly radicalised militants who form local cells. They neither depend on a centralised authority, nor are they directly linked to it. Although these cells share fundamental objectives with *Al-Qaeda's* leadership, they are quite independent of it.   They are anonymous and to a great extent invisible until they decide to carry out an attack. These cells

exist in various parts of the world and include individuals from widely different social status, education, age and racial background.[9]

Among the sources of *Al-Qaeda*'s income we find since its inception funds diverted from charitable organisations, profits gained from businesses run by its members and sympathisers and money collected by fundraisers seeking donations. It is currently highly unlikely that the local groups receive significant financial support from the core leadership. Although they may receive funding from other traditional sources, the *Al-Qaeda* cells, branches and affiliates are currently obliged to act independently, and to a great extent finance themselves to varying degrees also from criminal activities such as kidnappings, and, in some cases maybe also drugs trafficking.

Fundraisers

Since its inception, *Al-Qaeda* has used a core of fundraisers tasked to solicit money from a range of donors.[10] The main group of donors is based in the Gulf area, principally Saudi Arabia, but donors also exist in other parts of the world. Some of these donors have been fully aware of the final destination of their money; others were not. Many donors make their contributions to money collectors. Other funds come from corrupt employees of charitable organisations, in particular during the holy month of Ramadan. Fundraisers often have also access to imams in the Mosques and obtain part of *zakat* (obligatory almsgiving) donations to support the cause of radical Islam.   Fundraisers have sometimes used legitimate charitable organisations; in other cases they have used front organisations and legitimate businesses to provide cover for their activities. This mix of fund raising methods has enabled *Al-Qaeda* to construct a considerable financial network throughout the Muslim world and in foreign diasporas allowing it to obtain the money needed to operate.

Many of the original fundraisers, such as Khalid Sheikh Mohamed, a senior leader of *Al-Qaeda*, have been arrested. New fundraisers have been added to the UN Security Council's Sanctions Committee list.[11] Although the names of some of these fundraisers are known, and the funds and the businesses they use are subject to assets freezing orders in many countries, a good number of them have been able to continue their activities without major problems. In some cases, *Al-Qaeda* has been able to replace known fundraisers with as yet unknown individuals and organisations.

Charitable Organisations

Charities have certain characteristics that make some of them particularly vulnerable to exploitation for the financing of terrorism. They generally enjoy the confidence of the public and have access to significant resources, in many cases in the form of cash. In addition, many of these organisations have a transnational presence which provides them with the necessary infrastructure to enable national and international transactions. In certain countries they are subject to only limited or no regulation at all (in terms of registration, accountability, transparency and audits of their accounts). They are also often easy to establish where there is no need for initial capital and where no background checks on employees are made).[12]

Since its inception, *Al-Qaeda* has made attempts to use charitable organisations to finance some of its activities. Charities enable a number of terrorist organizations to collect, transfer and distribute the necessary funds for the purposes of indoctrination, recruitment and training. They also enabled them often to meet logistical and operational requirements.

Charity is one of the fundamental principles of the Islamic religion, and all those who have a certain amount of money are obliged to pay *zakat* (2.5% annually of savings and assets). Apart from the obligatory *zakat,* the Koran and Islamic tradition also advocate *sadaqah (*voluntary contributions) to the most needy. Most Muslims pay these contributions to Islamic charities and to their mosque, which use them to finance a great variety of religious, humanitarian and social activities.

Al-Qaeda's strategy has been to infiltrate employees in charities to divert money from the charities' legitimate humanitarian or social programmes towards its own illicit activities. In some cases, *Al-Qaeda* has created its own networks of charitable institutions as a cover to obtain funds directly. Some of these networks originated during the *jihad* against the Soviet occupation of Afghanistan in the 1980's. *Al-Qaeda* has also used charitable organizations to disseminate and teach the most radical forms of Islamic fundamentalism. In a number of countries, these organisations function outside the scrutiny and supervision of state authorities. It has proven difficult to shut them down completely, even in cases where they have been investigated and accused of financing terrorism.

An example of this lack of control can be found in one of the largest co-ordinating institutions of Islamic charities, the International Islamic Relief Organisation (IIRO), based in Jeddah (Saudi Arabia). Although most of its activities are dedicated to religious, educational, social and humanitarian programmes, IIRO and some of its subsidiary organisations have reportedly been

used, knowingly or otherwise, to finance *Al-Qaeda*. The International Islamic Relief Organisation has subsidiaries throughout the world, although most of its financial contributions come in the form of private donations from Saudi Arabia. It has established an Endowment Fund (*Sanabil al Khair*) to generate a stable flow of revenues to finance its activities. It also works in close co-operation with the Global Islamic League. Many prominent individuals and financiers from the Middle East are associated with this Islamic charity. Various reports have linked it also to the financing of terrorist operations.[13]

Another case that has raised suspicion is the Al Haramain Islamic Foundation headquartered in Saudi Arabia. It presented itself as a private non-governmental organisation with charitable and educational objectives. Considered a single entity, Al Haramain was one of the principal NGO's operating worldwide and allegedly supporting *Al-Qaeda*. The financing generally came from individual donors but special campaigns were also directed at certain commercial enterprises throughout the world.

The founder and former head of the Al Haramain Islamic Foundation, Aqeel Abdul Aziz Al Aqeel, and Al Haramain's subsidiaries in other countries, were accused of providing financial and material support to *Al-Qaeda* and other terrorist organisations such as Jemaah Islamiya, Al Itihaad al Islamia, the Egyptian Islamic Jihad and Lashkar e Tayyiba. These terrorist organisations had received funding from Al Haramain; they also used it as a cover for collecting funds.[14] In 2008, the US Treasury accused the entire Al Haramain organisation, including its Saudi Arabian headquarters, of financing the *Al-Qaeda* network. Between 2002-2004, three of its subsidiaries in various countries were designated financers of terrorism. However, its leaders succeeded in re-establishing part of the organisation and continue to operate under another name. [15] According to a 2009 report from the Pakistani police, Al Haramain had contributed approximately 15 million dollars to jihadist groups in Pakistan. Most of the funding went to the Tehrik e Taliban (TTP), which was responsible for several suicide attacks and also accused of the assassination of Benazir Bhutto.[16]

Although the Saudi Arabian government took some counter-terrorism measures immediately after 9/11, only *Al-Qaeda* attacks against Saudi Arabia in 2003 and 2004 marked a clear change of mind for Saudi authorities. They began to combat terrorist financing and considered *Al-Qaeda* as a threat to the regime itself. Despite these developments, the United States has recently demonstrated its concern about the ability of certain charities to support terrorism outside Saudi Arabia and about their use of money transfers to move funds to various remote locations.[17]

Another charitable organisation, based in Kuwait, called the Revival of Islamic Heritage Society (RIHS) has also been accused of providing material and financial support to *Al-Qaeda* and its affiliates. For their support of *Al-Qaeda*, RIHS delegations in Afghanistan and Pakistan were in 2002 designated as terrorists by the US government and the Sanctions Committee of the UN Security Council. Yet there was at first no evidence indicating that RIHS's headquarter itself was aware that subsidiaries were financing *Al-Qaeda*. Since then, however, the authorities have established proof of the express consent of its leaders to the illegitimate use of the organisation's funds. RHIS subsidiaries in Albania, Azerbaijan, Bangladesh, Bosnia, Cambodia and Russia have been closed down by their respective governments on suspicion of supporting the financing. of terrorism. In countries where RIHS activities were banned or placed under State supervision, the central organisation developed various ways of continuing its activities. Among these was the channelling of funds through another organisation or changing the name of the subsidiary to avoid control by the authorities. Amongst other charges, the RIHS headquarter has been accused of lending financial and logistical support to Lashkar e Tayyiba (LeT), a Pakistani terrorist organisation linked to the *Al-Qaeda* network and involved in the 2006 train attacks in Mumbai and the attacks on the Indian parliament in 2001. It was a key source of financing that enabled the Bangladesh terrorist organisation known as Jamaat Mujahidin Bangladesh (JMB) to carry out a series of co-ordinated attacks in 2005 that left 2 people dead and 64 injured. Followers of *Al-Qaeda* in Somalia said that they had received significant amounts of money from RIHS.[18]

The current situation of many of these charities is opaque. Despite the freezing of assets, in many cases financial activities have continued in the same locations, using bank accounts and resources in the name of third parties.

Offshore Entities and Companies

Al-Qaeda has used commercial companies to finance itself as well as to transfer funds. One example is Barakaat, a network of companies which, in 2001, had a foothold in 40 countries operating its telecommunications, construction, money remittance and cash exchange services from the United States and Somalia.

For Bin Laden, Barakaat was a suitable instrument for making cash transfers; he had invested in its telecommunications network. Barakaat acted as a source of financing and arranged cash transfers for him. Its owners channelled millions of dollars every year from the USA to *Al-Qaeda* or its associates. Barakaat also managed, invested and distributed funds for *Al-Qaeda*. Most of

Bin Laden's transactions were carried out between Mogadishu and Dubai, Mombassa (Kenya) and Nairobi. In general, these funds were interlinked with transfers made in the name of non-governmental organisations such as Al Haramain and the International Islamic Relief Organisation.[19]

Another case is the one of the Somalian group Al Itihaad Al Islamiya which, according to UN officials, led terrorist training centres and collected money from followers in Europe and the Middle East. Al Itihaad Al Islamiya financed its activities with distinct commercial operations. Among these activities was the export of coal to the Middle East, the provision of transport, security and protection services, telecommunications, commercial centres, running *hawalas* and other financial services, agricultural and hotel companies and was even involved in the distribution of fishing rights.   Some of these services held genuine monopolies in certain areas; they were also employed by international relief organisations.[20]

 The use of fictitious companies and offshore fiduciary companies to shield the identity of individuals or entities taking part in terrorist financing poses difficult problem for those trying to regulate business transactions. These are companies, funds, entities or businesses that are registered in an extra-territorial financial centre. One example are International Business Corporations (IBC) which are used to create complex financial structures. They can be established using bearer shares and do not have to publish accounts. Residents of financial centre can act as fictitious directors or shareholders in order to disguise the genuine directors or owners. These entities are attractive to investors who seek anonymity or wish to carry out their activities beyond the official scrutiny of their national government.

In Spain, according to investigations made by the Fiscalía of the High Court (Audiencia Nacional), the former Salafist Group for Preaching and Combat (GSPC), -now integrated into *Al-Qaeda* in the Islamic Maghreb (AQIM) - obtained funds that its front men and couriers transported to Algeria and Syria. In order to do this, they used inactive companies or companies in the process of liquidation in tax havens such as the Bahamas and Delaware. The Audiencia Nacional followed the trail of an Algerian citizen in Spain with bank accounts in Palma de Mallorca in the name of an American company formed in Delaware. He transmitted funds totalling US $ 200,000 with the supposed purpose of paying invoices for the services of an IT company with bases in the Netherlands and Germany. The company concerned denied having issued these invoices these turned out to be false. This led investigators to believe that this money had left Spain for other purposes.[21]

Drugs Trafficking and other Common Crime

The Afghan Taliban is an insurgent-cum-terrorist organization that makes extensive use of taxing proceeds from drugs to finance itself. In Afghanistan, the links between both pro- and anti-government elements and drugs trafficking is well-established.[22] Unlike the *Al-Qaeda* network, the Afghan Taliban is an insurgent group whose activities and range is (so far) limited to Afghanistan and Pakistan. Although the Taliban receives (or received) support from *Al-Qaeda* and private donors from the Gulf States, a large part of its revenue in Afghanistan and Pakistan is derived from collections in Mosques, contributions from sympathisers and taxes on opium.

The Taliban practises extortion at several points in the heroin business in Afghanistan: taxing poppy farmers, laboratories where the drugs are processed and traffickers who transport precursors into the country and heroin out of it. Currently, many of those involved in the destabilisation of Afghanistan are directly or indirectly involved in illicit drug production, processing or procurement. In addition, the Taliban also raises "taxes" on legitimate business seeking to operate in Afghanistan.[23] It is more than likely that part of the money that these activities generate leaves the country and enters the international financial system.

Al-Qaeda and its associated groups have greatly diversified their methods of raising money to finance jihad. They finance themselves to varying extents through common crime, according to the conditions and opportunities in the locations in which they operate. It is therefore often difficult to distinguish between terrorist groups, insurgents and organised crime groups since these categories often overlap. Their methods and sources of financing are often similar if not the same.

Amongst other sources of income, *Al-Qaeda* in the Islamic Maghreb (AQIM), which is active in the desert region between Mauritania, Mali and Algeria, obtains money from kidnapping ransoms, contraband and apparently also from drugs trafficking. The discovery of the remains of a Boeing 727 in the Mali desert raised serious suspicions amongst intelligence services in Europe and the United States that Latin American drugs traffickers have been using some areas partly controlled by AQIM to transport drugs from Colombia's FARC to European markets. From West African coastal countries such as Guinea-Bissau, the illicit drugs are reportedly taken across Mauritania, Mali and Niger to Egypt and Libya, from where they are transported further in containers.[24]

According to Spanish police informants, drugs trafficking groups operating in the North African enclaves Ceuta and Melilla send a portion of the profits from hashish trafficking to finance Islamic terrorist groups, with whose cause they sympathise. A report from the National Intelligence Centre (NIC) dated 27 October 2003 concluded that members of *Al-Qaeda* sleeper cells are financed by drugs trafficking and credit card theft.[25]

The 11 March 2004 bombings in Madrid represent an example of how attacks were funded by drug money and crime. Various members of the unit that carried out these bombings were involved in drugs trafficking, falsification of documents and other crimes by which they managed to raise substantial amounts of revenue. This criminal structure was used to acquire explosives for those who commit terrorist acts, with the ultimate aim is to establish a Sharia-based Islamic State.[26]

Some radical groups which have financed themselves in Spain for years through hashish trafficking have taken a step further in their strategy to seek new resources. According to Spanish counter-terrorist sources, AQIM uses revenue from trafficking cocaine and synthetic drugs between Spain and Algeria to finance a campaign of terror in northern Africa. Having obtained cocaine from Latin America and synthetic drugs pills manufactured in the Netherlands and elsewhere in Europe, they resell these in Algeria, where the price is reportedly substantially higher than in the EU.

Such drugs trafficking activities form another link in a large chain of criminal activities to raise financing across borders.   Joint investigations by the Spanish, Italian, Swiss and French police have revealed how robberies and drugs trafficking in Spain, robberies in Switzerland and tax fraud in Italy generate a significant amount of money which is then used to finance armed attacks and terrorist training. In addition to hashish trafficking, Moroccan radicals have specialised in robbery and the resale of all kinds of modern information technology such as GPS, new generation mobile telephones and electronic diaries. In many cases such items are later resold in Morocco or Spain.[27] According to another official Spanish investigation, the sale of designer watches, gold bracelets and emerald necklaces stolen from around 20 villas on the Costa del Sol by a Salafist group that goes by the name "Group of the Truth" was used to finance several murders in Algeria and Mauritania. [28]

There is also an emerging relationship between Islamic terrorist groups and the commission of cyber crimes. According to investigations led by the UK police, three members of a terrorist cell that planned to carry out attacks in the US, Europe and the Middle East used several stolen credit

cards to buy items such as GPS systems, night vision goggles, sleeping bags, telephones, knives and tents from hundreds of websites. These were meant to be sent to jihadists in Iraq. Among their purchases were hundreds of pre-paid mobile telephones and more than 250 airline tickets. These were bought with 110 different credit cards from 46 different airline companies and travel agencies. The three men involved also laundered money plundered from bank accounts with the help of on-line gambling sites. Numerous stolen credit cards and hacked bank accounts were also used to buy web-based services in the United States and Europe with the apparent aim of creating an online network to be used by jihadist cells throughout the world to exchange information, recruit members and plan attacks. The three cell members involved spent 3.5 million dollars from credit cards stolen by phishing on hundreds of websites. They also distributed spyware contained in emails or websites which enabled them to gain control of infected computers.[29]

Pakistani extremists based in Spain developed operating methods of their own. These groups have close relations with radical cells in the UK that specialize in stealing credit cards. Such cards are cloned and sent to Spain, where hundreds to thousands of euros in charges are made by a certain business owner who then transfers the money to radical organisation, asking a commission of 10% for himself. Radical Pakistani groups also obtain funds by collecting a 'revolutionary tax' from fellow countrymen based in Spain. On occasions they even engage in so-called *express* kidnappings which end once family members pays a ransom in Pakistan.[30]

According to Interpol, there are also important links between intellectual property crimes and the financing of Islamic terrorist networks. Some terrorist groups participate directly in the production and sale of fake items and divert part of the profits to finance attacks. Also, part of the profits from the sale of non-genuine items (such as illegally copied CDs) apparently go to fundamentalist networks and such monies are eventually sent to terrorist groups via informal money transfers.[31]

The Movement of Terrorist Funds

In the more than twenty years of its existence, *Al-Qaeda* and later its affiliates have used various methods to transfer funds with the aim of avoiding detection by the authorities. Among them are informal systems of money transfers such as *hawala*, cash transfers and the use of official financial systems. However, other mechanisms such as external trade and new methods of payment allowing anonymity have emerged in recent years.

Hawala

Alternative money transfer systems are a cheap and rapid way of sending funds and making transactions. Originally they mainly served those who did not have a bank account, particularly in remote areas without a functioning normal financial system. One of the most frequently used informal mechanisms is *hawala* ("transfer" in Arabic), a form of transporting financial obligations from one place to another without the physical movement of money and often also without a paper trail. What distinguises hawala from other informal systems are trust and a strong sense of honour as these often exist in extensive family networks based on regional and tribal connections of those who use it. The security, anonymity and the versatility of hawala is also attractive for criminals and terrorists who wish to move legally obtained funds or launder money raised by illegal activities.

These informal systems constitute a risk factor for the authorities since operators usually do not need to reveal the true identity of their client or apply official due diligence procedures. Hawala is widely used in the Middle East, the Indian subcontinent, in South East Asia and parts of Africa, particularly in rural areas where people have no access to the formal financial system. It is also prevalent in countries populated by émigrés and refugees, who use this system to send money to families in their countries of origin in order to avoid paying excessive bank charges.

Before 9/11, *Al-Qaeda* moved a large part of its funds through hawala networks. After the organisation's leadership moved to Afghanistan in 1996, there was no practical alternative as the Afghan national banking system was antiquated and insecure. Later, hawala became again *Al-Qaeda*'s system of choice when the government-regulated official financial systems stepped up controls on bank-based money transfers across national borders.

Many hawala transactions originate in, or are destined for, Dubai or Yemen, or pass through these places. Some countries such as the UAE have tried to regulate hawala operations and require users to register and provide information about the identity of remitters and beneficiaries on special forms which must be submitted periodically to the Central Bank. There are also requirements to report suspicious transactions. Currently in Afghanistan, all businesses that offer hawala services must obtain a licence, and report transactions to a financial intelligence agency of the Central Bank.[32]

However, other countries have paid no attention to informal money transfer systems, or simply attempted to prohibit them. Although the vast majority of these unregulated services transmit

legitimately obtained funds, terrorist organisations such as *Al-Qaeda* and the Taliban use them to hide or manage many of their legal and illegal financial transactions. They are often used to transfer funds obtained from charities, common crime, drugs trafficking or wealthy donors.

Cash Transactions

The physical movement of money across borders is predominant in countries where bank transfers are rarely used by common people. Couriers carrying money are also used where financial institutions have increased the efficiency of due diligence practices with clients. It is also one of the methods used by terrorist organisations such as *Al-Qaeda* to move funds whilst avoiding anti-money laundering and counter-terrorism financing measures implemented by national and international financial institutions. The investigation into the 9/11 attacks provided a good example of how *Al-Qaeda* used human couriers to move money. One of the financial backers of the attack, Khalid Sheikh Mohamed, passed a large amount of money (possibly as much as US $ 200,000) to Abdul Aziz Ali in Dubai, who subsequently transferred it to the hijackers in the US.[33]

Various counter-terrorism operations have demonstrated that money couriers moved funds between Middle Eastern and South Asian countries. They often did so by using indirect flights between origin and destination, with large numbers of couriers and frequent exchanges of money. Moving money by using couriers can be more expensive than a simple transaction, but it leaves no trace even if the courier is detained, since the origin and final destination of the money might be unknown to him or her. Some terrorist groups have converted the money into high-value goods where the source is difficult to trace, such as gold and precious stones, moving smuggling activities away from formal financial systems.

Algerian and Moroccan cells based in Europe use human couriers, as the Italian police discovered when a bus company connecting France and Italy with Algeria was transporting three individuals at least twice a week, each of whom carrying an average of 1,500 euros. Pakistani radicals also sent money to the United Kingdom with the help of couriers who fly to the UK carrying the equivalent of thousands of euros.[34]

The Formal Financial System

Government-regulated financial institutions and other regulated financial service providers constitute the formal financial system It is the world's principal gateway for financial

transactions across borders. *Al-Qaeda* has in the past used the formal financial system as a means of moving money to support its own cells and affiliated terrorist groups, financing their actions. The speed and ease with which money can be moved via the international financial system enables terrorists to move funds efficiently, unfortunately often still with relatively small risk of detection.

The 9/11 terrorists used official financial institutions both within and outside the US to deposit, transfer and withdraw money. The money was deposited in US banks, generally via transactions, cash deposits and travellers cheques bought overseas. Some of them kept funds in overseas bank accounts to which they had access through cash-point machines (ATM) and credit cards. Of the overall cost of the 9/11 operation (between US $ 400,000-500,000), at least US $ 300,000 came from bank accounts in the United States. None of the terrorists or their backers were experts in using the international financial system. The money laundering controls at the time were primarily designed to detect drugs trafficking and large-scale financial fraud. Therefore bank employees at that time were not suspicious of apparently routine transactions as those carried out by the 19 hijackers.[35] One of those involved in the 7 July 2005 bombings in London financed the operation with his own funds, which were deposited in various accounts These movements did not attract the attention of bank employees. [36]

Combined with other mechanisms such as offshore companies, the formal financial system can still provide terrorists with sufficient cover to carry out operations and launder crime money. The sheer volume and speed with which sums of money rush through the computer-linked international financial system make watertight CFT measures impossible.

Money remittance companies are particularly attractive to terrorist groups such as *Al-Qaeda*, which has used branches of such companies, which often operate globally, to send and receive money. These companies are in principle obliged to register identification details of the individual who has sent the money from one country and of the person who is meant to received it in another. This should enable the authorities to track individual transactions by means of the logged details of every transaction. However, the lack of a consistent and worldwide application of due diligence procedures (involving identification, record keeping and report of suspicious transactions) are an obstacle for investigators when trying to track specific financial transactions.

International Trade

International trade has a range of characteristics which make it vulnerable to abuse by terrorist groups such as *Al-Qaeda* because the enormous volume of international commercial transactions obscures individual transactions. International trade is characterised by the complexity of its transactions and payment methods. The mixture of funds from a variety of sources together with the limited resources available to customs agencies in tracing them makes it very difficult to detect illegal transactions without case-specific additional intelligence.

International commercial operations lend themselves often to the hidden transfer of currency. Various techniques are used for this: over-invoicing or under-invoicing of goods and services, anticipated payments which are never made and re-invoicing through free trade areas.[37] Laundering through over-invoicing and under-valuing of goods and services is a longstanding method of fraudulently transferring currency across borders; it continues to occur frequently. It involves attributing a set price to goods and services which differs from the actual market price. By invoicing goods and services at a price lower than the market, the exporter transfers currency to the importer, since the ultimate value will be lower than the amount the importer receives in selling them on the market. On the other hand, invoicing at an amount higher than the market price, the exporter receives currency from the importer since the price of the goods and services will be higher than their value.

In order for such operations to succeed, it is necessary that both the exporter and importer agree on manipulating prices. For example, if Company "A" exports 1,000 units of an item whose value is 2 euros per unit but invoices Company "B" at 1 euro per unit, it would lose 1,000 euros in the operation. This would make no sense unless both exporter and importer had agreed to carry out such a rigged transaction. Another possibility would be for the two companies to be controlled by the same organisation.

Banks play a fundamental (but no longer unique) role in making international transactions possible. They sometimes act as simple intermediaries to enable the movement of funds from one country to another, whilst in other cases they carry out a dual function of intermediary and guarantor to ensure that the conditions in the buying and selling contract are met. Payment methods that can be used in international trade vary in terms of the guarantees offered and the costs involved (personal and bank cheques, transfers, payment orders, banking remittances and credits). The participation of various parties in these operations and the complexity of payment methods can make the process of observing due diligence complicated. In addition, international trade is vulnerable to the use of falsified documents for the purposes of money laundering, terrorist financing and the avoidance of sanctions to breach international embargos. The use of

front companies in high-risk jurisdictions can make it all the more difficult to track these operations. In other cases, international trade in services or commodities is used as part of more complex money laundering schemes such as the peso exchange black market, hawala and carousel fraud.

New Payment Methods

As an alternative to cash transfers and the use of bank accounts, various payment methods have evolved which are generally used by legitimate customers who lack access to regular banking services. They also are convenient for terrorist groups. Among these methods are pre-paid phone cards, online payment services, virtual money that is exchanged in the form of gold, silver and other metals and, most recently, mobile phone payments.[38]

Pre-paid phone cards are a much used alternative to cash. They can often be obtained with complete anonymity and are easily transported, making them particularly attractive. One type of such cards can be used to withdraw money from various ATM cash-point networks throughout the world. They do not require a bank account; nor do they require the user to deal with a bank employee who would verify the identity of the client to 'top' them up. They can also be used to buy items in shops. In some countries, these cards have become very popular amongst immigrants who wish to send money to their families overseas.

From the point of view of countering the financing of terrorism, these cards present a risk, since they can be 'topped up' by a member of a terrorist organisation in any country, allowing other members of the organisation access to money from cash-points.   The vulnerability of these cards lies principally in the way they can be obtained. Terrorists can buy cards on the Internet, by fax and in those shops which do not require identification from customers or apply any system for tracing suspicious transactions. They can also move money through massive scale purchase of such cards and their subsequent sale.

Online payment services are often a service used by people without bank accounts or credit cards when they wish to make purchases over the Internet. People who use this service can first use their bank accounts, credit cards, electronic transfers or pre-paid cards or, in some cases, simply cash to open an account with an online intermediary which will then carry out payments. One of these online services is PayPal, which enables anybody or any business with email to send and receive money quickly over the Internet. It is more difficult to know the client's identity if the

service provider does not insist on sufficient proof of identity or is willing to accepts cash or giro transfers to open the account.

Other payment systems such as E-gold are based on virtual money which is exchanged via ounces of gold and other precious metals. One of the characteristics of such business transactions is that the funds which are transferred to them are automatically converted into a specific metal (for example, gold). At any time, the client can see the value of the gold in various monetary denominations such as dollars, euros, etc, and can make a payment of a specific amount of dollars.

These systems can be used to pay for articles exchanged for specific items through commercial websites. The CFT risks associated arise from registration of the online user with a limited amount of information, the lack of identification details, the speed of business transactions, access to items of any value whose price is difficult to establish, and fictitious transactions whereby companies do not guarantee delivery. All this can enable the transfer of money between members of a terrorist organisation pretending to pay for business transactions while the price of items is manipulated or the goods are simply not delivered.[39]

Payments via mobile telephones are another alternative to the use of cash and the formal financial system, principally in countries where it is difficult to find a reliable banking network. Technology enables the users of mobile telephones to pass funds between individuals in anonymity: the money sender buys a pre-paid phone card which is 'topped up' anonymously with funds which are subsequently transferred to the other person's card. This person can withdraw money from a cash-point using the pre-paid card. Thus, both the sender and receiver remain anonymous - another method that may be used by terrorist organisations to transfer money.

The International Response to the Financing of Al-Qaeda

A range of international organisations such as the World Bank, the International Monetary Fund (IMF), the United Nations and the International Financial Action Group (FATF-GATT) are involved in combating the financing of terrorism.

The World Bank and the IMF provide technical assistance to countries where the counter terrorist financing system is weak and where this can present a significant risk to good governance and development. Technical assistance from the World Bank and IMF is based on the introduction of

new regulations based on best international practices, their application by authorities in the financial sector, the establishment of legal frameworks by financial intelligence bodies, the development of capitation programmes and awareness-raising to address the concerns of the private and public sectors as well as co-operation with other organisations under multinational programmes and the development of training material.

In Resolution 1267 (1999), the United Nations Security Council established the "Sanctions Committee against Al-Qaeda and the Taliban". Its original purpose was to monitor the application of sanctions against Afghanistan, then largely under control of the Taliban regime which supported Osama bin Laden and his several hundred men strong Al-Qaeda group. xxx
The sanctions regime has, especially since 2001, been modified and strengthened by subsequent Security Council resolutions. In this way sanctions were extended to individuals and entities associated with Al-Qaeda, Osama Bin Laden and the Taliban throughout the world. Those UN resolutions that have been approved under Chapter VII of the UN Charter require all member states to adopt a series of measures with respect to any person or entity associated with *Al-Qaeda*, Osama Bin Laden and the Taliban designated by the sanction committee. Among these measures are freezing their assets, preventing their members entry into a UN member states' national territory or transiting it, and preventing the supply, sale or transfer, direct or indirect, of military arms and equipment.

The primary responsibility for the application of these sanctions falls on the member states; its effective application is their obligation. The individuals and entities suspected of terrorism feature on the consolidated List of the Sanctions Committee it is periodically updated or revised. The List consists of four sections and contains 507 names (according to the update of 3 December 2009):[40]

   A. Individuals associated with the Taliban (142)
   B. Entities and other groups or companies associated with the Taliban (none)
   C. Individuals associated with *Al-Qaeda* (254)
   D. Entities and other groups or companies associated with *Al-Qaeda* (111)

It is not necessary for charges to have been brought against an individual by a national court or a conviction in a trial in a court of law for a suspect to be added to the List because the sanctions are said to be of a preventative nature. States are obliged to disseminate the List fully to banks and other financial institutions, intelligence agencies, alternative money remittance services and

charitable organisations amongst others. The Committee has a team tasked with providing analytical support for the sanctions; that team publishes progress reports periodically.

Although there has been significant progress, there remain systemic weaknesses in the application of the sanctions. The List contains imprecise and obsolete information, including the names of deceased individuals and defunct companies. On the other hand, some entities and individuals on the List have taken legal action in various countries to challenge their inclusion on the List. In other words, they challenge the Security Council's authority to impose sanctions based on dubious intelligence information only. Due to this, states are sometimes unable to put into practice decisions taken by the Security Council without contravening their own legislation. As a consequence, the international community is in such cases not fully able to apply co-ordinated measures against the financing of terrorism.[41]

The international community has so far failed to discover or block many of the sources of financing of *Al-Qaeda*. The organisation headed by Bin Laden continues to have access to money through various channels at the margins of the formal financial system. It also makes intensive use of alternative remittance systems and sometimes simply sends money via couriers.

Al-Qaeda has succeeded in moving a large part of its financial activities through its associated groups to areas in Africa, the Middle East and South-East Asia where the authorities often lack effective CFT institutions and where individuals who feature on the Security Council's List can continue their financing activities by using companies and fictitious businesses to hide their transactions. The bottom line is that despite the Committee's powers, *Al-Qaeda*, the Taliban and the network's associates are in a position to continue to seek, obtain, gather, transmit and distribute considerable sums of money to support their ideological, logistical and operational activities.

Another international organisation taking action against terrorist financing activities is the Organisation for Economic Co-operation and Development (OECD). In October 2001, the OECD adopted a set of eight special recommendations to combat terrorist financing. In combination with the already existing forty recommendations of its Financial Action Task Force (FATF) to combat money laundering, these 48 recommendations form the basic international framework meant to prevent and suppress terrorist financing and terrorist acts.

Identifying Suspicious Operations

The current legislative framework for preventing the use of the financial system and other areas of activity for terrorist purposes based on the OECD's 48 recommendations is now in place in the majority of countries. The basic principles for combating terrorist financing have developed in a form essentially parallel to those regarding anti-money laundering measures. But there are some differences between the two issues. In money laundering, criminal elements generally need to deposit large amounts of money into the financial system. In financial transactions relating to terrorism, the amount of money used is considerably less and is usually consistent with the client's stated profile, which makes them look innocuous. All too often financial institutions are unable to separate suspicious transactions from those which are not.

Yet authorities often consider the financial sector to be in an ideal position to detect money laundering and terrorist financing activities. Reports of suspicious activities sent by financial institutions to national financial intelligence units form the basis of this preventative system. However, it is not easy for financial entities to detect suspicious terrorist financing operations. To qualify as a suspicious transaction, deviations from the client's profile and usual practices must be taken into account, which implies the application of a policy based on "know your customer". It is not enough to identify clients; it is necessary to know their usual practices and sources of income. When business relations are established, it is necessary to obtain information from the client about the nature of his professional or company business and establish beyond reasonable doubt the veracity of the information provided. In particular, it is necessary to pay particular attention to any operation that is complex, unusual or lacks an apparent financial or lawful purpose. In order that personnel of a financial institution or similar entity may detect suspicious operations when assessing transactions, it is the norm to use a number of indicators according to the sector of activities in which the client is involved. These indicators come from experience compiled by various government agencies, international organisations and financial intelligence units in various countries.

The financial sector uses various IT programmes aimed at detecting suspicious operations to evaluate transactions made by customers. Each client is given a specific profile that describes the expected usual practice of the said client. In general, this includes the number of transactions and the amounts involved which are expected to take place over a particular period of time with an acceptable margin of deviation from the norm. When the client's transactions go beyond this margin, the IT programme issues an alert. Yet when submitted to closer scrutiny, many of these transactions result in "false positives". Given that there is no single effective set of indicators to detect suspicious transactions for countering terrorist financing, it is necessary to evaluate a high number of activities to come to responsible conclusions as to whether something significant is

going on or not. This is an inconvenience, since submitting a high number of "false positives" to further investigation takes up time and money. In order to avoid an excessive number of "false positives" without adversely affecting the control of operations, it is necessary to maintain a current profile of clients, consider adequate tolerance ratios for each type of transaction, establish an adequate frequency for review according to the risk presented, and take account of the conditions of the time and the market which may affect the operations being carried out.

There is currently a general concern within financial institutions that most of the indications they receive are orientated towards money laundering rather than terrorist financing. However, it is a common complaint that they receive scant or no information about high-quality indicators that enable the detection of financing for terrorism purposes. Consequently, many of the reports of suspicious transactions are valuable only if these actually trigger an investigation by the authorities. There is a significant imbalance between the high volume of reports on suspicious activities generated by financial institutions throughout the world and the scant value of terrorist assets located or frozen as a result of these reports. In many cases, the reports are clearly defensive to protect the institution against possible sanctions from the authorities and focus on the type of client rather than the nature of the transaction, which makes them of little use to investigators. The large volume of suspicious transactions filed by financial institutions tends to overburden the financial intelligence units tasked to analyse them. Backlogs are common which reduces the amount of actionable intelligence gained from monitoring suspicious transactions.

Seeking a financial profile of terrorism

Banks and other financial institutions continue to ask the authorities what more they should be looking for to detect possible transactions associated with terrorism. Many of the mechanisms available to financial institutions to detect money laundering activities are not directly applicable to detecting terrorism. The 11 September 2001 operatives are an example of this. The nineteen hijackers formed a simple plan to disguise their transactions without revealing their intentions. Although the US authorities had information that several of the hijackers might be members of *Al-Qaeda*, the banking personnel where they held accounts never suspected that their clients were potential terrorists.

Financial institutions and governments have made a considerable effort to create a profile of "the terrorist". The FBI examined financial transactions made by the 9/11 hijackers focusing on the following: they visited the banks in groups, identified themselves as students, spent a large proportion of their income on pilot training schools and were financed to a large extent from

money transferred from the UAE.[42] Yet other terrorist cells such as the London attackers used the legal income of one of their members deposited in various bank accounts to finance the attacks.[43] In other words, profiles may be of some help to detect more or less identical types of attacks, but do not help much to warn of attacks developed in a different way.

Terrorist financing does not always follow clearly recognizable guidelines. This is especially true in cases of local cells whose members save or collect money to finance their own activities. These cells can use their own legally obtained funds but can then carry out illegal operations. In all cases, including the latter, it is difficult to detect a terrorist motive or even a purely criminal one. It is not an easy task to create a general profile of financing and using funds for terrorist purposes. For example, when an Islamic charity receives money from small donations and then makes periodic financial transfers to areas such as Afghanistan or Chechnya, this might be to finance terrorist operations or might constitute humanitarian aid to a very needy population. Intelligence services and governments can hold information that may distinguish one use of funds from another, but it is unlikely that a financial institution would be capable by itself of determining the difference.

Conclusion

Our conclusion is that financial information alone is not sufficient to detect the financing of *Al-Qaeda* and its affiliates. However, when combined with other types of information held by intelligence services, it may help a financial institution to detect signs of possible suspicious activity. In this sense, the development of intelligence-led indicators based on the study of evolving terrorist operating methods and the exchange of information between public and private sectors should be one of the pillars for the development of a more risk-based focus which can improve the detection of terrorist financing operations.

About the Author: *Juan Miguel del Cid Gómez* *holds a PhD in Economics and Business and is Professor of Financial Economics and Accounting at the University of Granada, Spain. He is a member of the expert group of the EUDEFI-Project (European Union - Delivering Excellence in Financial Investigation) which aims to strengthen and standardize the financial crimes investigation in the European Union. He is Academic Director and tutor of the course 'Techniques for preventing and detecting money laundering,' organized by the Virtual Training Center at the University of Granada. Prof. Gómez has published "Blanqueo Internacional de Capitales. Cómo detectarlo y prevenirlo" ("International Money Laundering. How to detect and prevent"). Ediciones Deusto, 2007.*

Notes

[1] National Commission on Terrorist Attacks Upon the United States (2004), *Monograph on Terrorist Financing,* Staff Report to the Commission. Washington, DC, p.19. [http://govinfo.library.untedu/911/staff_statements]

[2] These cost estimates are from the United Nations (2004), First Report of the Analytical Support and Sanctions Monitoring Team appointed pursuant to resolution 1526 (2004) concerning Al-Qaida and the Taliban and associated individuals and entities, United Nations, New York, p.12. [http://www.un.org/sc/committees/1267/monitoringteam.shtml]

[3] United Kingdom Home Office (2006), Report of the Official Account of the Bombings in London on 7th July 2005, London.[http://www.homeoffice.gov.uk/documents/7-july-report?version=1]

[4] Nicos Passas and A. Framis Gimenez-Salinas (2007). "The Financing of Al Qaida's Terrorism: Myths and Realities", *Review of Penal and Criminal Law*, 2nd Semester, no.19, p.511.

[5] National Commission on Terrorist Attacks Upon the United States (2004). *Monograph on Terrorist Financing,* Staff Report to the Commission. Washington, DC, p.13, [http://govinfo.library.unt.edu/911/staff_statements/]

[6] United Nations (2009). Tenth Report of the Analytical Support and Sanctions Implementation Monitoring Team submitted pursuant to Resolution 1822 (2008) Concerning Al-Qaida and the Taliban and associated individuals and entities. New York: United Nations, note 47, p.22.

[7] United Nations (2005). Tenth Report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to Resolution 1822 (2008) Concerning Al-Qaida and the Taliban and associated individuals and entities. New York:, United Nations, October 2009, note 48, p.22.

[8] U.S. Department of the Treasury (2009). Assistant Secretary for Terrorist Financing David S Cohen Remarks to ABA/ABA Money Laundering Enforcement Conference. Washington DC. [http://treas.gov/press/releases/tg317.htm]

[9] United Nations (2005). Tenth Report of the Analytical Support and Sanctions Monitoring Team appointed pursuant to resolution 1526 (2004) Concerning Al-Qaida and the Taliban and associated individuals and entities. New York: United Nations, pp.7-8.

[10] National Commission on Terrorist Attacks Upon the United States (2004). *Monograph on Terrorist Financing,* Staff Report to the Commission, Washington DC., pp.20-21.

[11] The Committee's paragraph on sanctions contains the list, and the reasons why these individuals are on the list.[http://www.un.org/sc/committees/1267/narrative.shtml]

[12] FATF (2003). Report on Money Laundering Typologies 2003-2004. Paris: FATF, pp.8-12.

[13] United Nations (2005). Second Report of the Analytical Support and Sanctions Monitoring Team appointed pursuant to resolution 1526 (2004) concerning Al-Qaida and the Taliban and associated individuals and entities. New York: United Nations,, p.17.

[14] Ibid*,* pp.18-19.

[15] Department of the Treasury (2008). United States of America, Press Room, 19/6/2008.

[16] http://thenews.jang.com.pk/top_story_detail.asp?Id=24532, 14/09/2009.

[17] See United States, Government Accountability Office (2009). Combating Terrorism, U.S. Agencies Report Progress Countering Terrorism and Its Financing in Saudi Arabia, but Continued Focus on Counter Terrorism Financing Efforts Needed, September, GAO, Washington DC.: GAO. [http://www.gao.gov/]

[18] Department of the Treasury (2008). United States, Press Room, 13/6/2008.

[19] National Commission on Terrorist Attacks Upon the United States (2004). *Monograph on Terrorist Financing,* Staff Report to the Commission. Washington DC., p.67. [http://govinfo.library.unt.edu/911/staff_statements]

[20] United Nations (2009). Fourth Report of the Analytical Support and Sanctions Monitoring Team appointed pursuant to Security Council resolutions 1526 (2004) and 1617 (2005) concerning Al-Qaida and the Taliban and associated individuals and entities. New York: United Nations, pp.20-21.

[21] "Tracking Al-Qaeda Money in Spain" *Revista Tiempo,* 13/03/08.

[22] The term "anti-government elements" refers to a complex amalgam of changing alliances between warriors, tribal leaders, mullahs, foreign jihadists, mercenaries, Taliban and criminal organisations.

[23] See United Nations Office on Drugs and Crime (2009), Addiction, Crime and Insurgency: The Transnational Threat of Afghan Opium. Vienna: UNODC.

[24] "Drug seizures in West Africa prompt fears of terrorist links". *The Observer,* 29/11/2009.

[25] "Police warn of financing of terrorism by hashish trafficking". *El Pais,* 16/05/2004.

[26] See judgement no.65/2007of the penal court, second section of the National Court in Madrid.

[27] "*Al-Qaeda* finances itself with cocaine bought in Spain", *El Periodico.com,* 6/5/2007.

[28] "Jewels stolen in Spain financed *Al-Qaeda* murders in Algeria". *El Pais,* 19/07/2009.

[29] "Three Worked the Web to Help Terrorists". *Washington Post,* 6/7/2007.

[30] "*Al-Qaeda* finances itself with cocaine bought in Spain, *El Periodico.com,* 6/5/2007.

[31] Moneyval (2008), *Money Laundering and Counterfeiting, Typology Research,* Committee of experts of anti-money laundering measures and the financing of terrorism, Strasbourg, pp.21-25.

[32] See International Monetary Fund (2005). Regulatory Frameworks for Hawalas and Other Remittance System., Washington DC.:IMF.

[33] National Commission on Terrorist Attacks Upon the United States (2004). *Monograph on Terrorist Financing,* Staff Report to the Commission, Washington D.C., p.26. . [http://govinfo.library.unt.edu/911/staff_statements/]

[34] "*Al-QaedaAl-Qaeda* finances itself with cocaine bought in Spain". *El Periodico.com,* 6/5/2007.

[35] National Commission on Terrorist Attacks Upon the United States (2004). *Monograph on Terrorist Financing,* Staff Report to the Commission, Washington, DC., p. 3 [http://govinfo.library.unt.edu/911/staff_statements]

[36] United Kingdom Home Office (2006). Report of the Official Account of the Bombings in London on 7th July 2005.

[37] See FATF (2006), Trade Based Money Launderin. Paris: FATF.

[38] See FATF (2006). Report on New Payment Method. Paris:, FATF.

[39] FATF (2008). Money Laundering & Terrorist Financing Vulnerabilities of Commercial Websites and Internet Payment Systems. Paris: FATF.

[40] http://www.un.org/sc/committees/1267/consolist.shtml.

[41] United Nations (2009). Tenth Report of the Analytical Support and Sanctions Implementation Monitoring Team, submitted pursuant to resolution 1822 (2008) concerning Al-Qaida and the Taliban and associated individuals and entities. New York: United Nations, p.5.

[42] National Commission on Terrorist Attacks Upon the United States (2004). *Monograph on Terrorist Financing,* Staff Report to the Commission, Washington D.C.

[43] United Kingdom Home Office (2006). Report of the Official Account of the Bombings in London on 7th July 2005, London, p.23.

Muslim Education, Celebrating Islam and Having Fun As Counter-Radicalization Strategies in Indonesia

by Mark Woodward, Inayah Rohmaniyah, Ali Amin and Diana Coleman

Abstract

The paper refutes the linkage of Muslim education in Indonesia with radicalization, and addresses the commonly held, if incorrect, perception that theological conservatism has a causal relationship with violent extremism. Rather than a causal agent for extremism, Muslim education in Indonesia tends to operate as a protective mechanism against radicalization, as does participation in vibrant religious and cultural celebrations. Students attending the secular universities are most susceptible to extremist discourse, through the process of re-Islamization and the development of a stark and detached rational understanding of Islam.

Introduction

The July 17, 2009 bombings of the Ritz-Carlton and J W Marriot hotels in Jakarta rekindled suspicions that Indonesia's vast network of private Islamic boarding schools (*pesantren*) and schools run by the modernist Muslim organization *Muhammadiyah* might be breeding grounds for radical Islamist ideologies, if not actual terrorist training centers.[1] Yet spokespersons for Indonesian Muslim organizations have consistently denied that there are links between Islamic education, radicalism, and terrorism, but the perception persists in Indonesia as well as in the West.[2] There are at least 17,000 *pesantren* in Indonesia, most of which are loosely tied to the theologically conservative, but politically progressive, Muslim organization Nahdlatul Ulama (NU). [3] *Muhammadiyah* operates a vast comprehensive educational system at instructional levels including kindergartens, primary, middle and secondary schools, colleges and universities that teach secular as well as religious subjects, and a small number of *pesantren*. If alarmist claims about Muslim Schools and radicalization were valid, there would be serious cause for concern. Fortunately, evidence suggests that they are mistaken.

The July 2009 bombings also led to increased concern about relationships between Wahhabi Islamic teachings, radicalization, and terrorism. The Indonesian commentator Saidiman observed:

> Many observers argued that almost every militant Islamic movement today is part of, or at least influenced by, Wahhabism. Where trouble is found, Wahhabism may thrive. Both the Taliban in Afghanistan and Al-Qaeda, which have been launching attacks across the world for years, have officially adopted this ideology. Wahhabi extremism and terrorism continue to plague Indonesia, although real supporters in this country are few in number. [4]

The fact that most Indonesian (and other) Sunni Muslim extremists combine *jihadi* radicalism with Wahhabi teachings that define traditional Islamic devotional practices as unbelief has contributed to a growing perception among Indonesians that the two are interdependent. In Indonesian discourse, Wahhabism and terrorism are now clearly linked. The term "Wahhabi" is now often used conjointly with "*fanatik*" (fanatic) and associated with violence. These concerns have led to a series of books and seminars on university campuses and other public venues linking "Wahhabi" religious teachings, the violent campaigns that led to the brief Wahhabis occupation of Mecca in 1803-1811, the contemporary Saudi Arabian state and global Islamist terrorism. [5] They suggest a causal relationship. Some of these, especially *Ilusi Negara Islam* (The Illusion of the Islamic State), have not been well received by the Indonesian scholarly community because of their questionable historical claims and hyperbolic rhetoric. Some Muslim intellectuals describe them as counter-radical discourse that sinks to the same level as radical Islamist diatribes about conspiracies of Crusaders and Jews. The do, however, reflect heightened concern with violent extremism and with attempts to "Arabize" Indonesia. They are also components of a global discourse linking the teaching of al-Wahab, the Saudi State and Islamist terrorism. [6] If these alarmist claims about connections between terrorism and Wahhabi religious teachings were correct there would be very serious cause for concerning because millions of Indonesians accept elements of Wahhabi religious teachings. Evidence suggests otherwise.

We have three purposes in this paper.

The first is to set the record straight about Indonesian Muslim schools in general and *pesantren* in particular. Indonesian Muslim schools, with a few noticeable exceptions, do not promote violent extremism no matter what their theological orientations. The opposite is true. They are one of Indonesia's best defenses against it.

 The second is to de-couple the religious teachings of Muhammad ibn Abd al-Wahab (1703-92), the founder of what has come to be known as Wahhabism, from violent extremism. The relationship is one of correlation, not causality. While most Sunni Muslim terrorists follow his teachings, the huge majority of Indonesian and other Muslims who follow them oppose terrorism and other forms of religious violence.

The third is to describe the ways in which Indonesia's secular universities *are* one of the sources of an emerging Islamist culture. It is the re-Islamisation of secularized elements of Indonesian society, not the development of radicalism in traditional Islamic communities, which poses the greatest risk of radicalization.

Muslim Schools and Radicalization

Concern about Muslim Schools in Indonesia and other countries represents a "spill over" from the fact that Wahhabi *madrassahs* funded largely by the Saudi government and wealthy Saudis provided bases and training sites for Afghan and foreign fighters during their war against the

Soviet occupation in the 1980s. [7] An unknown, but substantial number of Indonesians studied and taught at these *madrassahs* and at Jihad Academies inside Afghanistan. The "freedom fighters," as they were known in the west at the time, were the ancestors of Al Qaeda, the Taliban and many other violent Islamist groups, including the Southeast Asian organization *Jemaah Islamiyah* (JI). Jamal Malik and Muhammad Hassan have observed that these links have led many in the policy-making and policy studies communities to the conclusion that, wherever they are found, *madrassahs, pesantren,* and other Muslim Schools are terrorism factories and breeding grounds for intolerant exclusivist ideologies. Terrorism specialist Wayne Downing wrote:

> In the past 24 years, the radical Wahhabi sect from Saudi Arabia has sponsored religious schools and *madrassahs* throughout the Islamic world. The Indonesians have seminaries called *pesantren*. Most of these schools spread a message of hatred and intolerance, radicalizing young Muslims and encouraging them to join the Holy War or Jihad. [8]

 Some Muslim schools are centers of violent extremist teaching. Most are not. *Madrassahsh* is an Arabic term for higher-level Muslim schools. They have been important elements of Islamic civilizations since the ninth century and can be found everywhere in the Muslim world. Curricula vary greatly but usually include some combination of Classical Arabic grammar, Quranic exegesis, Islamic law, theology and sometimes mysticism. Fixation on *madrassahs* as sources of terrorism is extreme reductionism and distracts attention and resources for more important causal issues.

In Indonesia and elsewhere is Southeast Asia the term *madrassahs* is used differently than in other parts of the Muslim world. It usually refers to schools that are organized on Western lines in which there are formal classes and in which secular and well as religious subjects are taught. Schools resembling Middle Eastern and South Asian *madrassahs* are known in Indonesia as *pesantren*.

A small number of *pesantren* are known for extremist teachings and have been linked to terrorist organizations. JI is associated with *pesantren Al-Mukmin*, which is located in the village of Ngruki near Surakarta in Central Java. *Pesantren Al-Mukmin* was founded in 1972 by the charismatic, radical Islamist cleric Abubakr Ba'asyir who is also the spiritual leader of JI. Reports by the International Crisis Group describe it as being the center of a network of perhaps fifty *pesantren* that promote Islamist extremism.[9] Schools in this network share a common extremist ideology that is based on the religious teachings of Ibn Taymiyyah (1263-1328), al-Wahab (1703-1792), and other puritanical Muslim scholars, as well as the anti-state political philosophies of Hasan al-Bana (1906-1949), Sayyid Qutb 1906-1966) and others associated with the Egyptian Muslim Brotherhood. In a 2005 interview, Ba'asyir spoke at length on his understanding of Quranic teachings about *Jihad, Shari'ah,* and the relationship between Muslims and others. His view is that it is only possible to live a Muslim life in a society and state that are

governed exclusively by *Shari'ah* and that Muslims are obligated to fight all who oppose this view. This includes many who consider themselves to be Muslims, but who Ba'asyir declares to be *kafir*.[10]

The ideological if not logistical links between Ba'asyir, *pesantren Al-Mukmin* and violence are clear. JI has carried out numerous attacks on western targets in Southeast Asia including the "Bali bombings" of 2002. It planned others that were thwarted by security forces. The association of this one *pesantren* with attacks in Bali has led Australians to be especially concerned about extremist tendencies in Indonesian Islamic schools in general. To many Australians, the "Bali Bombings" are what 9/11 is to Americans because Bali is a popular destination for Australian tourists and 88 of the 152 people killed in the 2002 attack were Australians.

A JI splinter group led by Malaysian Noordin Top was responsible for the 2009 Jakarta bombings. Noordin was associated with *pesantren Al-Mukmin* and others in the Ngruki Network. [11] These associations have heightened suspicions about *pesantren* in particular, and Indonesian Islamic schools in general. The fact that a teacher in a Muhammadiyah school allowed Noordin to use his home as a hiding place and that other suspects have been traced to *pesantren*, including one described later in this paper, have increased the level of concern. Muhammadiyah reacted to this revelation by categorically denying that the organization is linked to terrorism. The fact that one out of the many thousands of teachers in Muhammadiyah schools was involved in a bombing does not suggest that the organization advocates or condones terrorism.[12]

Since the July 2009 bombings, right-wing Islamaphobic bloggers [13] in the United States and elements of the mainstream Australian press [14] have once again focused on *pesantren* as the source of Indonesia's terrorist problem. C. Holland Taylor of the LibForall Foundation[15] and former Australian Prime Minister Alexander Downer both weighed in on the issue soon after the July 2009 bombing. Downer stated:

> The problem with the schools is the curriculum is very narrow. They focus on religious education and not much else. People come out of those schools being great experts on the Koran, but they don't have knowledge of arithmetic, geography, language and physics. It's hard for them to get jobs and they get swept into this world of fundamentalist religion.[16]

Taylor went even further, linking Indonesia's second largest Muslim organization - *Muhammadiyah* - with: "extremists - who anathematize Australia, America and the secular system of Indonesia."[17] If either of these statements were correct, there would be cause for serious concern**,** but our findings refute these claims.

Our argument here is that *most* of what written about *pesantren* and radicalization in policy-oriented literature is wrong. Very nearly the opposite is true. The religious education young

people receive in *pesantren* does not drive them towards extremism; just the opposite. It helps to immunize them against it. Furthermore, most *pesantren* graduates are *not* ignorant of "secular" subjects. For many young people from pious, but poor families, *pesantren* are the gateways to higher education in the humanities, natural and social sciences, medicine, law, and technical fields because a substantial percentage of students at Indonesia's Islamic Universities, which offer training in these fields, come from *pesantren* backgrounds. A related point is that students from secular backgrounds who study at secular and Islamic Universities are more vulnerable to radicalization than those from *pesantren* backgrounds.

Pesantren

Pesantren are traditional Islamic boarding schools.[18] They are also known as *pondok* or *pondok pesantren* (often abbreviated *ponpes*). Similar schools are found in Malaysia, Southern Thailand and the Southern Philippines where they are known simply as *pondok. Santri* is a Javanese term for Muslim student. A *pesantren* is a place for *santri. Pondok* is a Javanese/Malay/Arabic term that means hostel. Most *pesantren* are located in rural areas, though there are thousands in major cities, especially in East Java, the heartland of traditional Islamic scholarship in Indonesia. Some *pesantren* have only a handful of students. The largest, *Pondok Pesantren Lirboyo* in Kediri in East Java, has more than twenty thousand. Students are as young as four or five years of age. There is no upper age limit. In many traditional *pesantren* there are no admissions standards, no formal classes and no examinations or grades, at least in religious subjects. Students study particular texts under the tutelage of a recognized teacher, until they have mastered, and in many instances, memorized them. Some *pesantren* have fixed tuition. Most charge only what students or their parents can afford to pay. They also receive charitable contributions from alumni and supporters.

Until the late 1970s and early 1980s many *pesantren* taught only religious subjects. Some still do. But as secular education has become increasingly important, most have introduced non-Islamic or "general" subjects. The modernization of the *pesantren* education system began already in the 1930s. *Pesantren* Tebuireng, was founded in 1899 by Kyai Hasyim Asy'ari (1871-1947). Asy'ari was one of the founders of NU and is widely regarded as having been one of the most important Indonesian Muslim scholars of the twentieth century, and as a Sufi saint. He introduced instruction in secular subjects in 1929. Many other *pesantren* soon followed his lead, though a lack of qualified teachers hampered the reform process.

Pondok Darrusalam Gontor in Ponogrogo in East Java was the first *pesantren* to adopt "modern" instructional methods including formal classes and to emphasis instruction in secular subjects. Though the *pesantren* was founded in 1926 by scholars from both *Muhammadiyah* and NU backgrounds, it has never been directly tied to either of these organizations and has taken a decidedly nonsectarian approach to religious instruction. One of the school's goals is to bridge

the gap between sectarian groups by teaching diversity. Gontor's motto is "Gontor Above and For Every Group." From the beginning, it attracted students from a variety of theological backgrounds. In addition to Islamic and "modern" education, it promotes values including independent and critical thinking, efficiency, and progress. The curriculum includes texts written by Ibn Tamiyyah and al Wahab. It also includes study of Ibn Rushd's (Averroes 1126-1198) *Bidyatul Mujtahid*. This extremely complex work explores the philosophical underpinnings of the diversity of opinion in Islamic jurisprudence. Students also learn about the diversity of Muslim religious practice; learning that there is more than one recognized way to perform the five daily prayers surprises many students, and for some, is a source of inspiration. The importance of learning about the diversity of Muslim religious thought and ritual praxis as a mode of counter-radical discourse cannot be over emphasized. It is exactly the opposite of the extremist position that claims: "Our Islam is the only Islam."

Probably because it combines educational excellence with an emphasis on independent thinking, Gontor graduates include national leaders from across the religious-political spectrum. Hidayat Nur Wahid of PKS, Indonesia's most important Islamist political party, Din Syamsuddin of *Muhammadiyah*, Hasyim Muzadi of NU and Abu Bakr Ba'asyir are all Gontor alumni.[19] So was the late Nurcholish Madjid, the founder of Paramadina University in Jakarta and one of Indonesia's most important progressive Muslim intellectuals. So is Ali Amin, one of the authors of this paper.

Muslim poet, political activist and performance artist Emha Ainun Najib also studied at Gontor. His all night performances attract thousands of young people. They feature music fusing Javanese, Arabic and Western styles and instruments and female singers – an anathema to extremists. The message combines Sufi piety, Indonesian nationalism, and advocacy of democracy and social reform. Emha is bitterly sarcastic when it comes to Saudi Wahhabis. In a recent (December 17, 2009) performance he repeated the line "Welcome to Arab Saudi --- and have a nice day!" (English in the original) repeatedly, each time with increasing sarcasm.[20]

Clearly, it is not possible to link Gontor to a single religious or political orientation. It is a remarkable school that leads students in many directions. A few, including Ba'asyir have become extremists. Most are exactly the opposite. Gontor graduates have founded more than a hundred similar *pesantren* across the country.

The tradition of educational modernization accelerated after Indonesian independence in 1945 and especially after 1975 when the Indonesian government mandated six years of general education for all students and offered subsidies to *pesantren* that chose to offer a secular curriculum. There were, however, provisions for *pesantren*, to offer an entirely religious curriculum. Some chose this option, but a combination of secular and Islamic education became the norm. Many *pesantren* now include *madrassahs,* which often overshadow programs offering traditional religious education. Many offer middle school (SMP) and high school (SMA) programs that are the equivalent of those available from government schools. Some offer

vocational training as well. The 1975 reforms also enabled *pesantren* graduates to take college entrance examinations. A few *pesantren* now offer a mixed curriculum at the college level.

Muhammadiyah schools have been offering high quality secular education since the early decades of the 20th century. The organization was founded in part to provide education for Muslim children comparable with that available in Dutch colonial and Christian missionary schools, both of which were considered unacceptable by many Muslim parents.

Contemporary Indonesian government schools cannot be described as "anti-Islamic." Religious education is required for all students, but it is very basic and does not expose students to the intellectual complexities of the Muslim tradition. Many Muslims parents choose to send their children to *pesantren* or *Muhammadiyah* schools for one or both of two reasons: (i) they are less expensive than government schools and, (ii) they also have a higher level of religious instruction than government schools. Like Roman Catholic and Protestant schools in the United States, they provide an explicitly religious environment for the educational process. Many religiously conservative Muslims would not consider sending their children to anything other than an Islamic school.

Most *pesantren* were founded a generation or more ago by charismatic religious leaders known as *Kyai*. Most of the oldest and most important *pesantren* are led by *Kyai* who are descendants of the founder. *Kyai* are, or are at least reputed to be, saintly figures. They embody and are repositories of religious knowledge and spiritual power. Some are known for their spiritual powers, including the ability to heal, control malevolent spirits, conduct exorcisms and prepare charms and amulets, as much as for their skill at interpreting Islamic texts. Many are believed to posses *Ngelmu Ludani*, the ability to acquire knowledge effortlessly and without study.

Students and other followers often accept their *Kyai's* judgment and guidance concerning religious, social and political issues without question. The *Kyai's* status in the *pesantren* is often compared with that of the *raja* (king) in a traditional Javanese state. They are thought to be sources of blessing (*barakah*) as well as knowledge. It is customary for followers to kiss a *Kyai's* hand on greeting him or to touch his sleeve in hope of securing blessing through physical contact. Even the dishes from which he has eaten and the water with which he performs ablutions is thought to be holy. *Kyai* families are widely regarded as aristocrats and as holy families. The wives, children and even grandchildren of prominent *Kyai* are also thought to be sources of blessing and are treated with respect and deference. Even members who do not choose to become religious scholars are highly respected members of their communities. *Ngelmu Ludani* is believed to run in these families. The graves of important *Kyai* are major pilgrimages sites. Thousands of people attend annual ceremonies (*haul*) commemorating the anniversaries of their deaths. In many *pesantren santri* are required to congregate at the founder's tomb to pray for him and seek his blessing on a regular basis.

The respect with which *Kyai* are regarded has significant implications for understanding counter-radical discourse in Indonesia. A simple statement denouncing radicalism and violence by a prominent *Kyai* carries more weight among traditional Indonesian Muslims than elaborate educational programs designed by government ministries, NGOs and international donors.

Every *pesantren* is unique. The Islamic texts pupils study and the devotional practices they are required to observe vary considerably, reflecting the learning religious orientation and practices of the *Kyai*. The religious subjects taught in *pesantren* include various combinations of classical Arabic, *Qur'an* recitation and exegesis, Islamic law, theology and, in many cases, mysticism. A study of texts taught in *pesantren* and other Indonesian Islamic schools by Martin van Bruinessen revealed that jurisprudence is the most common subject, followed Arabic grammar and theology.[21] Most of the texts used are "classics" written in the pre-modern era. He does not mention a single Islamist text. To the extent that such works are read, it is outside the formal curriculum.

Each *pesantren* also has a unique set of devotional practices, often including some combination of prayers in addition those required by Islamic law, fasting one or two days per week, *tahlilan* (prayers for the dead) and pilgrimage to holy graves. Many are associated with one or more Sufi brotherhoods.

Life in most *pesantren* is austere and discipline is strict. As many as twenty students live together in a small room. Food is simple and often not at all tasty. There are two reasons for these austerities. The first is to minimize expenses. The second is that living simply and eating unappealing food is understood as a form of asceticism that turns attention away from worldly matters and towards God. In many *pesantren*, televisions, radios, computer games and cell phones are prohibited. At some of them students are allowed to leave the campus only one afternoon per month. In most *pesantren* that accept female students there is strict gender segregation. At *Pondok Pesantren Lirboyo*, for example, female students live and attend classes in a walled compound. The only males allowed through the gate are teachers, grandfathers, fathers and brothers. The purpose of this regimen is to keep worldly temptations from distracting students from religious learning and devotions.

At many *pesantren* there are informal study groups in which students discuss topics they are interested in that are not included in the formal curriculum. These sometimes include extremist political and religious topics. Similar groups can be found at secular and Islamic secondary schools and in universities as well as in many mosques. These groups are most often the vehicles through which extremist teachings are spread. There are closed, highly secretive groups know as *pengagian tertutup* (closed religious lessons). The presence of these closed discussion groups is a key indicator of extremist activity. Even at *Pesantren* al-Mukmin, extremist teachings are not part of the formal curriculum. What distinguishes extremist *pesantren* from others is that closed discussion groups are organized by the teaching staff. These groups are very difficult to monitor, much less regulate, especially at large *pesantren* or on university campuses. Mosque-based

discussion groups are among the most important vehicles for spreading extremist teachings among less educated and less privileged young people. They are even more difficult to monitor or control than those conducted in *pesantren* or on university campuses. Mosques are public spaces and are open to all believers. While there are regularly scheduled events at many mosques in addition to the Friday congregational prayer, most are unoccupied most of the time. This makes them ideal places for informal religious gatherings of all kinds. The presence of an extremist discussion group does not, therefore, necessarily suggest that the mosque community, as a whole, has extremist tendencies. There are however, some mosques, that are known to sanction extremist activities, though usually only informally.

Wahabbism and Islamic Education in Indonesia

In Indonesia, the term Wahhabi is used in very imprecise ways. It can be used for individuals and organizations that follow the theological teachings of Abd al-Wahhab. It is more commonly used in a much wider sense for those who those who denounce interpretations of Islam other than their own as unbelief and who regard Javanese and other Indonesian cultural traditions as unbelief. Political change is only one part of a broader Islamist agenda. They also seek to radically transform Indonesian Islam and cultures, using Saudi Arab cultural and religious praxis as their model. Some do not accept the legitimacy of the Indonesian state and think that nationalism and laws other than *shari'ah* are unbelief. They imagine an Islam that is free from local elements and seek to substitute what they believe to be *sunnah* (the social and religious practice of the Prophet Muhammad and his close companions) for indigenous culture. Abu Bakar Ba'asyir's political views were mentioned previously. He has spoken at mosques and on university campuses across Indonesia. On these occasions, he spoke more frequently about these religious issues than about explicitly political topics. In a sermon delivered at a Yogyakarta mosque during Ramadan of 2009, he explained that he has nothing against Javanese culture - except those parts of it which are "unbelief". In his view at least 90% of Javanese culture is "unbelief." He went so far as to claim that the Javanese language is unbelief because of its extensive use of honorifics. He peppered his remarks with frequent assertions that only "true Muslims" would go to heaven and that most Indonesians will burn in Hell. There are, however, clear links between his political and religious agendas. In a question and answer session after his address he called Indonesian President Susilo Bambang Yudhoyono a *kafir* but explained that the time is not ripe for violent struggle in Indonesia. He stated that Muslims are obligated to fight against the United States and other NATO countries because they continue to wage aggressive wars against the Muslim community. In a similar, but far less extreme vein, the Islamist political party PKS (*Partai Keadilan Sejahtera* – Justice and Prosperity Party) denounced the much beloved tradition of holding torch light processions (*Takbir Keliling*) on the final night of Ramadan as being "not Islamic." The rhetoric was softer, but the message was the same – local cultures are among the enemies of Islam.

Religious aspects of this movement and efforts to establish a Saudi-style Islamic state are supported by the Saudi government, charities and individuals through scholarships, development aid, subsidies for schools that teach Saudi style Wahhabi Islam as well as other financial enticements. Since the late 1970s, there have been enormous flows of funds from Saudi Arabia to Indonesia in support of this agenda. A substantial portion of this funding has been channeled through *Dewan Dakwah Islamiyah Indonesia* (The Indonesian Society for the Propagation of Islam). Saudis have fostering the belief that simply because they control access to the holy places of Islam in Mecca and Medina that Saudi Arabs are somehow more "Islamic" than other Muslims. This is why we have called this movement "Wahhabi Colonialism."[22]

Most individuals and groups that hold such religious views are not violent. Some, including PKS operate within the democratic political system. Their goal is to transform the state and society by peaceful means. Others, known as the *tarbiyah* (education) *Salafi* groups are completely apolitical.[23] They seek to establish islands of Islamic purity in what they believe to be a sea of unbelief. They choose to ignore the state instead of fighting it, to practice Wahhabi-style Islam in closed communities and to spread their beliefs through peaceful means. Many wear distinctive "Arab" style clothing: calf-length trousers (*isbal*) or robes (*jakabiyya*) for men and usually, though not always, black face veils (*niqab*) for women. Many *Salafi* men also have long beards. It is a common, and unfortunate joke to link "*celana pendek, jenggot panjang*" or in English – "short pants, long beard" to Wahhabism and political extremism.

In Indonesian discourse, a distinction is sometimes made between violent Wahhabis and pacifist Salafis. There is, however, a tendency to group the two together as *Salafi-Wahhabi*. The tendency to associate either or both with violence is an inaccurate and extremely regrettable overreaction on the part of some Western observers as well as mainstream and progressive Indonesian Muslims. It is true that most violent extremists hold Wahhabi religious views. But it is also true that only a very small percentage of the people who hold Wahhabi religious views are violent extremists. In a more general sense, to suggest that Wahhabi teachings are *necessarily* related to, or cause, violent extremism *is simply wrong*. The political orientations of Indonesian Muslims who share these religious beliefs include progressive democrats, violent extremists and everything in between.

The Domestication of Wahhabi Islam: Pondok Pesantren Madrassahs Wathoniyah Islamiyah and Muhammadiyah

Muhammadiyah schools and a small number of *pesantren*, including Pondok *Pesantren* Madrassahsh Wathoniyah Islamiyah (PPMWI), teach texts written by al-Wahab or texts summarizing his theological views. His works on the core Islamic doctrine of *tauhid* (The Unity of God) are especially influential. Theologically, these schools stress a literalist understanding of *tauhid*. Most Indonesian, and other, Muslims interpret this doctrine in ways that allow for the intercession of saints on behalf of their devotees; they also believe in the efficacy of prayers for the dead. Al-Wahab taught that there could be no intercessors between humans and God. He was

also harshly critical of many aspects of popular Islamic devotionalism - especially of *ziyarah* (visiting graves) and prayers for the dead. In this respect, his views were similar to those of the Christian reformer Martin Luther and other leaders of the Protestant Reformation. Like European Protestants, Indonesian followers of al-Wahab reject practices of saint veneration and visiting tombs. Most, however, do not reject local cultural traditions and praxis to nearly the extent that Ba'asyir and others like him do. Most are also Indonesian nationalists. To associate them with extremist, anti-state political views does them a great injustice.

Al-Wahab's teachings have been known in Indonesia since the early nineteenth century. While clear evidence is hard to come by, it is likely that they were brought to what is now Indonesia by pilgrims returning from Mecca during the first Wahhabi occupation of the Holy City (1803-1811). *Pondok Pesantren Madrassahs Wathoniyah Islamiyah* was established in 1828 and is a legacy of these early influences. A second wave of Wahhabi influence reached Indonesia in the early twentieth century. *Muhammadiyah* was founded in 1912 and combines Wahhabi understandings of the Unity of God and ritual practice with modernist social and educational agendas. Both reject the appellation Wahhabi and distance themselves from the third wave of Wahhabi influence that began the 1960s. This third wave differs from its predecessors in that it is supported by a foreign state with enormous resources and seeks to establish cultural hegemony as well as religious orthodoxy. In this respect *Muhammadiyah* and PPMWI could not be more different from the "New Wahhabism" because both have integrated al-Wahab's religious teachings and Indonesian, and more specifically Javanese, culture. Neither would claim that 90% of local culture is based on unbelief. Both understand themselves as being a part of, not distinct from culture and tradition.

Muhammadiyah

With approximately thirty million members, *Muhammadiyah* is Indonesia's, and the worlds, largest Muslim modernist organization. Its social teachings concerning modernity and education build on those of the nineteenth century Egyptian reformer Muhammad Abduh (1849-1905). On religious matters *Muhammadiyah*'s teachings closely resemble those of al-Wahab. It shares his understanding of the doctrine of the unity of God and vigorously opposes what it considers to be innovation (*bid'ah*) in ritual matters. It stresses strict conformity with what the organization considers to be the practice of the Prophet Muhammad and his close companions. Opposition the practice of visiting tombs is one of *Muhammadiyah*'s most important and best known teachings. [24]

At the same time Javanese traditions and customs play very important roles in the lives of many *Muhammadiyah* people. The organization is remarkably tolerant towards elements of Indonesian and especially Javanese Islam, it officially condemns. It was founded inside the walls of the Yogyakarta palace by *Kyai* Achamad Dahlan who was an official at the state mosque of the Sultanate. *Muhammadiyah* members continue to participate in palace rituals, including elaborate celebrations of the birth of the Prophet Muhammad, which Indonesian Islamists denounce as

unbelief. The *Pengulu*, the chief Islamic official of the Yogyakarta Sultanate, is responsible for the administration of hundreds of holy graves. The office has been held by *Muhammadiyah* members since the 1930s. Some *Muhammadiyah* members continue the practice of praying for the dead, but make it clear that they are not seeking blessing from them in the way that more traditional Indonesian Muslims do.

Muhammadiyah has always been strongly nationalist, but as an organization has refrained from involvement in electoral and other forms of "practical" politics. When *Muhammadiyah* members speak politically, they speak for themselves, not the organization. Like other mainstream Muslim organizations *Muhammadiyah* strongly denounced the July 2009 Jakarta bombings. *Muhammadiyah* leaders and the vast majority of rank and file members oppose all acts of violence committed in God's name. They also defend al-Wahab's theology and deeply resent its appropriation to justify violence. Writing in one of *Muhammadiyah*'s official publications, Haedar Nashir acknowledges the similarities of *Muhammadiyah* and Wahhabi understandings of *tauhid* and their shared objective of restoring Islam to its pristine condition by purging it of unbelief (*khufrat*) and polytheism (*shirk*). He does not whole-heartedly endorse Wahhabism and explains that *Muhammadiyah*'s theology is more closely related to that of Muhammad Abduh. [25]

  In response to the recent tendencies in the Indonesian and international press to link al-Wahab's religious teachings with terrorism, *Muhammadiyah* leader, Dr. Yunahar Ilyas, explained that al-Wahab was not a "fanatic" and that his goal was only to purify Islam. [26] *Muhammadiyah* has shared this goal since its founding in 1912. It is, at the same time, a movement that remains deeply committed to the idea of Indonesia and to the diversity of Indonesian cultures. This clearly sets it apart from transnational Wahhabism.

Pondok Pesantren Madrassahsh Wathoniyah Islamiyah (PPMWI)

PPMWI is a mid-sized *pesantren* located in Kebarongan in the Banyumas region of Central Java. It is of limited national significance but provides an especially cogent example of how the appropriation of al-Wahab's teachings by violent groups has sullied the name of progressive organizations that share his understanding of the Unity of God. PPMWI has been mentioned in the Indonesian press as a center of radical teachings because a handful of people who subsequently became terrorists studied there in the late 1980s and early 1990s. [27] Ahmad Bunyan Wahib makes similar accusations in his MA thesis from the National University of Malaysia [28] and other writings that are broadly disseminated online in English and Indonesian. [29]

These accusations are not correct. [30] According to family tradition, a *Kyai* who had spent more than twenty years studying in Mecca founded PPMWI in the mid-nineteenth. Originally, only religious subjects were taught. PPMWI was reorganized as a *madrassahs* in 1878. This makes it

one of the oldest *pesantren* in Java. Today it is run by members of his family and has approximately 1,300 students. It is known for educational excellence and theological conservatism. Many alumni have gone on to study for advanced degrees at secular universities in Indonesia, Malaysia and the United States (including Arizona State University). Some now hold important positions in education, public service and government.

The religious curriculum centers on very conservative interpretations of *tauhid. Fathul Majid*, which is one of al-Wahab's clearest statements concerning the doctrine of the Unity of God and which strongly denounces modes of religious practice including visiting graves that are common in Java, is one of the core texts. PPMWI is one of the very few *pesantren* at which the veneration of graves is not allowed. One of the factors that distinguish PPMWI from radical groups is that they teach only the Arabic original *Fathul Majid* while many extremist Islamists rely on an Indonesian translation of an Arabic commentary by the Saudi Islamist scholar Syaikh Abdul Aziz Abdullah bin Baz. Teachers at PPMWI consider that version of the text to be highly suspect because of bin Baz's extremist views. Jihad is *not* part of the curriculum nor is anti-state Islamist globalism. In addition to religious subjects, PPMWI teaches an Indonesian government-approved secular curriculum and has a strong nationalist orientation. Students wear uniforms similar to those required at other Indonesian schools and are not allowed to adopt the "Arabic" dress and mannerisms characteristic of Islamist extremists.

PPMWI is deeply involved in the local community. It is the community school and has provided basic education for local children for generations. It has a much larger enrollment that the local government school. It depends almost exclusively on tuition payments and donations from the local community for financial support. It is a center for the collection and distribution of charity in the region. More than a thousand people participate in communal prayers on *Id al-Fitri*, the holy day at the end of Ramadan. In his 2009 *Id* sermon, the current *Kyai* spoke of democracy, religious and social harmony and the importance of education for girls and women. There is a *bedug*, a large drum played to accompany the call to prayer at the *pesantren* mosque. It is played throughout the night at the end of Ramadan. This is important because the *bedug* is widely recognized as an important symbol of Javanese Islam and because many Indonesian Islamists consider it to be an unlawful religious innovation. [31]

 Members of the family that has managed PPMWI for more than a century visit and pay respect to all members of the local community, including those who have very different understandings of Islam, on the morning of the *Id*. They are actively involved in conversations about social and religious issues with leaders of other Muslim organizations as well as with Christians, and Buddhists since they regard all human beings as God's creations and the children of Adam and Eve.

PPMWI and most other *pesantren* not only do not promote extremist views, they actively oppose them and expel students and teachers who hold them. At PPMWI, students who wear the calve length trousers and have long beards (men) or *burqah* (women), that many Indonesians associate

with religious and political extremism, are interviewed concerning their extracurricular activities and especially the types of religious study groups they participate in. Those suspected of harboring radical political views are first asked to discontinue participation in Islamist groups and if the refuse, are not allowed to continue their studies and asked to leave. This does not, of course, remove them from extremist circles, and some have subsequently found their ways to *Pesantren Al-Mukmin*. Ahmad Bunyan Wahib mentions the fact that some former teachers went on to found extremist schools and foundations. He does not mention the fact that they had been asked to leave PPMWI. He confuses combating extremism with promoting extremism. Muhammadiyah and NU have adopted similar tactics in attempt to take back schools as mosques that have come under the influence or control of extremist groups. [32]

Muhammadiyah PPMWI and the Domestication of Wahhabi Teachings

Muhammadiyah and PPMWI are rooted in thoroughly domesticated version of al-Wahab's teachings. By "domesticated" we mean that his teachings about the Unity of God and ritual performance are taught and lived in the context of local culture, tradition and Indonesian nationalism. In neither case did the import of novel religious teachings lead to the wholesale abandonment of the existing cultural order. Only those practices which were clearly in conflict with the newly received interpretations of the doctrine of the Unity of God were abandoned. Neither attempted to replace Javanese with Arab cultural praxis in the way that New Wahhabis do. In both cases there was never an attempt to change linguistic terminology, kinship and marriage systems or even more easily transformed identity markers such as clothing. As far as clothing is concerned *Muhammadiyah* has moved away from tradition in the opposite direction because it has long allowed men to wear trousers when at prayer. Both reject limitations on women's rights as supported by many of the New Wahhabis.

One of the reasons for the seamless integration of Javanese and other Indonesian cultures and al-Wahab's theology is that the process was driven by local religious concerns and was not linked to foreign political, financial or military power. The founders and subsequent generations of leaders of *Muhammadiyah* and PPMWI have relied on the power of persuasion and the financial resources they could garner from the Indonesian Muslim community.

Theological conflicts between these and similar organizations and traditional Muslims have been intense, at times even bitter – with charges of unbelief and apostasy made by all parties. Disputes between *Muhammadiyah* and NU have figured prominently in Indonesian religious discourse for nearly a century. What brings them together today is a common dislike and fear of the political and religious extremism which both now call Wahhabis. PPMWI is a local religious movement that began to attract national attention only when it was falsely linked to Wahhabism and terrorism. There are Muslims in Kebarongan who do not accept its religious teachings and will not pray at the *pesantren* mosque. This theological conflict mirrors those between *Muhammadiyah* and NU at the national level.

Neither attempts to use an Arab blueprint for the transformation of local culture. Both have strong nationalist and democratic orientations and oppose the cultural colonialism of the New Wahhabism.

Pesantren Education as Counter-Radicalism

Pesantren education works against extremism because it provides students with knowledge of, and appreciation for, the complexities of Islamic thought. Former Australian Foreign Minister Downer's claim that *pesantren* graduates are, "great experts on the Koran" is an overstatement. A few are, most learn only the basics of Quranic exegesis, Islamic theology and law. But what they do learn makes them far more resistant to extremist propaganda than Muslims who have only secular educations. Extremist propaganda relies heavily on *dalil'* (religious proofs) consisting of short passages from the *Qur'an* and *Hadith* (traditions concerning the speech and behavior of the Prophet Muhammad) concerning *jihad*. These are often quoted out of context, in isolation from immediately preceding or following verses, which limit their application. They usually ignore the ways in which the verses citied are explained in classical exegetical works (*tafsir*) which emphasize the social and political contexts in which they were revealed in the case of the *Qur'an*, or in which the Prophet Muhammad spoke, in the case of Hadith. Most are not familiar with the complexities of classical Arabic grammar, which is of central importance in Islamic hermeneutics. Many do not know Arabic at all and rely on a combination of Indonesian translations and extremist oral tradition about what the *Qur'an* allegedly says. Young people who do not have solid Islamic educations can easily be misled by appeals to seemingly clear textual references to violence. Students who have been schooled in *Qur'an* and *Hadith* scholarship are not so easily fooled. They tend to view *jihadi* rhetoric as simplistic distortions of Islamic teachings because they have the theological tools necessarily to deconstruct it. The more people know about Islam, the less likely they are to become radicals. *Pesantren* are among the most important sources of this knowledge.

Some *pesantren* now explicitly address issues of extremism in their curriculum. Pondok *Pesantren* Pabelan in Magelan in Central Java is one example. At this school students are required to take a class on comparative religion. Because Christianity is Indonesia's largest minority religion, it receives the most attention. The texts used in this class are simple, but accurate and free from polemics. They are comparable with those used in World Religions classes at universities in the United States. To encourage inter-religious communication and harmony, the *pesantren* also sponsors "inter-faith" soccer matches with the local Jesuit school.

Celebrating Islam and Culture as Counter-Radicalism

Teaching young people about the complexities of Islamic thought is one way to immunize them against radical propaganda. It is an arduous and demanding intellectual task. Most people have neither the inclination nor the desire to become *ulama* (Muslim scholars).

Fortunately there are other vaccines against extremism that are easier to administer. The devotional practices cultivated in *pesantren* are one, if for no other reason than Wahhabis think that they are unbelief and that people who engage in them will go to Hell. People who believe in Hell, and most Indonesian Muslims do, *do not like being told that they are going there.* Celebrating Islam and Muslim cultures is also immunization because most extremists oppose local, culturally specific Muslim celebrations and think that people who participate in them will go to hell.

 Public celebrations of Islam also help to build a sense of community and promote social ties which transcend theological differences. They are also fun. That is important, especially for young people. Promoting these celebrations is one of the ways in which *Muhammadiyah* and PPMWI have domesticated al-Wahab's teachings and resist the "Arabization" promoted by others who share these beliefs. Their enthusiastic participation in *Takbir Keliling* celebrations at the end of Ramadan, on the eve of *Id al-Fitri*, or Lebaran as it is more commonly known, is a clear example.

Lebaran is the most important Muslim holy day in Indonesia. Millions of people travel long distances to spend the holiday with relatives in their native towns and villages. *Takbir Keliling* is one of the culturally specific ways in which Indonesians celebrate Lebaran.

Takbir Keliling are torch light processions held the night before Lebaran throughout Indonesia. They are sponsored by towns, villages, Muslim organizations, and of course *pesantren*. *Takbir* is the Arabic term for the expression "Allah Akbar" (God is Great). This expression is used in the call to prayer and in the performance of the obligatory five daily prayers. Informally it is often used as an expression of joy or other strong emotion. Unfortunately, in the West it is now associated with Muslim extremism because it is often used as an Islamist battle cry. The best known Indonesian example is that of Imam Samudera, who, when sentenced to death for his role in the Bali bombings smiled and shouted "Allah Akbar!" [33] Extremists *do not* "own" the expression "Allah Akbar!", as much as they might like to. Muslims of every theological and political persuasion use it all the time.

"*Keliling*" is an Indonesia word meaning to walk around. In *Takbir Keliling* processions young people walk, or ride in trucks or on motorcycles, though the streets of villages, towns and cities, chanting "Allah Akbar!" to celebrate completion of the fast of Ramadan. In Kebarongan it is a community affair in which Muslims of all religious orientations participate. Groups of young people including a contingent from PPMWI converge on the local government offices where the end of Ramadan is officially announced. There are vendors selling snacks, drinks and fireworks. For adults, and especially those who have returned home for the holiday, it is a chance to meet and catch up with old friends. It is a relatively simple affair, but one which symbolizes the unity of the Muslim community on the most important religious holiday. On this occasion, theological differences mean almost nothing – people meet simply as friends, neighbors, relatives and fellow Muslims. It is also fun. The next morning they also visit relatives and neighbors and ask

forgiveness for any harm they may have caused in the past year. Again, theological differences do not matter on this occasion; social relationships, and especially family relationships, are more important than theology or politics.

In Yogyakarta *Muhammadiyah* stages an elaborate Ramadan Carnival. Groups of students from *Muhammadiyah* schools spend the entire month constructing elaborate illuminated floats that are carried around the city. The procession begins and ends at the Great Mosque which is the sacred center of both *Muhammadiyah* and the Sultanate of Yogyakarta. In 2008 there were floats depicting the *Qur'an*, *Muhammadiyah* symbols, the Great Mosque, and even a Chinese mosque. Marchers were dressed in costumes resembling those of Yogyakarta palace guards, desert Arabs, Pharaonic Egyptians and Chinese Dancers. There were numerous drum bands which are enormously popular with young Indonesian Muslims. People explained that the purpose was to celebrate Lebaran and the unity of the local and global Muslim communities. The mayor of Yogyakarta awarded trophies for the best bands and floats and in a short address explained that *Takbir Keliling* is an Islamic celebration that is also part of Indonesian culture.

This is an annual event. Tens of thousands of people gather in the center of the city to watch the parade. Just as in Kebarongan there are vendors and opportunities to meet old friends. *Muhammadiyah* sponsors the event, but that does not matter very much. Just as in Kebarongan theological differences mean almost nothing – people meet simply as friends, neighbors, relatives and fellow Muslims. It is also fun.

Takbir Keliling is an Indonesian tradition that is greatly valued by Muslims of almost all kinds. It is not mentioned in the *Qur'an* or in the *Hadith;* there is no evidence that the Prophet Muhammad staged such festivals. For these reasons, some of the New Wahhabis consider it to be *haram* (forbidden). Most Indonesians, including those who accept many of al-Wahab's religious teachings could not disagree more.

There is a very basic fact about extremist Islam that is almost never mentioned in the scholarly literature. It is *not fun* and extremists seek to eliminate most parts of Muslim cultures that are. Having fun in a Muslim way is not counter-radical discourse. It is counter-radical action.

Both *Muhammadiyah* and PPMWI are committed to spreading reformed theology.At the same time are actively engaged with others who have quite different understandings of Islam. This tells us two very important things about al-Wahab's theology. The first is that it is not inherently violent. The second is that it does not necessary lead to intolerance or religious chauvinism. *Muhammadiyah* and PPMWI show very clearly that there are mainstream, progressive Islams rooted in "Wahhabi teachings."

If not Islamic Schools: What is the Problem?

It is easy to lay the blame for the rise of violent extremism and terrorist bombings at the feet of Islamic schools. It is also easy to complain that if only the Indonesian police were more efficient, it would be possible to capture or kill terrorist leaders and "roll up" extremist networks. Actually, Indonesian security forces have become quite adept at capturing or killing terrorists. Noordin Top was killed in a police raid on September 16th. Responding to this event, Sidney Jones of the International Crisis Group, a leading expert on JI, stated: "It means the leadership of the one major group dedicated to attacks on foreign targets is weakened. But it doesn't mean an end to terrorism." [34] That is correct.   It is also correct to state that closing *pesantren* such as al Mukmin would decapitate Indonesia's subculture of Islamist extremism but would not eliminate it.

Today, Indonesian secular universities are centers of what Oliver Roy calls "Neo-Wahabism." [35] Regarding both religion and culture, its adherents look towards the Middle East and especially Saudi Arabia for guidance and financial support. Culturally and religiously this social movement is a complicated amalgam or what in Indonesian is often called *Gado-Gado* (mixed salad) of religious teachings, symbols and ideologies from which individuals and communities pick and choose. It is not a coherent theology and in this respect is very different from *Muhammadiyah* and PPMWI. The "Muslim Fair" we described in an earlier publication is an example of this diversity.[36] Products range from explicitly *jihadi* books and videos, to the writings of al-Wahhab, contemporary Islamist thinkers including bin Baz, Hasan al-Bana and Sayyid Qutb to books on business management, Islamic marriage and child care. There are even books on how to improve TOEFL scores. What these diverse groups have in common are advocacy of some form of Neo-Wahabism as religious belief, ritual performance and life style and perception that this "pure" Islam is threatened by internal and external enemies, including *jahiliyah* (ignorance), *bid'ah* (innovation) and *kufarat* (unbelief) from within the Muslim community and some combinational of "Global Capitalism" and cabals of "Crusaders and Jews" who allegedly seek to destroy it from without.

Large numbers of formal and informal groups crystallize within this cultural-religious milieu. Some grow out of informal study groups that are important elements of Indonesian campus life. Others center on charismatic teachers. In both cases the young people most likely to find Islamist teaching attractive are those who know not the most, but the least about Islam. Many are the children of middle and only "culturally Muslim" upper class families. This is a very diverse social category that can only be characterized in negative ways. They are Muslims who have minimal religious knowledge or education. Many are much less than fully observant and pray only occasionally, if at all. Many celebrate Muslim Holy days in much the same way that secularized American Christians celebrate Christmas. Most are students in the hard sciences or technical fields including Computer Science and Engineering. Once they discover Islam, they bring highly "rational" positivistic epistemologies to their study of it and have little patience with theological subtitles that are characteristic of traditional Muslim discourse. Few are students

from humanities or social science departments, and fewer still are serious students of Islam or comparative religion.

Like young people everywhere, many Indonesian students arrive on campus lonely, frightened and as much in search of identity as education. Many know that they are Muslim, but are not entirely certain what this means. Campus mosques (almost all of which are controlled by Islamists) and other religious organizations are well prepared to tell them what is, and what is not Islam, what to think, and how to behave. The religious environment on many campuses is such that Islamists of one variety or another have an open recruitment field. Their recruitment strategies are simultaneously simple and sophisticated. They offer young people friendship, identity, and community. Recruitment techniques include sports and martial arts clubs, study groups, free meals, outings and other recreational activities. Some even give cell phones to students who do not already have them. For an Indonesian university student not to have a cell phone is too embarrassing for words.

 Anyone who remembers being a college freshman known exactly how important these things are. Of course Islam is always part of the package. For people who know very little about their own faith, Neo-Wahhabi teachings can be very appealing because they are very simple. They provide clear guidelines for what one must do and think to be a "good" Muslim. They also provide clear criteria for distinguishing "good" Muslims from heretics and unbelievers. These usually take the form of things that are "*wajib*" (obligation) and "*haram*" (forbidden) that far exceed those accepted by most Indonesian Muslims. This fosters a strong sense of communal identity and a tendency to view people outside the boundaries as less than fully Muslim, if not actually *kafir* (unbelievers).

As people are drawn more deeply into these communities, they are told what they must read (or watch) and what and who they must shun. Extremist teachings are introduced gradually and only to those who are considered likely targets and good catches. Often, the final step in the recruitment process is an arranged marriage, which for women may be polygamous. This establishes complex networks of social relationships and obligations. It also constitutes a very clear break with the past because the young person's family is often not involved in the planning. These marriages also serve to strengthen identity and group solidarity. They establish a network of social relationships based on family and religion – which are the two most important sources of identity in many Indonesian cultures. These bonds are so strong that even people who have left communities based on them are generally very reluctant to do anything that would betray them. No matter what they may do, members of these communities are "family." In Indonesia, these ties are very strong and often transcend politics. The strength of these bonds makes it very difficult for people to leave extremist communities.

Most of the people involved in these networks do not participate in, or advocate, violence. Most live quiet, if not normal, lives. Neighbours and relatives often remark that they are extremely religious, and that they tend to keep to themselves, but generally speaking they are pleasant and

polite. Many are active in local mosques, and because of their determination and intense religious commitments often assume leadership positions that enable them to spread extremist religious teachings. Other become involved with, or "infiltrate" established social and religious organizations. Some continue their studies at Islamist schools in Indonesia, Pakistan, Egypt, or Saudi Arabia. Many of these young people become teachers in secular or religious schools when they return home. Many of the women do not complete their educations. In the vast majority of cases, they do not engage in any activities that would draw the attention of the authorities or make them subject to prosecution under any but the most repressive security regimen imaginable.

Some of these groups are politically active. All or almost all of those who are, support PKS. Others are entirely a-political. Only a small minority endorses violence and even fewer participate in it. This being said, the degree to which they view existing religious, social and political institutions as illegitimate and accept religiously and culturally extremist views heightens their susceptibility to political extremism.

There is no easy answer to this problem. It is possible, and indeed likely, that over time that elements of Neo-Wahhabism will be domesticated and become stable elements of the mosaic of Indonesian Islam. It is also clear that Islamic education is one of the keys to halting, or at least slowing the spread of extremist ideologies. Those who fear *Muhammadiyah*, PPMWI and similar groups committed to this mission because they follow al-Wahab's teachings concerning the Unity of God are sadly mistaken.

The 9/11 Commission Report stated that: *"Education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamist terrorism."* [37] This is what almost all *pesantren*, including PPMWI, and *Muhammadiyah* do.

Celebrating Islam in ways that transcend theological differences is also important. People from PPMWI and *Muhammadiyah* do this too – and have fun doing it. That is also important.

About the Authors: Mark Woodward is an anthropologist and Associate Professor of Religious Studies at Arizona State University. An internationally recognized authority on Islam in Southeast Asia, he is currently leading a global, multi-site project tracking and interpreting the interplay of local and transnational discourses of extremism and counter-extremism.
Inayah Rohmaniyah is Senior Lecturer in the Faculty of Islamic Theology and Philosophy (Ushuluddin) Sunan Kalijaga State Islamic University in Yogyakarta, Indonesia. She completed her first MA in Philosophy at Gadjah Mada University, Indonesia, and her second in Religious Studies at Arizona State University. Her family has operated PPMWI for generations. Ali Amin is the Academic Coordinator of the Center for Religious and Cross Cultural Studies (CRCS) Gadjah Mada University Yogyakarta, Indonesia. Ali Amin is also faculty member of State College of Islamic Studies (STAIN), Manado, Indonesia. He received his first MA at CRCS and his second in Religious Studies from Arizona State University. Diana Coleman is a Doctoral

student in Religious Studies at Arizona State University, and a research assistant for the Center for the Study of Religion and Conflict. She was a 2009 Luce Fellow at ICRS Gadjah Mada University Yogyakarta, Indonesia.

Notes

[1] On Muhammadiyah see: M. Nakamura, Over the Banyan Tree: A Study for the Muhammadiyah Movement in an Indonesian Town. Athens: Ohio University Press, 1983 and J. Peacock, Muslim Puritans, Reformist Psychology in Southeast Asia. Berkeley: University of California Press, 1978.

 [2] See "*Muhammadiyah* not linked to terrorists: Chairman." *Antara News ,*9 August 2009 http://www.antaranews.com/en/news/1249781674/Muhammadiyah-not-linked-to-terrorists-chairman   (accessed 03/26/2010), and Lombok Barat, "*Pesantren* is not the Source of Terrorism." *NU Online*, 22 July 2009. http://www.nu.or.id/page.php?lang=en&menu=news_view&news_id=1812 (accessed 03/28/2010).

[3] G.Barton and G. Fealy (Eds) Nahdlatul Ulama, Traditional Islam and Modernity in Indonesia, Clayton: Monash Asia Institute, 1996.

[4] Saidiman,"The Wahhabis Inferiority". *Jaringan Islam Liberal*, 16 July 2008 at http://islamlib.com/en/article/the-wahhabis-inferiority/ (accessed 03/26/2010).

[5] A. Wahid (Ed.), Ilusi Negara Islam. Expansi Gerakan Islam Transnasional di Indonesia, Jakarta: LibForAll Foundation, 2009; N. Ridwan, Seri Gerakan Wahhab: 1. Doktrin-doktrin Wahhabi dan Benih-benih Radikalisme Islam, 2. Perselingkuhan Wahhabi dalam Agama, Bisnis, dan Kekuasaan, 3. Membedah Ideologi Gerakan Wahhabi. Jogjakarta: Penerbit Tanah Air, 2009; A. Salafay, Mazhab Wahabi. Monopoli Kebenaran dan Keimanan ala Wahabi, Jakarta: Mozaic Mutiara Islam, 2009; None of these works are available in English translation.

[6] On Wahhabism see, N. De Long-Bas, *Wahhabi Islam: From Revival and Reform to Global Jihad*, New York: Oxford University Press, 2004, for a sympathetic perspective and H. Algar, *Wahhabism: A Critical Essay*, New York: Islamic Publication International, 2002, and D. Commina, *The Wahhabi Mission and Saudi Arabia*, New York: I. B. Tarus, for a more critical perspectives. On Wahhabi expansionism sees: M. Al-Rasheed (Ed.) *Kingdom Without Borders. Saudi Arabia's Political, Religious and Media Frontiers,* New York: Columbia University Press, 2008. For an overview of Saudi attempts the globalize Wahhabi Islam see: S. Shehabi, "The Role of Religious Ideology in the Expansionist Politics of Saudi Arabia" in M. Al-Rasheed (Ed.) *op. cit.* ,pp. 183-198.

[7] On Islamic schools, and Western concerns about their role in fostering violent extremism, see C. Blanchard, "Islamic Religious Schools, Madrassahss: Background," in, C. Malbouisson (Ed.) *Focus on Islamic Issues*, New York: Nova Scientific Publications, 2006, pp. 61-70 and J. Malik, *Madrassahss in South Asia. Teaching Terrorism?* New York: Routledge, 2007. On JI and other violent extremist groups in Indonesia see, Z. Abuza, *Militant Islam in Southeast Asia: Crucible of Terror*, Boulder: Lynne Rienner Publishers, 2003; G. Barton, *Jemaah Islamiyah: Radical Islam in Indonesia*, Singapore: Singapore University Press, 2005 and M. Lim, *Islamic Radicalism and Anti-Americanism in Indonesia: The Role of the Internet*, Washington: East-West Center, 2005. For an overview of Islamic education in Southeast Asia see R. Hefner (Ed.). *Making Modern Muslims. The Politics of Islamic Education in Southeast Asia*, Honolulu, University of Hawaii Press, 2009.

[8] W. Downing, "The Global on Terrorism: Focusing the National Strategy." In R. Howard and R. Sawyer (Eds.) Connecticut: McGraw Hill, 2003; M. Hassan, "Key Considerations in the Counter Ideological Work against Terrorist Ideology, *Studies in Conflict and Terrorism*, v. 29, pp. 531-58, 2006; J. Malik (Ed.). *Madrassahss in South Asia: Teaching Terror?* New York: Routledge, 2008. On the history of the *madrassahs* see G. Makdisi, *The Rise of Colleges. Institutions of Learning in Islam and the West,* New York: Columbia University Press, 1981; J. Berkey, *The Transmission of*: Princeton University Press, 199) and M. Chamberlain, *Knowledge and Social Practice in Medieval Damascus, 1190–1350, Knowledge in Medieval Cairo: A Social History of Islamic Education.* Cambridge: Cambridge University Press, 1994.

[9] "ICG Analyses Al-Qaeda links in Indonesia: the Case of the 'Ngruki network'" International Crisis Group ,8 August 2002 http://www.crisisgroup.org/home/index.cfm?id=1909&l=1 (accessed 03/26/2010) and Patung, "Jemaah Islamiyah (JI) Schools," Indonesia Matters 9 September 2009. http://www.indonesiamatters.com/6406/jemaah-islamiyah-schools/ (accessed 03/26/2010).

[10] Scott Atran, "The Emir: An Interview with Abu Bakar Ba'asyir, Alleged Leader of the Southeast Asian Jemaah Islamiyah Organization." *Jamestown Foundation: Global Terrorism Analysis* 16 December 2005.

http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=562&tx_ttnews[backPid]=26&cHash=f0e77f13a0 (accessed 03/26/2010).

[11] "Indonesia: Noordin Top's Support Base." *Asia Briefing* N◦ 95 27 August 2009.

http://www.crisisgroup.org/home/index.cfm?id=6289&l=1 (accessed 03/26/2010).

[12] "*Muhammadiyah* not linked to terrorists: Chairman." *Antara News* 9 August 2009 http://www.antara.co.id/en/news/1249781674/Muhammadiyah-not-linked-to-terrorists-chairman (accessed 03/26/2010).

[13] Sheikyermami, "Yusuf Rubs It: Jihad Factories Good, Tim Blair Bad…" *Winds of Jihad,* 13 August 2009. http://sheikyermami.com/2009/08/13/yusuf-rubs-it-a-slur-here-and-a-little-smear-there/comment-page-1/ (accessed 03/26/2010).

[14] P. Toohey, "Lesson Today is Hatred as Bashir cultivates bombers breeding ground." *The Australian,* 27 July 2009. http://wl.theaustralian.news.com.au/story/0,25197,25838122-5001561,00.html (accessed 03/26/2010).

[15] Libforall Foundation Website http://www.libforall.org/ (accessed 03/26/2010).

[16] Ibid

[17] Ibid.

[18] On the *pesantren* tradition see A. Djajadiningrat, "Reminiscences about Life in a *Pesantren*," in *Indonesia. Selected Documents on Colonialism and Nationalism, 1830–1942*, in C. Penders (Ed. and trans.), Saint Lucia: University of Queensland Press, 1977, pp. 248–52, Z. Dhofier, *The Pesantren Tradition: The Role of the Kyai in the Maintenance of Traditional Islam in Java*, Temple: Arizona State University Program for Southeast Asian Studies Monograph Series, 1999; and S. Yunanato et al*., Islamic Education in South and South East Asia: Diversity, Problems and Strategy*. Jakarta: RIDEP Institute, 2005.   . On the modernization of the *pesantren* tradition see: Ronald Lukens-Bull, *A Peaceful Jihad. Negotiating Identity and Modernity in Muslim Java,* New York: Palgrave Macmillan, 2005, and "Round Table on *Pesantren* Tradition," in Religious Harmony: Problems, Practice, and Education. M. Pye et al. (Eds.) Berlin: De Gruyter, 2006. On *Muhammadiyah* schools see: A. Azra, D. Afrianty, and R. Hefner, "*Pesantren* and Madrassahs: Muslim Schools and National Deals in Indonesia," in, R. Hefner and M. Zamman, *Schooling Islam: the Culture and Politics of Modern Muslim Education*, Princeton: Princeton University Press, 2007, p. 172-198.

[19] On PKS see: M. Diederich, "A Closer Look at Dakwah and Politics in Indonesia: The Partain Keadilan. Some Insights into its History and an Analysis of its Program and Statutes," *Archipel*, no. 64, 2002, pp 101-115, M. Woodward, "Contesting Wahhabi Colonialism in Yogyakarta," *COMOPS Journal: Analysis, Commentary and News from the World of Strategic Communications,* November, 2008 http://comops.org/journal/2008/11/06/resisting-wahhabi-colonialism-in-yogyakarta/(accessed 04/04/ 2010) and "PKS Against the Rest. The Justice and Prosperity Party and the 2007 Jakarta Election,"

S. Rajaratnam School of International Studies Commentary no. 55, April 2008 http://www.rsis.edu.sg/publications/commentaries.asp?selYear=2008 (accessed 04/04/2010).

[20] Cak Nun Sidnan Nabi YouTube, posted 9 October 2006 http://www.youtube.com/watch?v=G4yq_KFVLXk&feature=related (accessed 03/26/2010).

[21] M. van Bruinessen, "Kitab Kuning: Books in Arabic Script Used in the *Pesantren* Milieu," *Bijdragen tot de Taal-, Land-en Volkenkunde,* 146 (1990), 226-269. http://www.let.uu.nl/~Martin.vanBruinessen/personal/publications/kitab_kuning.htm (accessed 03/26/2010).

[22] M. Woodward, "Turning up the Heat on Wahhabi Colonialism." *COMOPS Journal* no date http://comops.org/journal/2009/09/02/turning-up-the-heat-on-wahhabi-colonialism/ (accessed 03/26/2009).

[23] There are many *tarbiyah* groups most of which are not directly affiliated with national or trans-national Islamist movements. Many in Yogyakarta live in isolation from the larger community, which they regard as unredeemably sinful and corrupt. For a more detailed discussion ,see Y. Machmudi, *Islamising Indonesia: the Rise of Jemaah Tarbiyah and the Prosperous Justice Party (PKS)*. Unpublished Ph.D. dissertation, Faculty of Asian Studies, Australian National University, 2006.

[24] On developments in Middle Eastern Muslim thought that influenced the development of Muhammadiyah and other modernist movements in Southeast Asia, see A. Hourani, Arabic Thought in the Liberal Age, 1798-1939. Cambridge: Cambridge University Press, 1983. On the history and teachings of Muhammadiyah, see: Alfian, Muhammadiyah. The Political Behavior of a Muslim Modernist Organization under Dutch Colonialism Yogyakarta: Gadjah Mada University Press 1989; M. Nakamura, The Crescent Arises over the Banyan Tree: A Study of the Muhammadiyah Movement in a Central Javanese Town. Yogyakarta, Gadjah Mada University Press, 1978; D. Noer, The Modernist Muslim Movement in Indonesia, 1900–1942 Kuala Lumpur: Oxford University Press, 1973 and J. Peacock, Muslim Puritans: Reformist Psychology in Southeast Asian Islam, Berkeley, University of California Press, 1978.

[25] H. Nashir, "*Muhammadiyah* dan Matarantai Pembaruan Islam: 4." *Muhammadiyah Online* 5 April 2008. http://www.*Muhammadiyah*.or.id/index2.php?option=com_content&do_pdf=1&id=1045 (accessed 04/04/2010).

[26] " *Muhammadiyah*: Tak Ada Hubungan Wahabi Dan Terrorisme," *SuaraMedia* 6 August 2009 http://www.suaramedia.com/berita-nasional/9494-*Muhammadiyah*-tak-ada-hubungan-wahabi-dan-terorisme-.html (accessed 02/28/2010).

[27] "*Pesantren* Wathoniyah Bantah Terkait Terorisme," *Tempo-Interaktif* 31 July 2009 http://www.tempointeraktif.com/hg/hukum/2009/07/31/brk,20090731-190007,id. (accessed 03/28/2010).

[28] A. Wahib, M.A. thesis Universitas Kebansaan Malaysia, http://www.findtoyou.com/ebook/buku+salaf.html

[29] A. Wahib, Gerakan Dakwah Salafi Pasca Laskar Jihad Abstrak http://jowofile.jw.lt/ebook/files5/Gerakan%20Dakwah%20Salafi%20Pasca%20Laskar%20Jihad_txt.txt (accessed 03/26/2010).

[30] Our discussion of PPMWI is based entirely on ethnographic fieldwork. Inayah Rohmaniyah, one of the authors of this paper, is a graduate of this school and a member of the extended family that operates it.

[31]M. Woodward, "Resisting Wahhabi Colonialism in Yogyakarta," *COMOPS Journal* October 2008. http://comops.org/journal/2008/11/06/resisting-wahhabi-colonialism-in-yogyakarta/ (accessed 03/26/2010).

[32] Patung, " Jemaah Islamiyah (JI) Schools," *Indonesia Matters* , 9 September 2009 http://www.indonesiamatters.com/6406/jemaah-islamiyah-schools/ (accessed 03/26/2010).

[33] "Amrozi: Bali's 'smiling bomber' *CNN* 26 February 2004 http://edition.cnn.com/2003/WORLD/asiapcf/southeast/08/07/amrozi.profile/index.html (accessed 03/26/2010).

[34] "Noordin M. Top killed, Indonesian Police Chief Confirms," *The Jakarta Globe,* 17 September 2009.

[35] O. Roy, Globalized Islam. The Search for the New Ummah, London: Hurst and Company, 2004.

[36] M. Woodward, "Turning up the Heat on Wahhabi Colonialism." *COMOPS Journal* no date http://comops.org/journal/2009/09/02/turning-up-the-heat-on-wahhabi-colonialism/ (03/26/2010).

[37] 9/11 Commission Report http://www.9-11commission.gov/report/911Report.pdf (accessed 03/26/2010).

The Pakistani Madrassah and Terrorism: Made and Unmade Conclusions from the Literature

by **Nikhil Raymond Puri**

Abstract:

This paper revisits the relationship between Pakistani religious schools and terrorism. While much of the literature informs the enduring perception that madrassahs breed terror, some recent studies have begun to question the extent to which religious schools drive militancy. The analysis below balances these ostensibly incompatible positions – alarm and skepticism are equally misplaced. With a focus on evidence, and warranted and unwarranted conclusions provided by the literature, this paper seeks to establish what we do and do not know about the madrassah-terrorism relationship. In the process, it renders a preliminary mechanism linking the madrassah to the terroristic incident.

Introduction

Since 9/11, analysts have desperately combined estimates and educated guesses to maneuver the unknowns of Pakistan's madrassah landscape. For much of the last decade, the only certainty with regard to this elusive institution was its indisputable role in promoting terrorism. Yet recent scholarship questions the true threat posed by Pakistani madrassahs. Questions have evolved from how best to reform Pakistan's madrassahs to whether or not to do so. Concerns have shifted from the alarmist view that madrassahs are "weapons of mass instruction," to the skeptical position that the madrassah merely presents a "scapegoat" amidst other more worrying sources of radicalisation.

This paper reviews the literature on Pakistani madrassahs as discussed in the context of terrorism. Lest one get carried away by alarmist generalisation or skeptical vindication, it seeks to put in perspective the arguments housed by the literature. Towards this end, the paper is broken down into six sections:

- Section one uses counterfactual analysis to establish that madrassahs facilitating terrorism constitute important, yet far from exclusive, avenues of radicalisation.
- Section two addresses the prevalence of madrassahs in Pakistan and the proportion of Pakistani children enrolled in religious schools. It suggests that only a small minority of Pakistani youth is exposed to militant madrassahs. Keeping these findings in mind, sections three to six explore the why, when, and how of the militant madrassah's contribution to terrorism.

- Section three studies the impetus for Islam in Pakistani politics – is it primarily top-down, or does it also respond to demands from below?
- Examining the history of internal and external patronage of Pakistani madrassahs, section four proceeds to show that top-down engineering was essential in generating the militant amongst Pakistan's madrassahs.
- Section five reconciles the alarmist's stance that madrassahs are "incubators of terrorism" with empirical observations that few militants come from religious schools. It shows that madrassah graduates are recruited as terrorists when alternative sources of militant supply are either undesirable or unavailable.
- Section six presents the main non-educational functions of the militant madrassah – radicalising to-be terrorists, providing a transit point for pre-radicalised visitors, and generating public support for extremist violence.

For the purpose of this discussion, a madrassah is defined as a religious school attended on a full-time basis. This definition stresses the institution's role as a substitute (not supplement) to Pakistan's mainstream public and private schools, thus differentiating it from *maktabs* (part-time religious institutions).

Probing the Counterfactual

The literature on Pakistani madrassahs suggests that the presence of a madrassah is an unnecessary and insufficient precondition for terrorism. With regard to necessity, the counterfactual – that the absence of a madrassah is accompanied by the absence of terrorism – fails to withstand empirical scrutiny. Ironically, the single event that most successfully brought madrassahs to the forefront of international attention – 9/11 – was executed by 19 men, none of whom graduated from a madrassah.[1] Instead, they were educated in "Western-style institutions." [2] Such evidence of "high quality" terrorists is not uncommon.[3] In examining the profiles of 79 terrorists involved in "five of the worst anti-Western terrorist strikes in recent memory" (the 1993 World Trade Center bombings, the 1998 Africa embassy bombings, September 11, the 2002 Bali nightclub bombings, and the 2005 London bombings), Peter Bergen and Swati Pandey find the average terrorist to be well educated. While 54 per cent of their sample had attended college, the authors point out that "only 52 per cent of Americans can claim similar academic credentials."[4] Marc Sageman similarly observes a relatively strong correlation between educational achievement and terrorism. He samples 172 terrorists to find that a majority exhibit above-average educational qualifications with respect to the societies to which they belong.[5] Surely the literature abounds with pairings of high-profile terrorists on one hand, and the respectability of their profession or alma mater, on the other: Omar Sheikh attended the London School of Economics, Ayman al Zawahiri was a pediatric surgeon, Mohammad Atta studied architecture, so on and so forth. Thus, as Christopher Candland notes,

"there is no evidence that an education in the sciences [or any other non-religious subject] ensures students will not become militants." [6]

The counterfactual has also been probed in a Pakistan-specific context. To the extent that the 9/11 Commission Report is correct in terming madrassahs "incubators of violent extremism," in Pakistan they do not operate alone. According to Andrew Coulson, "the presumption that Pakistan's state schools promote tolerance is mistaken."[7] Instead, suggests Pervez Hoodbhoy, "Pakistani schools – and not just [madrassahs] – are churning out fiery zealots, fuelled with a passion for jihad and martyrdom."[8] The Sustainable Development Policy Institute (SDPI) tells us that the public school curriculum exposes students to "material that is directly contrary to the goals and values of a progressive, moderate and democratic Pakistan."[9] In a 2003 survey, Tariq Rahman compared "militancy and tolerance" among students of religious, Urdu-medium public, and English-medium private schools in Pakistan. Though based on a potentially unrepresentative sample, Rahman's findings suggest that public school graduates are only moderately more tolerant than the madrassah student. Asked whether Pakistan should prioritise taking "Kashmir away from India by open war," 40 per cent of public school respondents said "yes" compared to 60 per cent of madrassah students and 26 percent of private school students who shared this sentiment. Similarly, when asked whether they approved of taking "Kashmir away from India by supporting jihadi groups," 33 per cent of public-schooled respondents said "yes" compared to 53 per cent of madrassah students and 22 per cent of those in private schools.[10] Another indication that non-religious schools conduce to militancy emerges from recent work on de-radicalisation. Project Sabawoon, aimed at "the de-radicalisation and de-indoctrination of captured young suicide bombers" in the Pakistani province of Khyber Pakhtunkhwa houses 84 young radicals, a majority of whom studied in government schools (not madrassahs) prior to their recruitment by militants.[11] Coupled with the fact that only 54 per cent of Pakistanis are literate, such observations lead Rebecca Winthrop and Corinne Graff of the Brookings Institution to conclude that "Pakistan's low attainment ratios and poor quality of schooling in and of themselves" propel militancy across the country."[12]

As part of its ongoing effort to remedy this situation, the U.S. committed $264.7 million for 2010 towards basic education in Pakistan. But some scholars express doubt in any reform programme targeted primarily at the public sector. They question the wisdom in promoting a public school system that has proven to be "sectarian, pro-jihad, and anti-minority."[13] Even if their curricula were relatively neutral, a massive injection of funds alone may not be capable of reviving Pakistani public schools. Coulson warns that public schooling systems can fall short even in countries like the United States where the government spends "nearly $10,000 per pupil per year."[14] Coulson encourages donors to shift their attention towards fee-charging private schools where parental oversight and adequate incentive structures are in place.[15]

This discussion of proposed reform strategies is intended only to reinforce a central point of agreement that runs through the literature – one need not attend a madrassah to become a

terrorist, neither in Pakistan nor anywhere else. If madrassahs constitute potentially useful ingredients in the manifestation of terrorism, they also exhibit some level of dispensability in its underlying (causal) mechanism. Their capacity to radicalise competes with other viable and arguably more prevalent avenues of indoctrination. It is important to note, however, that evidence towards dispensability by no means implies exoneration. While this section establishes only that madrassahs are not required for terrorism to take place, the following section considers the literature's treatment of an equally important fact – a minority of Pakistani madrassahs are involved in terrorism.

Counting Pakistan's Militant Madrassahs

Disagreement persists with regard to the headcount of Pakistani madrassahs as with the total population of students enrolled therein. A number of factors make it difficult to determine Pakistan's true madrassah population. For one, a chain of madrassahs run by a single trust is often registered as one institution. Conversely, an institution of religious learning (such as a *maktab*) that assumes only a subset of the responsibilities of the madrassah is often considered a full-fledged madrassah.[16] Most importantly, however, the voluntary nature of registration makes it very likely that a significant proportion of madrassahs remains invisible. Struggling to accept one guess over another, most scholars agree to disagree within a particularly broad (and generally unhelpful) range of 10,000 to 45,000 madrassahs.[17]

Since the total tally of Pakistani madrassahs remains unknown, one cannot rely on "establishment surveys" (which add enrolment numbers for each individual institution) to determine total enrolment.[18] Consequently, a World Bank study by Tahir Andrabi, Jishnu Das, Asim Ijaz Khwaja and Tristan Zajonc tries to achieve this task by relying on a combination of "household surveys" wherein each household is probed on the enrolment status of every child. Its assessment, which most scholars accept as fairly reliable, suggests that only about 0.3 per cent of Pakistanis aged five to 20 years attend madrassahs. Though districts bordering Afghanistan exhibit higher madrassah enrolment, Andrabi et al. argue, it never exceeds 7.5 per cent.[19] Allowing for an annual enrolment growth rate of five per cent for every year since their last survey and including a further 15 per cent for orphans who evade any household survey, Andrabi et al. "arrive at a liberal estimate" of 475,000 madrassah students.[20]

What do such estimates imply for the relationship between Pakistani madrassahs and militancy? Winthrop and Graff present the "fact that there are far fewer [madrassahs] in Pakistan as a share of all schools than previously thought" as partial refutation of "the argument that [madrassahs] are primarily responsible for the rise in militancy."[21] That madrassahs constitute the "primary" force behind militancy, however, is a claim few scholars make. A brief examination (in section four) of the institution's top-down manipulation towards political objectives sufficiently demonstrates that the madrassah, to the extent that it is involved in militancy, functions as a tool – no more than an intermediate variable in causal terms. Winthrop and Graff's argument also

implies that madrassahs are able to promote militancy by virtue of their market share in Pakistan's larger educational landscape. Such an assumption, however, is misplaced.

According to historian William Dalrymple, "it is not madrassahs per se that are the problem so much as the militant atmosphere and indoctrination taking place in a handful of notorious centers of ultra-radicalism."[22] Lending a number to this problematic "handful," the literature presents us with the (admittedly unsubstantiated) suggestion that 10 to 15 per cent of Pakistan's madrassahs have militant affiliations.[23] Working with Andrabi et al.'s "liberal" figure of 475,000 madrassah students, and assuming a uniform distribution of students across militant and non-militant madrassahs, a 10 percent "militancy rate" tells us that some 47,500 students attend Pakistan's militant madrassahs at any given time. Though Andrabi et al.'s estimate deflates by as much as 200 per cent, the pool of potential militant recruits, it is difficult to conclude, as Winthrop and Graff do, that 47,500 individuals "are too few to have a major impact on militancy across the country."[24]

What can be deduced from the low market share of religious schools is that as a proportion of the population Pakistani madrassah students are fewer than initially thought and that as a consequence those exhibiting militant affiliations are still fewer. Evidence provided by the literature does not justify claims to the effect that this reduced prevalence coincides with a diminished motivation or capacity to influence militancy. The literature is certain that: 1) madrassahs are not required for terrorism to occur; and, 2) graduates of a majority of madrassahs will likely remain uninvolved in terrorism. With these points in mind, the remainder of this paper narrows its focus to discuss more strictly the minority of militant madrassahs that do help in promoting terrorism, and the manner in which they do so.

Islam in Pakistan – Instrumental or Primordial?

Reliance on Islam as a political tool has been a hallmark of Pakistan's leadership, whether civilian or military. The extent of this reliance has ranged from ad hoc "Islamic" postures to pervasive religious institutionalisation. Ayub Khan placed himself on the spontaneous end of the spectrum when he sought the support of the *ulema* (clergy) to discredit Fatima Jinnah in her presidential bid. Similarly, Yahya Khan backed Islamist parties in East and West Pakistan when challenged by Zulfikar Ali Bhutto and Mujibur Rahman. Bhutto continued in this tradition of insincere religiosity when faced with pressure from the Jamat-e-Islami (JI, Islamic Party), Jamiat Ulema-e-Islam (JUI, Islamic Party of Religious Leaders), and Jamiat Ulema-e-Pakistan (JUP, Party of Religious Leaders of Pakistan) [25]. He declared Pakistan an Islamic state, banned liquor shops, declared Friday a weekly holiday, embarked on his pet projects of "Islamic socialism" and the "Islamic bomb," and declared Ahmadis non-Muslims. If these leaders used Islam in an ad hoc and blatantly instrumental manner, Gen Zia-ul Haq gave people more reason to trust his sincerity. A practicing Muslim, Zia sought to establish an Islamic society and

economy. Concrete steps in this direction included the Zakat and Ushr Ordinance,[26] the Hudood Ordinance,[27] and instructions towards regular observance of prayers.

But underlying Zia's religiosity was a well-calculated political logic. In surveying the nature and content of Islamisation measures, Hina Jilani finds that Zia implemented Islam only in those areas where he sought to curtail rights.[28] Omar Noman tells us that in the political domain Zia's Islamisation measures were intended to legitimise military supremacy while in the social realm they were aimed at extending state control to individuals' personal lives – an effort manifest in his instructions on daily prayer.[29] Hassan Gardezi also agrees that Zia's version of S*haria* (set of rules derived from the Quran and the Sunnah, or compilation of Prophetic traditions) was limited to those aspects that extended the coercive apparatus to the individual's private domain.[30] These observations give David Taylor reason to believe that Islamisation under Zia was "concerned only with the husk and not the core of Islam."[31] Thus even at its most pervasive, Islam was not implemented in its totality, but only to the extent that it served to consolidate and sustain political power.

How then does Islam relate to Pakistani politics? Paul Brass draws a distinction between two ways of viewing Islamic ideology: the instrumentalist approach and the primordial approach. The instrumentalist approach sees Islamic ideology as a convenient means employed towards political objectives. The primordialist approach, on the other hand, "stresses the innate mobilizing and inspiring strength of the appeal of Islamic values and norms."[32] Mustapha Kamal Pasha describes the same pair in terms of "official Islam" on one hand, and "popular Islam" on the other.[33] An instrumentalist reading would suggest that the apparent prominence of Islamic political parties exaggerates their real popularity. This distortion, according to Mohammad Waseem, arises as the military makes it possible for religious parties to remain visible in the public realm, while disallowing other sections of society the same extent of participation.[34] Agreeing with this analysis, Stephen Cohen believes that the power of religious parties lies primarily in their underlying state patronage and in their nuisance value.[35] This view of religious party as spoiler lends credence to the instrumentalist position, as it resolves the apparent paradox between the visible extent of Islamisation in Pakistani society and the continued failure of religious parties to perform at the polls.

The literature in turn provides a relatively weaker case against Islam as a purely instrumentalist force. According to Pasha, an instrumentalist reading overlooks the fact that leaders have often used religion in response to the religious consciousness of a particular constituency. In Zia's case, for instance, he was aware that his policies would appeal to a large section of the *petite bourgeoisie.* Pasha believes the entire project of Islamisation to be driven by an element of duality: Zia's hypocrisy (supply of religious ideology) was accompanied by the presence of willing consumers (demand for religious ideology).[36] This position is consistent with Taylor's observation that both Pakistan's founder Mohammad Ali Jinnah and Bhutto perceived a general Islamic consciousness amongst Pakistan's masses.[37] But what lies behind this consciousness?

According to Gardezi, groups with an ambiguous position with respect to relations of production stand to benefit from extending their control over the religious sphere. Thus to the extent that Pakistan's rising middle classes have supported Islamic parties and policies, he suggests, they have done so to bolster their material interests.[38] Pasha explains Islamic consciousness differently. Capitalist expansion, according to Pasha, yields uneven development. While it causes some to embrace it fully and westernise, others are willing only to accept its material components. Disillusioned with its accompanying "cultural haemorrhage," these latter sections find solace in Islam.[39] Dalrymple would likely append to this list of theories his belief that religiosity in Pakistan cannot be divorced from American foreign policy and its impact on South Asia.[40]

This issue of primordialism is also informed, albeit indirectly, by Andrabi et al.'s aforementioned study of schooling choice. Amongst households sending a child to a madrassah, Andrabi et al. find that "less than 25 per cent send all their children to [madrassahs]." Instead, the authors suggest, "50 per cent send their children to both, madrassahs and public schools, and another 27 per cent use the private school option."[41] Based on this finding, they conclude that arguments citing religiosity as a determinant of madrassah enrolment cannot overcome this "substantial variation within households."[42] But this preference for mixed schooling options may confirm little more than Clifford Geertz's observation that the mosque and the market often coexist.[43] It could be that by sending one child to a madrassah and the other to a private school, parents retain their religiosity while simply complementing it with a rational desire to mitigate risk.[44] The continued symbiosis between instrumentalism and primordialism inevitably makes it difficult to assign either tendency independent weight as a determinant of developments in Pakistan. That being said, a closer look at the evolution of madrassahs since the late 1970s suggests that the machinations of willing patrons have been indispensable in making Pakistan, by some measures, the most dangerous place on Earth.

Patronage, its Effects and their Persistence

Pakistan's madrassah landscape provides a good showcase for the continued symbiosis between instrumentalist and primordial tendencies. In the late 1970s, a number of domestic and international factors combined to make the madrassah a hot commodity for internal and external patrons alike.

According to Coulson, "until the late 20th century, it was unusual for a government to harness the schools of another sovereign nation to achieve its own ends."[45] All this changed with the onset of the Iranian Revolution and concurrent American concerns over the Soviet invasion of Afghanistan. The Iranian Revolution in 1979 had a tremendous impact on Pakistani madrassahs. Fearful that Shia ascendance might radiate outward, Sunni states, including Saudi Arabia and Iraq, sought to curtail Iran's influence. These geo-strategic concerns coincided with Zia's own home-grown troubles. As Vali Nasr explains, Pakistani Shias became increasingly disenchanted

with Zia's Islamisation policies, which were based on a narrow Sunni interpretation of Islam, and dismissed by Shias as mere "Sunnification."[46] Eager to pre-empt an externally-inspired challenge to his authority, Zia was happy to join hands with his Arab friends. Before long, Nasr suggests, a "Sunni wall" was built along Pakistan's border with Afghanistan and Iran.[47] Thus, Pakistan's Sunni and Shia madaris became proxies in the larger "battlefield for Arab-Iran disputes."[48] Nasr views this external patronage, particularly from Saudi Arabia, as a necessary stimulus for the proliferation of madrassahs:

> In order to have terrorists, in order to have supporters for terrorists, in order to have people who are willing to interpret religion in violent ways, […] you need particular interpretations of Islam [that] are being propagated out of schools that receive organizational and financial funding from Saudi Arabia. In fact, I would push it further: that these schools would not have existed without Saudi funding. They would not have proliferated across Pakistan […] without Saudi funding. They would not have had the kind of prowess that they have without Saudi funding, and they would not have trained as many people without Saudi funding. [49]

It is important to note that the madrassahs employed towards these ends were carefully selected. As one commentator points out, Zia's administration was unwilling to back just any Sunni madrassah – "the military government invariably favoured the Deobandis."[50] Such patterns may help explain why Barelvis, who make up a majority of the country's population, run only 25 per cent of its madrassahs while Deobandis, who account for around 15 per cent of the population, disproportionately operate over 60 per cent of the country's madrassahs.[51]

Around the time Sunni quarters became watchful of developments in Iran, the US grew increasingly pre-occupied with the Soviet presence in Afghanistan. Recognising that any American plan to drive the Soviets out of Kabul required Pakistan's cooperation, Washington was eager to bring Zia on board. In 1980, Jimmy Carter sought to entice Zia with an offer of $400 million over two years. Cognizant of his indispensability, Zia compelled Washington to revise its meager offer, calling it "peanuts". The following year, the Reagan administration more generously offered to supplement its covert funding with a five-year, $3.2 billion package.[52] Having signed the deal, the US and Pakistan embraced "Operation Cyclone," to purge Afghanistan of its Soviet presence. The modus operandi: to promote a jihadi culture and its most "pliable" vehicles – an army of Mujahideen.[53] In this cause, says Coulson, "American taxpayers [underwrote] ... the publication of textbooks inciting holy war on Soviet troops."[54] USAID invested over $51 million to publish and distribute "textbooks [13 million volumes] that gave religious sanction to armed struggle in defence of Islam."[55] These books ensured that students learned only as much as their (politically dictated) cause demanded of them. A fourth-grade mathematics text informs students that "the speed of a Kalashnikov bullet is 800 meters per second." Equipped with this cue, they are then asked to solve the rest of the problem:

> If a Russian is at a distance of 3,200 meters from a mujahid, and that mujahid aims at the Russian's head, calculate how many seconds it will take for the bullet to strike the Russian in the forehead?[56]

The benefit of hindsight prompts Coulson to conclude that "any US strategic gains from funding militant Islamist education during the 1980s were negligible compared to the long-term harm wrought by that policy."[57] When America pulled its money and interest out of Pakistan in the late 1980s, however, such a proposition seemed ridiculous. Consequently, Pakistani leaders chose to retain what they considered a high-yielding strategy:

> The success of the mujahideen in driving out the Soviets and the Taliban in capturing the Afghan state created an illusion among a section of the Pakistani policy-makers that similar success could be achieved in Indian-held Kashmir.[58]

In fact, Pakistani leaders have seen in Islam a potent foreign policy instrument. As Veena Kukreja points out, the Pakistani establishment has consistently used jihad as a tool to check India and Afghanistan. In this effort, Pakistan's premier spy agency, Inter-Services Intelligence (ISI), and political parties under its wing – including the JI – have extended support to militant outfits in Kashmir.[59] This point speaks to the state's geo-strategic calculus: weaken India and undermine disagreeable governments in Afghanistan. According to Oliver Roy, "while US policy-makers can indeed be credited as the mid-wife of this retrograde band of armed madrassah students, the Pakistani military and politicians deserve the distinct honour of being their guardian."[60] Cohen agrees that the Pakistani army has godfathered many a militant tendency:

> Pakistan's radical groups are a mixed lot. Some are criminals trying to wrap themselves in the mantle of divine justice. Some have modest, Pakistan-related objectives. Some are seized with sectarian hatred. A few are internationalist apocalyptical terrorists in tune with the al Qaeda philosophy. The rise of all radical groups to prominence, however, can in large part be attributed to the patronage they have received from the Pakistan army.[61]

There is little indication that such patterns of patronage are history. Recent evidence suggests that military and non-military leaders continue to tolerate, and even actively support, known militant groups and their networks of militant madrassahs. As a number of scholars note, it is likely that Pakistani intelligence officials know which amongst Pakistan's madrassahs are militant.[62] Yet, strategic calculations and an incessant quest for political legitimacy keep Pakistan's leadership from lifting a finger against religious political parties, militant outfits, or madrassahs. As a result, Dalrymple points out, "not even one militant madrassah has yet been closed down."[63] More worrying still, Maulana Sami-ul Haq, director of the infamous Madrassah Haqqania, is confident that any official promise to crackdown on radical madrassahs

"is for American consumption only."[64] In fact, this madrassah has only been "forced" to shut down on one occasion – when in 1997 it deployed its entire student body to support a stalled Taliban offensive across the border.[65]

In September 2003, a number of Southeast Asian students were arrested from Karachi's Jami'at al-Dirasat al-Islamiyya. Though "authorities swooped down on [the madrassah's] Malaysian and Indonesian students," they did little to address a more concerning aspect of their visit. On the day of the arrests, Hafeez Muhammad Saeed, leader of the Jamaat ud Dawa (an organisation known to be linked, if not synonymous, with the banned Lashkar-e-Taiba), was in attendance as the chief guest. His presence, however, was blatantly tolerated.[66] More recently, in April 2010, Rana Sanaullah, Punjab's law minister, visited a madrassah run by the banned sectarian group Sipah-e-Sahaba Pakistan (SSP). He was later seen sharing a car with the madrassah's leader.[67] Three months later, the PML-N government in Punjab, headed by Nawaz Sharif's brother, Shahbaz Sharif, provided the Jamaat ud Dawa a $950,000 grant for its educational activities.[68] In July 2010, Wikileaks belatedly revealed documents suggesting that in 2006 Lt-Gen Hamid Gul (retd) and other ISI operatives visited madrassahs in Khyber Pakhtunkhwa in an effort "to recruit new fodder for suicide bombings."[69]

As Christopher Blanchard notes, "channels of responsibility between donors and recipients for curricular development and educational control are often unresolved or unclear."[70] Consequently, it becomes difficult to corner either patrons or clients as bearers of greatest culpability. Nevertheless, in the context of the instrumentalism versus primordialism debate, it is important to recognise that "traditionally, jihadi texts are not a part of the normal curricula of [madrassahs]."[71] Though patronage cycles and their ephemeral goals are never long in vogue, the consequences of such manipulation have proven to be more enduring. "The absence of US support for [madrassahs] in the 1990s," says Ali Riaz, "did not bring an end to the proliferation of madrassahs."[72] As a 2002 International Crisis Group report suggests, even when patronage ceases, its propaganda persists "develop[ing] a dynamic independent of its original patrons."[73] Left to primordial tendencies alone, however, Pakistan's madrassahs would likely have evolved along a different trajectory. This brief account of Pakistan's history since the late 1970s lends support to the verdict that instrumentalist tendencies (on the part of internal and external sponsors) were essential in generating and promoting the more "militant" amongst Pakistani madrassahs. By itself, the presence of a madrassah is an insufficient condition for terrorism to occur.

The Madrassah and its Latent Utility to Terrorist Organisations

To understand the relationship between militant madrassahs and terrorism, some scholars suggest it may be useful to work backwards in the causal mechanism. Rather than treat "terrorism" as a uniform concept, they disaggregate it into discrete categories, asking how each type relies on madrassahs differently. The main lesson gleaned from this section of the literature survey is that

a madrassah's capacity to contribute to terrorism depends heavily on the type of terrorism in question.

Qandeel Siddique divides violent extremism in Pakistan into four categories or types of jihad on the basis of target choice: Type I jihad, representing "global jihad" targeted primarily at the West; Type II jihad, involving cross-border terrorism executed against India and Afghanistan; Type III jihad, involving violence directed at Pakistan's government and security forces; and, Type IV jihad, representing sectarian violence. Though he discerns "weak to strong bonds" between madrassahs and type II, III and IV jihad, Siddique suggests that "there is little evidence supporting a connection between" madrassahs and type I terrorism.[74] This finding reaffirms Dalrymple's opinion that "militant [madrassahs] are [...] likely to create more problems for Pakistan's internal security than for the safety of Western capitals."[75] In fact, Bergen and Pandey contend that with regard to the security of Western interests, the madrassah merely presents a "scapegoat."[76] They consider "misguided" a "national security policy focused on [madrassahs] as a principal source of terrorism."[77]

Such conclusions build on the assumption that "perpetrating large-scale attacks requires ... a facility with technology" that "is simply not available at the vast majority of [madrassahs]."[78] The logic here is that madrassahs fail to supply the human material required to successfully execute a terrorist attack. In other words, the supply of motivation is unaccompanied by an equally important supply of capacity. But in their disproportionate focus on "militants who successfully executed an attack or who were caught in the act," Bergen and Pandey fail to consider that the capacity of madrassah graduates to execute type I jihad may only be veiled by a ready supply of more capable alternatives.[79]

Christine Fair's work on militant recruitment posits that the low representation of madrassah students "in the ranks of the observed militants" is likely attributable "to the efforts of *tanzeems* [militant groups] to select for quality among their operatives."[80] "Even if [madrassah] students are more inclined towards jihad," says Fair, "a given militant group may not select [madrassah] students if the group has other, more desirable candidates to recruit."[81] To understand what engines such a quality-driven demand for recruits – what makes one recruit more "desirable" than the other, Fair looks at "the objectives, tactics, theatres, and 'quality of terror' produced" for each particular *tanzeem*.[82] Thus shifting the unit of analysis from the individual recruit to the recruiting entity, Fair makes her case by comparing the operations of two Pakistani *tanzeems* – Lashkar-e-Taiba (LeT) and Lashkar-e-Jhangvi (LeJ).

LeT concerns itself primarily with type II jihad, a commitment most evidently displayed through a host of high-profile anti-India terrorist operations – the 2001 attack on the Red Fort in New Delhi, the 2006 express train bombings in Mumbai, and the 2008 terrorist assault on Mumbai commonly known as 26/11. In order to successfully "engage hard targets in demanding high-risk missions," LeT inevitably demands that its recruits meet a minimal standard of quality. As Fair

points out, carrying out "operations deep within India" requires not only that cadres be able to navigate the "high-altitude Line of Control" separating Pakistan from Indian-administered Kashmir, but also that they possess the linguistic talent to "carefully evade the extensive Indian counter-insurgency grid."[83] Moreover, LeT prefers recruits who are "literate, numerate, and capable of working out mathematical proportions," prerequisite skills for competently "building improvised explosive devices."[84]

Unlike LeT, LeJ devotes most of its activities to type IV jihad, targeted domestically at sectarian (in this case Shia) foes. "In general," says Fair, "LeJ attacks soft or low-value targets and conducts operations for which opportunity costs of failure are low."[85] Furthermore, unlike LeT, LeJ faces few difficulties in "getting to the theatre."[86] A preference for "low-end tactics such as grenade tosses" also ensures that LeJ is easily contented with low quality recruits. Thus, given the "kinds of operations" for which LeT and LeJ are known, one can assess the utility of the madrassah student for each group. While knowledge of current target preference and operational sophistication "suggests that few LeT operatives are [madrassah] products," the opposite is true for LeJ. In Fair's assessment, "given LeJ's sectarian mission, students with some [madrassah] background may be preferred to those without [madrassah] experience, all things being equal."[87]

But Fair recognises that changed conditions and "repurposed" *tanzeems* are not unheard of.[88] Consequently, she contends that is problematic to "conclude that madrassahs are exculpated because their students fail to be accepted by *tanzeems* under current recruitment conditions."[89] Surely, scholars and policymakers are increasingly cognisant of the overlap between different types of terrorism. According to Ashley Tellis, coordination between *tanzeems* "through the entire spectrum of jihadi groups" makes them "much more flexible in their cooperation now than they ever were historically."[90] Though Hafeez Mohammad Saeed and the Jamat ud Dawa (JuD) are primarily associated with type II jihad, evidence suggests that Saeed's purpose is less restricted. In 2007, Saeed emphasised the virtues of jihad against the "US and its agents."[91] He also harbours an expressed desire to extend the writ of Islam to New Delhi, Tel Aviv, and Washington.[92] Lending credibility to his rhetoric, the LeT was behind a foiled 2009 plot to attack the American, British, and Indian embassies in Dhaka.[93] According to Stephen Tankel, "fighting the West remains a secondary concern for Lashkar, but one to which it has committed increasing resources during the past several years."[94] Thus, accompanying Saeed's primarily type II jihadist mindset and activities is a proven readiness to contribute to type I jihad. Masood Azhar is known to be the prime beneficiary of the 1999 hijacking of flight IC 814 (Indian authorities released him in exchange for all passengers), and as the leader of JeM, a militant group avowedly committed to type II jihad. Nevertheless, Azhar advocates a jihad that involves breaking both Indian and American legs.[95] The Sipah-e-Sahaba Pakistan (SSP) is a sectarian group best known for its type IV sectarian activity against Pakistan's Shia minority. Yet, the organisation's former leader, Azam Tariq, ardently supported type II jihad in Kashmir, resolving to send "500,000 militants to Jammu and Kashmir to fight Indian security forces."[96] The LeJ,

also a group committed to type IV jihad, has supplemented its anti-Shia activities by sending suicide terrorists nearer to the Durand Line to fight Pakistani security forces in Federally Administered Tribal Areas (FATA) – a symptom of type III jihad.[97] Thus one does well to heed Cohen's advice that "an American policy designed to curb existing terrorism in Pakistan should deal with all [forms of terrorism]."

More importantly in the context of this paper, all militant groups in Pakistan – LeT and JeM (primarily tied to type II jihad), SSP and LeJ (at the forefront of anti-Shia type IV jihad), the Tehrik-e-Taliban Pakistan (TTP, an emergent leader in type III jihad against the Pakistani state), and more immediately anti-American entities (such as the Haqqani network) – inevitably enjoy close associations with madrassahs. Though Fair succeeds in explaining why different types of terrorism (and *tanzeems* thereto devoted) should rely differently on madrassahs, she does not tell us why all *tanzeems* tirelessly continue to promote madrassahs. The persistent proximity between *tanzeems* and madrassahs beckons the question: do the aforementioned arguments adequately consider the full range of functions madrassahs provide to *tanzeems* and their operations? Do madrassahs present more than a reserve recruit base? Might they less visibly (though no less significantly) contribute to the execution of a terrorist attack?

The Madrassah and Its Contributory Roles

The previous section shed light on the diversity of purpose exhibited by Pakistani madrassahs. But madrassahs can also assume different contributory roles in the build-up and execution of a particular terrorist event. A few such functions alluded to in the literature include: 1) radicalising to-be terrorists, 2) providing transit and hospitality to pre-radicalised individuals, and 3) generating support for terrorism. While supply-side explanations profile the individual militant, and the *tanzeem* approach focuses on the needs of a particular militant group, this section treats the madrassah as its unit of analysis.

Radicalisation

According to Kalsoom Lakhani, the madrassah is able to indoctrinate by severing and replacing connections with home. A young and malleable child is pulled away from his parents, detached from his origins, this child finds a new surrogate in the shape of the madrassah. Insulation from opportunities of critical thought, plus reverence for an acquired parent prompt the child to accept sermons without question or doubt.[98] This process speaks to the grassroots component of militant madrassahs. The madrassah radicalises young entrants into aspiring terrorists who graduate into *tanzeems* before making a more tangible contribution to terrorism. A number of JI madrassahs – including Markaz Uloom-e-Deeniya's Alfalah Academy, Jamiatul Ikhwan, and Jamia Darul Islam – have adopted this formula by directing students towards martyrdom via militant outfits like Hizbul Mujahideen.[99] According to Siddique, such collusion between madarssahs and *tanzeems* is widespread. When the JeM organised a conference in the Pakistani

city of Bahawalpur in 2008, he points out, "some madrassah managers to figure prominently" in the audience included Maulana Sher Bahadur of Darul Uloom Hijra Attock, Mohammad Shah Saleem of Darul Bannu, and Maulana Qari Khalil Ahmad Bandhani of Jamia Ashrafia Karachi. [100] Also present (as guest speaker) was Maulana Jalandhry who heads the Wafaq-al Madaris – the umbrella of Deobandi madrassahs in Pakistan – in addition to his own madrassah (Khair-i-Madaris in Multan).[101] The close affiliation of these madrassah managers to an overtly militant group all but ensures that the students enrolled in their madrassahs are exposed to ideas that converge with their own. Qari Hussain, a Taliban commander commonly referred to as "Trainer of Suicide Bombers," justifies the radicalisation taking place at many madrassahs: "Children are tools to achieve God's will. And whatever comes your way, you sacrifice it."[102] Thus, treating all children as sacrificial lambs, the militant madrassah is able to radicalise innocent children towards their own violent ends. But to the extent that a militant madrassah contributes to terrorism, it does not always constitute a (lone) site of radicalisation.

Transit and hospitality

According to terrorism analyst B. Raman, Western Muslim youth "of Pakistani origin studying in the [madrassahs] of Pakistan fall into two categories – those who are sent by their parents in order to dilute the Western cultural influence on them and those who come on their own in order to contribute to the cause of their religion."[103] In 2004, 21-year old Shehzad Tanweer, one amongst the four men who carried out the 2005 London bombings, spent four months in a madrassah in Lahore.[104] As Bergen and Pandey see it, Tanweer "made a conscious decision to travel halfway around the globe to attend [a] radical Pakistani [madrassah] after [he] had already been radicalised in [his] hometown of Leeds in the United Kingdom."[105] In Raman's terms, Tanweer corresponds to that category of individuals who "are already strongly anti-West before joining the [madrassah]."[106] But why bother to visit a madrassah when the task of radicalisation is a fait accompli? Unable to do more, suggests Siddique, militant madrassahs supportive of type I jihad might "allow their [madrassahs] to be used as transit points, brief visitations or as safe havens."[107] A madrassah in Rawalpindi served as a transit point to Hamid Hayat (the teenager from Lodi, California, arrested in 2005 for his affiliation with Al Qaeda) before directing him towards a jihadi training camp.[108] Similarly, a madrassah in Peshawar hosted Bryant Neil Vinas "on his way to join Al Qaeda in waging holy war against US troops."[109] Insofar as it serves as a transit point, the madrassah thus presents a promising destination for a small population of pre-radicalised elements with lofty goals but minimal connections.

Generating support

Radicalisation of the "sacrificial lamb" and hospitality towards the pre-radicalised tourist are roles reserved for the militant madrassah. With regard to both functions, one can employ binary terms to qualitatively distinguish Pakistan's militant from its non-militant madrassahs. Either a

madrassah deliberately radicalises young boys towards violent ends or it does not. Either a madrassah is willing to act as a transit point for the budding terrorist or it is not. Insofar as the generation of support for terrorism goes, however, it is more difficult to locate a clear divisor between militant and non-militant contributions. Any differences will inevitably be quantitative in nature. While the capacity of militant madrassahs to generate support for extremism requires little elaboration, the literature suggests that most Pakistani madrassahs (militant and non-militant alike) "sow the seeds of extremism in the minds of […] students."[110] As mentioned earlier, Rahman's survey of attitudes towards extremism and militancy reveals that madrassah students are more intolerant than students from public and private schools. In addition to their strong support for militancy against India, sampled madrassah students also exhibit greatest resistance to equal rights for Hindus, Ahmadis, and women.[111] Dalrymple tells us that while "only a small proportion of [madrassahs] are militant," the rest also "tend to be ultra-conservative."[112] Such evidence prompts Fair to conclude that "even if they may not contribute significantly to the pool of observed militants, Pakistan's [madrassahs] may foster support for terrorism within families and communities."[113] Thus in the marketplace of ideas, both militant and non-militant madrassahs make quantitatively different contributions towards the legitimacy and viability of violent groups and their activities.

Conclusion

This article has focused on the literature's role in illuminating the relationship between militant madrassahs and terrorism (See Figure 1). In addition to its obvious merits, however, the literature also exhibits room for further research.   The literature effectively employs different units of analysis: terrorists in supply side studies; militant groups in Fair's *tanzeem* approach; and, the madrassah, or its lead representative, in analyses of the madrassah's varied roles and functions. In addition to these approaches, it might be useful to study more closely the larger family to which madrassahs belong. In other words, as a unit of analysis, one may consider treating as one, admittedly amorphous, entity the cumulative interactions between madrassahs, *tanzeems*, and patrons in search for identifiable patterns. Does this family possess borders? Are they permeable? What causal mechanisms are at work within such families of interaction? What provisions are there for sustenance in absence of continued patronage? At present, evidence of the nexus between madrassahs and militant groups is isolated. The literature tells us that particular patrons prefer particular madrassahs, and that particular madrassahs associate with particular *tanzeems*. But the nature of interaction between these parties remains insufficiently understood.

In its treatment of the madrassah as a variable, the literature commits some level of conceptual stretching. Clearly, madrassahs serve different roles, to different extents, towards different ends, and with varying levels and sources of inducement. Yet, most studies are content with the binary distinction between madrassahs and militant madrassahs. If militant groups constitute a heterogeneous lot, and scholars accept that terrorism has its sub-types, one can likely do better than assume homogeneity within the category of militant madrassahs. The same goes for

Pakistan's non-militant madrassahs. Rather than sanctify boundaries of categorisation, it might be useful to employ means of analysis that reflect differentiation within extant categories. As an elementary example, a madrassah that has "no" role in terrorism could more usefully be described as one where most students exhibit little, if any, support for the most benign form of involvement in terrorism – e.g. impersonal sympathy for terrorist groups and their associated inclinations. Conversely, a madrassah that is heavily involved in the operations of a terrorist organisation could be described as one where most students manifest a strong desire to engage personally in the execution of a terrorist attack. The Figure below tries to capture some of the influences at work.

The changing interests and fluid patterns of patronage influencing Pakistani madrassahs are better accommodated by a rubric that captures subtlety – future scholarship ought to deepen current categorisations.
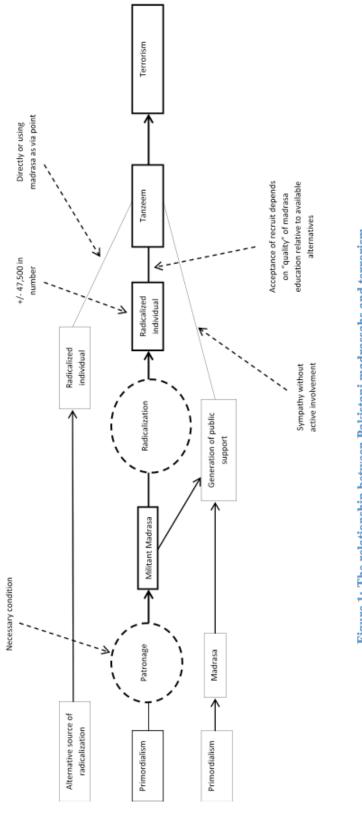
Figure 1: The relationship between Pakistani madrassahs and terrorism

About the Author: *Nikhil Raymond Puri recently completed an MPhil in Politics from the University of Oxford. His thesis, which was awarded a distinction, focused on madrassah reform in the Indian state of West Bengal. A member of Phi Beta Kappa, Puri also holds a BA in South Asian Studies from the University of Virginia. He currently serves as Research Assistant at the Terrorism Research Initiative (TRI).*

Notes

[1] Ali Riaz, Global Jihad, Sectarianism and the Madrassahs in Pakistan. Working paper no. 85. Institute of Defence and Strategic Studies, Singapore., Aug. 2009. Web. p. 1.

[2] William Dalrymple. "Inside the Madrasas." *The New York Review of Books*, 52.19 (2005).

[3] Here, "quality" refers to the suitability of militants from the vantage point of a particular militant group. Introduced by Ethan Bueno de Mesquita, this notion of "quality of terror" has been applied in the Pakistani context by Christine Fair. See, Ethan Buena de Mesquita. "The Quality of Terror." *American Journal of Political Science*, 49.3 (2005); and, C. Christine Fair. "Militant Recruitment in Pakistan: A New Look at the Militancy-Madrasah Connection." Asia Policy, 4 (2007).

[4] Peter Bergen, and Swati Pandey. "The Madrassa Scapegoat." *The Washington Quarterly*, 29.2 (2006), p. 118.

[5] Marc Sageman, Understanding Terror Networks. Philadelphia: University of Pennsylvania Press, 2004. pp. 61-98, cited in C. Christine Fair, op. cit. p. 117.

[6] Christopher Candland, "Religious Education and Violence in Pakistan,"in Charles H. Kennedy and Cynthia Botterton (Ed.), Pakistan 2005. Oxford: Oxford University Press, 2006, p. 19.

[7] Andrew Coulson. Education and Indoctrination in the Muslim World Is There a Problem? What Can We Do about It? Publication. The Cato Institute, 11 Mar. 2004. Web. <http://www.cato.org>. p. 6.

[8] Pervez Hoodbhoy, "Can Pakistan Work? A Country in Search of Itself." *Foreign Affairs*, 83.6 (2004), p. 129, cited in Jayshree Bajoria. Pakistan's Education System and Links to Extremism. Publication. Council on Foreign Relations, 07 Oct. 2009. Web. <http://www.cfr.org>.

[9] Ibid.

[10]Tariq Rahman, Pluralism and Intolerance in Pakistani Society: Attitudes of Pakistani Students towards the Religious 'Other'. Agha Khan University, Institute for the Study of Muslim Civilization, 30 Oct. 2003. Web. <http://www.aku.edu>. p. 29.

[11] 1st Strategic Workshop on Rehabilitation and De-radicalization of Militants and Extremists. Rep. International Centre for Political Violence and Terrorism Research, 22 May 2010. Web. <http://www.pvtr.org>. p. 20.

[12] Rebecca Winthrop, and Corinne Graff. Beyond Madrasas: Assessing the Links between Education and Militancy in Pakistan. Working paper no. 2. Washington: Brookings Institution, 2010. p. 20.

[13] Pakistan: Karachi's Madrasas and Violent Extremism. Asia Rep. no. 130. International Crisis Group, 2007. p. i.

[14] Andrew Coulson, op. cit. p. 23.

[15] Ibid.

[16] Pakistan: Karachi's Madrasas and Violent Extremism. op. cit. p. 5.

[17] Andrew Coulson, op cit. p. 4.

[18] Tahir Andrabi, Jishnu Das, Asim Ijaz Khwaja, and Tristan Zajonc. Religious School Enrollment in Pakistan: A Look at the Data. Working paper no. 3521. The World Bank, July 2005. Web. <http://econ.worldbank.org/>. p. 10.

[19] Ibid., p. 13.

[20] Ibid., p. 10.

[21] Rebecca Winthrop, and Corinne Graff. op. cit. p. 16.

[22] William Dalrymple. op. cit.

[23] P. W. Singer, Analysis Paper #14. Publication. Brookings Institution, Nov. 2001. Web. <www.brookings.org>.

[24]] Rebecca Winthrop, and Corinne Graff. op. cit. p. 19.

[25] The JI, JUI, and JUP constitute the primary religious parties in Pakistan. The JI is a non-sectarian organization founded by Maulana Maududi in 1941. The JUI and JUP are political entities with Deobandi and Barelvi affiliations, respectively.

[26] The Zakat and Ushr Ordinance was enacted in 1980. Its two components – Zakat and Ushr – correspond to the State's "religiously sanctioned" collection of tithe and land tax, respectively. See, Zakat and Ushr Ordinance, 1980. Ordinance No. XVIII of 1980. Web <http://mozu.gov.pk>.

[27] The Hudood Ordinance, implemented in 1979, stipulated punishments for, inter alia, sexual intercourse out of wedlock. Punishments were to include stoning to death and public whipping. See, The Offence of Zina (Enforcement of Hudood) Ordinance, 1979. Ordinance No. VII of 1979. Web <www.pakistani.org>

[28] Hina Jilani, "Zia and the End of Civil Society," *The Herald*, August 1999, cited in Veena Kukreja. Contemporary Pakistan: Political Processes, Conflicts, and Crises. New Delhi: Sage Publications, 2003. p. 171.

[29] Omar Noman, Pakistan: A Political and Economic History since 1947. London: Kegan Paul International, 1988.

[30] Hassan Gardezi. 'Religion, ethnicity and state power in Pakistan: The question of class', in Allen Douglas (ed.), Religion and Political Conflict in South Asia: India, Pakistan and Sri Lanka. Westport: Greenwood Press, 1992, pp. 80-1.

[31] David Taylor, "The politics of Islam and Islamisation in Pakistan", in James Piscatori (Ed.), Islam in the Political Process. Cambridge: Cambridge University Press, 1983, p. 181.

[32] Brass, Paul. "Elite Groups, Symbol Manipulation and Ethnic Identity among the Muslims of South Asia," in D.D. Taylor and Malcolm Yapp (Eds)., Political Identity in South Asia. Surrey: 1979, p. 47-8, cited in Waseem, Mohammad. "Origins and growth patterns of Islamic organizations in Pakistan", in Satu P Limaye, Mohan Malik and Robert G Wirsing (Eds.), Religious Radicalism and Security in South Asia. Honolulu: Asia-Pacific Center for Security Studies, 2004.

[33] M.K. Pasha, "Islamization, Civil Society and the Politics of Transition in Pakistan." In Douglas Allen (Ed.), Religion and Political Conflict in South Asia: India, Pakistan and Sri Lanka. London: Greenwood, 1992, p. 115.

[34] Waseem, Mohammad. "Origins and growth patterns of Islamic organizations in Pakistan", in Satu P Limaye, Mohan Malik and Robert G Wirsing (Eds), Religious Radicalism and Security in South Asia. Honolulu: Asia-Pacific Center for Security Studies, 2004, p.33.

[35] Stephen Cohen. The Idea of Pakistan. Washington: Brookings Institution Press, 2004.

[36] M.K. Pasha, "Islamization, Civil Society and the Politics of Transition in Pakistan." Religion and Political Conflict in South Asia: India, Pakistan and Sri Lanka. By Douglas Allen. London: Greenwood, 1992, p. 118.

[37] David Taylor, op. cit. p. 194.

[38] Hassan Gardezi. op. cit. p. 79.

[39]M.K. Pasha, "Islamization, Civil Society and the Politics of Transition in Pakistan." Religion and Political Conflict in South Asia: India, Pakistan and Sri Lanka. By Douglas Allen. London: Greenwood, 1992, p. 122.

[40] William Dalrymple. op. cit.

[41] Tahir Andrabi, Jishnu Das, Asim Ijaz Khwaja, and Tristan Zajonc. op. cit. p. 4.

[42] Ibid.

[43] Clifford Geertz. Islam Observed; Religious Development in Morocco and Indonesia. New Haven: Yale UP, 1968. p. 66-8.

[44] Several migration scholars talk about risk mitigation in the context of migratory strategies. There is no reason to suppose that similar concerns do not underlie parents' educational choice, which may or may not involve a migratory dimension. See, Oded Stark, and David E. Bloom, "The New Economics of Labor Migration," *American Economic Review*. 75 (1985). pp. 173-8, cited in Douglas S Massey, Joaquin

Arango, Graeme Hugo, Ali Kouaouci, Adela Pellegrino, and J. Edward Taylor, "Theories of International Migration: A Review and Appraisal." *Population and Development Review.* 19.3 (1993). p. 436.

[45] Andrew Coulson. op. cit. p. 15.

[46] Vali Nasr. "Islam, the State and the Rise of Sectarian Militancy" in Christophe Jaffrelot (ed.) Pakistan: Nationalism without a Nation. New Delhi: Manohar, 2002. p. 89.

[47] Ibid., p. 92.

[48] Pakistan: Madrasas, Extremism and the Military. Rep. no. 36. International Crisis Group, 2002, p. 10.

[49] Vali Nasr, "Analyses: Excerpts from Frontline's Interviews on Some of the Main Themes Explored in "saudi Time Bomb?"" *FRONTLINE and The New York Times.* Web. <http://www.pbs.org>.

[50] Pakistan: Madrasas, Extremism and the Military. op. cit. 9. Both Deobandis and Barelvis subscribe to the Hanafi School of Sunni Islam. While the former practice a more scripturalist form of Islam, the latter often exhibit syncretism. Another significant expression of Islam in the Indian subcontinent – Ahl-e-Hadith – is often synonymised with Wahhabism. Though similar to Deobandism in terms of its emphasis on scripture, Ahl-e-Hadith's ideas have been more extreme and less influential. For more on the types of Islam in the Indian subcontinent, see Francis Robinson, Varieties of South Asian Islam. Coventry: Centre for Research in Ethnic Relations, University of Warwick, 1988.

[51] Andrew Coulson. op. cit. p. 5.

[52] Ibid., p. 16.

[53] Javed, Kazy. "Scary Scenario." *The News on Sunday*, 23 Feb. 2003, cited in Ali Riaz. op. cit. p. 4.

[54] Andrew Coulson, op. cit. p. 2.

[55] Christopher Candland, op. cit. p. 16.

[56] Andrew Coulson, op. cit. p. 17.

[57] Ibid., p. 1.

[58] Ali Riaz. op. cit. p. 19.

[59] Veena Kukreja, op. cit. pp. 173-89.

[60] Roy, Oliver. "The Taliban: A Strategic Tool for Pakistan" in Christophe Jaffrelot (Ed.) Pakistan: Nationalism without a Nation. New Delhi: Manohar, 2002, cited in Ali Riaz. op. cit. p. 4.

[61] Stephen P. Cohen, "With Allies Like This: Pakistan and the War on Terrorism" in Adam Garfinkle, A Practical Guide to Winning the War on Terrorism. Hoover Institution Press, 2004. p. 109.

[62] C. Christine Fair. op. cit. p. 131. Also see, Lisa Curtis. "U.S. Aid to Pakistan: Countering Extremism Through Education Reform." Lecture. 09 May 2007. Heritage Lectures. The Heritage Foundation, 08 June 2007. Web. <http://www.heritage.org>.

[63] William Dalrymple. op. cit.

[64] Ibid.

[65] P. W. Singer, op. cit.

[66] Farish A. Noor, "The Uncertain Fate of Southeast Asian Students in the Madrasas of Pakistan." The Madrasa in Asia: Political Activism and Transnational Linkages. Ed. Farish A. Noor, Yoginder Sikand, and Martin Van Bruinessen. Amsterdam: Amsterdam UP, 2008. Print. p. 144.

[67] Ayesha Nasir. "Punjab Turns a Blind Eye as Militant Scourge Thrives." *The National*. 05 Mar. 2010. Web. <http://www.thenational.ae/>.

[68] Imtiaz Ahmad. "Seraiki schools of terror." *Hindustan Times.* 19 June 2010. Web. < http://www.hindustantimes.com>

[69] Mark Mazzetti, Jane Perlez, Eric Schmitt, and Andrew W. Lehren. "Pakistan Aids Insurgency in Afghanistan, Reports Assert." *The New York Times*. 25 July 2010. Web. <http://www.nytimes.com>.Also see, Jeff Stein, "The Audacity of Hamid Gul," The Washington Post. 26 July, 2010. Web. <http://www.washingtonpost.com>

[70] Christopher M. Blanchard, Islamic Religious Schools, Madrasas: Background. Rep. Congressional Research Service, 23 Jan. 2008. Web. <http://www.fas.org>.

[71] Pakistan: Madrasas, Extremism and the Military. op. cit. p. 13.

[72] Ali Riaz. op. cit. p. 12.

[73] Pakistan: Madrasas, Extremism and the Military. op. cit. p. 13.

[74] Qandeel Siddique. Weapons of Mass Instruction? A Preliminary Exploration of the Link between Madrassas in Pakistan and Militancy. Rep. Norwegian Defence Research Establishment (FFI), 20 July 2009. Web. <http://rapporter.ffi.no/rapporter/2008/02326.pdf>. p.3.

[75] William Dalrymple. op. cit.

[76] Peter Bergen, and Swati Pandey. op. cit. p. 124.

[77] Ibid. p. 119.

[78] Ibid. p. 118.

[79] C. Christine Fair. op cit. p. 119.

[80] Ibid. p. 128.

[81] Ibid. p. 110.

[82] Ibid. p. 109.

[83] Ibid. p. 121.

[84] Ibid.

[85] Ibid. p. 122.

[86] Ibid. p. 121.

[87] Ibid. p. 122.

[88] Ibid.

[89] Ibid. p. 119.

[90] Jayshree Bajoria. Pakistan's New Generation of Terrorists. Publication. Council on Foreign Relations, 06 May 2010. Web. <http://www.cfr.org>.

[91] Qandeel Siddique. op. cit. p. 33.

[92] Ayesha Nasir, op. cit.

[93] Bruce Riedel, The Scariest Terror Plot. Brookings Institution, 27 January, 2010. Web. <http://www.brookings.edu>

[94] Stephen Tankel. Lashkar-e-Taiba: From 9/11 to Mumbai. Rep. The International Centre for the Study of Radicalisation and Political Violence, May 2009. Web. <http://www.icsr.info>.

[95] Qandeel Siddique. op cit. p. 44.

[96] Ibid. p. 51.

[97] C. Christine Fair. op cit. p. 122.

[98] Kalsoom Lakhani. "Indoctrinating Children: The Making of Pakistan's Suicide Bombers." *CTC Sentinel* 3.6 (2010), p. 11.

[99] Qandeel Siddique. op. cit. p. 40.

[100] Ibid. p. 44.

[101] Ibid. pp. 40-1.

[102] Kalsoom Lakhani. op. cit. p. 11.

[103] B. Raman, Pakistani Madrasas: Questions & Answers. International Center for Religion and Diplomacy, 5 Aug. 2005. Web. <http://www.icrd.org>.

[104] Samina Ahmed, and Andrew Stroehlein. "Pakistan: Still Schooling Extremists." *The Washington Post*. 17 July 2005. Web. <http://www.washingtonpost.com/>.

[105] Peter Bergen, and Swati Pandey. op. cit. p. 122.

[106] B. Raman, op. cit.

[107] Qandeel Siddique. op. cit. p. 8.

[108] Amir Mir, The Pakistanis Training in Al Qaeda Camps. Cobrapost. Web <http://www.cobrapost.com>

[109] Paul Cruickshank, Nic Robertson, and Ken Shiffman, From Long Island to Lahore: The plot to bomb New York. *CNN*, 21 May, 2010. Web. <http://www.cnn.com>

[110]Pakistan: Madrasas, Extremism and the Military. op. cit. p. 2.

[111] Tariq Rahman. op. cit. p. 29.

[112] William Dalrymple. op. cit.

[113] C. Christine Fair. op. cit. pp. 126-7.

Trying Al Qaeda: Bringing Terrorists to Justice

by Joshua T. Bell

Abstract

Shortly after the World Trade Center and the Pentagon were attacked, the United States embarked on a mission to bring those responsible for the terrorist attacks on 11 September 2001 to justice. A tremendous effort ensued to find and capture the individuals who were responsible or associated with these events. Many of the individuals who were captured have remained imprisoned for an indefinite amount of time due to the political debate regarding what is the most appropriate venue to try suspecgts arrested and charged with acts of terrorism. The choices come down to trial either by a trial by a Military Commission or a U.S. Federal District Court. There are unique challenges for effective prosecution in both venues. Which venue the Obama Administration will deem appropriate to try the terrorists captured by the former administration remains uncertain at this point in time.

Introduction

In the aftermath of the 9/11 terrorist attacks on the World Trade Center and the Pentagon, the question of how to punish those responsible and ultimately bring them to justice became the focus of a heated public debate in the United States. Most would think that it would be an easy task to convict a suspected terrorist. However, it is actually quite a complex undertaking, requiring a tremendous amount of political and legal maneuvering as well as forethought if the United States and the international community wish to be satisfied with the end result – that justice is done in fair trials.

 The world watched with great interest this past spring when U.S. Attorney General Eric Holder revealed the Department of Justice's intent to prosecute Khalid Sheik Mohammed (KSM) - the alleged mastermind of the 9/11 attacks - in U.S. Federal District Court in New York City. Almost immediately questions began to mount as to whether this was the most appropriate venue for such a high profile terrorist figure. Among the questions that followed the announcement was whether or not the Department of Justice and the Attorney General could guarantee that KSM would not be acquitted of the charges and potentially go free. Attorney General Holder vehemently concluded that KSM would not be acquitted; however, the nagging possibility remained that he would be. Shorty thereafter, prominent political figures and law enforcement personnel throughout New York began to express doubts whether or not KSM's trial should be held in New York. The Department of Justice stepped back slightly and the issue remains unresolved.

The debate as to how to try extremist detainees comes down to a choice between the only two realistic possibilities: a trial by a U.S. District Court or by Military Commissions. There have been further calls for the possibility of holding the trials in an international court of law; however, given the complexity and lack of political will to do so in the United States, it seems highly unlikely that such a venue will be chosen. The purpose of this article is to compare and contrast the two most likely scenarios for future terrorist trials given the presently available data, to hopefully contribute to a constructive debate.

Military Commissions

Some two months after the attacks, President George W. Bush, issued a Military Order that authorized the detention and trial by Military Commission of non-U.S. citizens who were deemed to be members of al-Qaeda, who engaged in international terrorism, or who had knowingly harbored individuals in either category. [1] The use of Military Commissions is not without precedent; the Bush Administration reportedly relied heavily on *Ex parte Quirin,* the case of Nazi saboteurs who landed from a German submarine on Long Island and Florida in 1942 and were subsequently tried by a Military Commission. [2] President Roosevelt, at the time, authorized the Military Commission only for saboteurs and spies who had entered the country on behalf of "…any nation at war with the United States." [3]

Applying the same principle to the 9/11 attacks is a bit trickier because the laws of war, a subset of the law of nations, apply only to state actors, not to autonomous terrorist organizations. [4] The common argument to counter such a claim is that the 9/11 attacks were, in effect, so provocative an act that they constitute de facto a violation of the laws of war; thus giving the president valid authority to convene such commissions. [5] According to President Bush's military order "it allows the president to subject a non-citizen to trial by military tribunal if he determines that person is or was a member of Al Qaeda or committed, participated, aided and abetted, or conspired in any terrorist act, even those unrelated to Al Qaeda's campaign of terror against the United States." [6]

There is no question that the Bush Administration's basis for the establishment of the commissions is controversial. However, proponents argue that there are very valid reasons why trial by Military Commission is a viable option for prosecuting terrorism suspects.

Why Military Commissions Make Sense

With all the prevailing controversy surrounding Military Commissions and their establishment, there are valid reasons why such a venue would be the proper place to prosecute terrorism suspects. A Military Commission is 'portable', i.e. it can be held anywhere, thereby limiting the security risks of holding the trials in New York, Washington DC, or other locations. [7] There is

little doubt in anyone's mind that such a trial would be quite a spectacle. However, given that a Military Commission would be held on a military facility, a location already operating under a strict security posture, the military would be able to provide a level of security virtually impossible in a civilian setting. [8] As an example, the Presiding Officer in a Military Commission has the option of keeping the selection and identity of jurors secret, an option federal judges generally do not have. [9] This certainly is an important consideration in light of the fact that terrorist groups might well undertake actions to disrupt the proceedings, including directly targeting jurors.

A secondary reason why Military Commissions are perhaps the best option is the fact that they are especially proficient venues for prosecution. There is seldom any period of lengthy delay between a conviction and the decision on sentencing since attorneys for both sides must be prepared at the outset to proceed through the findings and sentencing phases of the trial. [10] This ability to move expeditiously through the entire process is critical because of the shear number of terrorists that would most likely be going through this process. The American public in general has a very low tolerance for protracted endeavors, especially when it comes to terrorist trials that stretch into multi-year undertakings.

A third reason why Military Commissions present such an attractive proposition is the way that they are able to deal with classified material and sources. Terrorism is founded on the notion of secrecy and as a result, the ability to counter it also relies heavily on classified collection methods and sources. This presents a problem when it comes to presenting certain incriminating materials in the course of the trial of a terrorist. Divulging classified collection methods and sources might present a tremendous threat to national security if that information were to be made public - either intentionally or through negligence. This is why Military Commissions are important, because the members of the jury in a Military Commission are all military personnel who are exposed to classified material on a regular basis and are familiar with procedures for its handling. The same cannot be said for the jury pool in most federal district courts. [11] As one legal commentator remarked: "Release of such information may also discourage essential cooperation from foreign intelligence services that are sympathetic to the country's anti-terrorism efforts yet unwilling to have their assistance revealed." [12] Given the United States' often contentious footing with the international community regarding its conduct in foreign policy, it is critical that every effort is made to maintain positive relations with those nations and their respective intelligence services. Losing that support inevitably damages the United States' ability to continue to wage war on terrorism.

Lastly, Military Commissions are a viable option because of the great level of control over the process. As noted by Jennifer Elsea, the "….President may set the rules of procedure and evidence for Military Commissions and need only apply the principles of law and the rules of evidence generally recognized in the trial of criminal cases in the United States district court

where he considers it practical to do so." [13] Such controls would be valuable given the overall complexity of the process. However, this level of control is also a major reason why the Military Commission option has proven so controversial.

Why Military Commissions May Not Make Sense

Almost immediately following the Bush Administration's announcement that it intended to try terrorism suspects via Military Commissions, concerns began to surface as to whether or not this was the correct venue to do so. Critics focused on several key issues that make the Military Commission option so contentious. As previously mentioned, the Military Commissions option affords the President a great deal of flexibility in setting forth the procedural rules. However, critics argue that if these commissions are going to be accepted as both valid and fair, then it is vitally important that those procedures not appear to unfairly "stack the deck" against the defendant. Even the mere impression of such a partiality would raise the specter of a "kangaroo court" with a predetermined outcome, the results of which would be disastrous to standing of the United States in the eyes of the outside world.

Another common critique of the Military Commission system is that they are not truly independent bodies. Harold Hongju Koh narrows the issue down more specifically in that:

"The President directs his subordinates to create Military Commissions, to determine who shall be tried before them, and to choose the finders of fact, law and guilt. Furthermore, commissioners are not independent judges, but usually military officers who are ultimately answerable to the Secretary of Defense and the President, who prosecute the cases." [14]

Koh's analysis further highlights the problems in presenting the Military Commission system as a fair and unbiased entity that is capable of rendering decisions that are palatable for all those concerned.

A third critique of the Military Commission system revolves around the controversy of the U.S. Naval Base at Guantanamo Bay, Cuba, and the rights of those detained there. When the Bush Administration established Military Commissions, the intention was to provide a forum whereby "enemy combatants" suspected of violating the Presidential Order would be detained, interrogated and tried. [15] The designation as an "enemy combatant" has subsequently allowed the U.S. to hold individuals in a "prisoner of war" status, which - according to applicable military statutes - allows the government to hold them until the cessation of hostilities. The lack of a foreseeable, agreed upon end to the conflict with Al-Qaeda directly affects the detainee's present and future status, since those detained will not be released in the foreseeable future. [16] The murkiness of the "enemy combatant" label, whether corrected in subsequent legislation or

not, has tainted the credibility of the Military Commission system and any eventual outcome will be met with a considerable level of skepticism.

U.S. District Courts

After Military Commissions, the other most logical option for bringing terrorism suspects to justice is through the U.S. Federal District Court system. The system is comprised of 11 circuits, which are further broken into 94 federal judicial districts. Like Military Commissions, the Federal District Court system has its proponents and opponents. Both feel strongly about using the system for trying terrorism cases. As above with the Military Commissions, I will briefly examine the pros and cons of why this system may or may not be best suited to deliver the justice sought in these terrorist cases.

The Case for U.S. District Courts

Among the most prominent reasons why district courts are the best avenue for terrorist prosecution is that it is a well-established system with a long track record of clear procedures and oversight. More specifically, the foundations of the district Court system were established by the country's founding fathers; these have essentially gone through a very rigorous vetting process and have been continually refined over the years.

The success of the district Courts has been well documented; several trials of individuals associated with the Al Qaeda network have already taken place in U.S. federal courts in connection with the 1993 World Trade Center bombing and the 1998 U.S. embassy bombings in Kenya and Tanzania. Convictions have been rendered in all of these trials, which produced significant evidence implicating Al Qaeda and Osama bin Laden in terrorist crimes. [17] In May 2008, James Benjamin and Richard Zabel released a white paper titled *In Pursuit of Justice: Prosecuting Terrorism Cases in the Federal Courts,* in which they reported about a comprehensive review of more than one hundred and twenty actual terrorism prosecutions dating back to the 1980s. One the basis of an analysis of their data collection they concluded that the federal system was well equipped to handle the prosecution of terrorism cases. A subsequent 2009 update to the report provided further supporting evidence:

> Statistical highlights included a 91.1% conviction rate for terrorism cases commenced after 9/11 and sentencing data showing that 89% of convicted terrorism defendants since 9/11 have been sentenced to imprisonment, including eleven life sentences and an average sentence of 100.98 months.[18]

The ability to sustain such a high success rate will inevitably present a much stronger case for continuing to utilize the District Court system to prosecute future terrorism cases - a success rate that the Military Commission system cannot claim for itself.

A federal criminal trial would also be a more prudent tool because it would guarantee the defendant due process rights that might not exist in a venue outside the United States. [19] Such due process rights help to ensure that a fair trial can take place under considerable public and international scrutiny. The U.S. Constitution guarantees such due process rights and any deviation from those rights would have to pass the examination of the Supreme Court before changes are made. Adhering to such rights would demonstrate to the world that the United States takes its obligations under international anti-terrorism conventions and protocols seriously. [20]

Another reason in favor of the Federal District Court system is due to its track record of fairness and impartiality. As a result, the court system would most likely have better success in obtaining the cooperation of foreign authorities in matters relating to the extradition of suspects, or in obtaining witnesses or evidence. [21] The international controversy surrounding the detentions at Guantanamo Bay and the use of Military Commissions has made other countries increasingly reluctant to be party to a venue with such negative connotations. The Federal District Court system has shown to the international community through past prosecutions of international criminals that justice can be delivered in a fair and impartial way.

A common complaint of the U.S. District Court system is its inability to protect classified information. However, the courts have decades of experience in dealing with confidential materials. Most notably, the Classified Information Procedures Act (CIPA) allows courts to filter out any classified information that is not strictly necessary to the resolution of the disputed issues in the case. [22]CIPA has further proven to be a successful instrument for enabling prosecutions that involve national security information to proceed in a manner that is both fair to the defendant and protective of the sensitive national security intelligence information. [23] The use of U.S. District Court is, however, not without its own challenges and these cannot be dismissed from consideration when examining which is the best venue.

The Case against U.S. District Courts

The manner in which many of the terrorism suspects were taken into custody and their subsequent interrogations might dissuade someone from being in favor of choosing the U.S. District Court as the most appropriate venue. There may be difficulties translating what may have originally been obtained as intelligence information (which is often based upon rumors and hearsay) into evidence that would be admissible in court. The United States court system enables constitutionally mandated safeguards that ensure a defendant's rights. As a result, terrorism suspects must be afforded those protections to the same extent as to any other defendant in a

criminal trial. There is, however, apprehension that individuals such as KSM might stand the chance of being found not guilty and potentially set free - a result that would likely produce a tremendous backlash from the American public.

In an October 2009, in a *Wall Street Journal* article, former U.S. Attorney General Michael Mukasey highlighted some additional challenges in trying terrorism suspects in a U.S. District Court. He specifically refered to the 1995 prosecution of Sheik Omar Abdel Rahman (a.k.a. the Blind Sheik) as an example of potential difficulties. Specifically, he stated that in this instance, the government was required to disclose the identity of all known conspirators, regardless of whether they were charged as defendants. [24] As Mukasey goes on to point out, one of those co-conspirators was Osama bin Laden; the subsequent release of that information would have alerted him of the U.S. interest in his activities and those of some of his colleagues. [25]

Mukasey also highlighted in the article his concern over public testimony in the court. He related that under diligent questioning by a defense counsel,

> They could elicit evidence about means and methods of evidence collection that have nothing to do with the underlying issues in the case, but which can be used to press government witnesses to either disclose information they would prefer to keep confidential or make it appear that they are concealing facts." [26].

The proper safeguarding of intelligence collection sources and methods is of paramount concern given the United States' difficulty in cultivating valuable intelligence sources within various terrorist networks. Even the slightest possibility that such sources would be compromised certainly gives pause for concern.

Among the other issues that give pause for concern are those surrounding the security that would potentially be required to safeguard the court procedings. It is not just the physical security of the building and surrounding area but also the potential safety concerns surrounding the judge and jurors. There would be the distinct possibility that those individuals would be at risk of future attack by terrorist organizations or individuals. The resulting requirements for their safety would be daunting to an already overburdened criminal justice system. There is no disputing that the local, state and federal law enforcement agencies would be quite capable of pulling it off. However, the strain it would place on their resources would be extreme. Certainly in terms of manpower, the military would have the edge in its ability to provide adequate protection for an extended period of time at a fraction of the costs.

The U.S. District Court system has so far been very successful in prosecuting terrorism suspects; however, their true test would be the trial of individuals such as KSM and other top al Qaeda

leadership. One issue that has not been discussed here – and which would merit a separate discussion – is the problem of evidence allegedly obtained from suspects by means of torture. Especially civilian courts might find this issue hard to deal with.

Conclusion

In the end, only time and hindsight will tell which venue is the most appropriate to try terrorism suspects. The Obama Administration intends to try its first subject before a Military Commission in the near future and that trial of Omar Khadr, a now 23 year old man, captured at the age of 15 in Afghanistan and held at Guantanamo Bay for the past 8 years, will be an interesting test case in which the international community will surely be watching as this case involves a child soldier and prosecuting children for serious crimes is controversial. [27] Yet the U.S. government cannot afford to falter in the eyes of the American public and its foreign allies and all those whose support it needs to continue the fight against terrorism. It is important that the country adheres to its founding principles and does not compromise its ideals in the pursuit of justice. Whichever venue is chosen, no one can dispute that the United States must ultimately succeed in bringing justice upon those who brought such harm to this country.

The stage is set for a historic series of events to unfold, the ramifications of which will likely be felt for years to come. The importance of these trials is unprecedented as they also represent the voices of the victims of 9/11 and their families. As a nation, we cannot afford to fail them.

About the author: Joshua T. Bell *is a Special Agent with the United States Naval Criminal Investigative Service (NCIS) in Washington, D.C. The opinions expressed in this article are those of the author and do not represent any entity of the Department of Defense or other U.S. government agency.*

Notes

[1] Scott L. Silliman. 'Prosecuting Alleged Terrorists By Military Commission: A Prudent Option'. *Case Western Reserve Journal of International Law,* Vol. 42, No. 1, 2009, pp. 290-296 [http://www.case.edu/orgs/jil/vol.42.1.2/42_Silliman.pdf]

[2] Robert S. Litt, Wells C. Bennett. Better Rules for Terrorism Trials, *Counterterrorism and American Statutory Law,* No. 7, Brookings Institution, 8 May 2009, pp. 3-16 . [http://www.brookings.edu/papers/2009/0508_terrorism_litt_bennett.aspx].

[3] Tova Andrea Wang. The Military Tribunals Debate, The Century Foundation Issue Brief Series, pp. 2. [http://www.tcf.org/Publications/HomelandSecurity/wang-tribunals.pdf].

[4] Christopher M. Evans. 'Terrorism On Trial: The President's Constitutional Authority to Order the Prosecution of Suspected Terrorists by Military Commission'. *Duke Law Journal,* Vol. 51, No. 6, April 2002, pp. 1845. [http://www.law.duke.edu/shell/cite.pl?51+Duke+L.+J.+1831].

[5] Chr. Evans, op. cit., p. 1846.

[6] Jennifer Elsea. 'Terrorism and the Law of War: Trying Terrorists as War Criminals before Military Commissions'. *CRS Report for Congress*, December 11, 2001, pp. 30, Defense Technical Information Center, http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA452888

[7] S.L. Silliman, op. cit., p. 294.

[8] Idem, p. 294.

[9] Jessica Zarrella. 'Why the Traditional First Amendment Right to a Public Trial Cannot be Applied to Military Tribunals'. *CommLaw Conspectus,* Vol. 14, 2005, p. 269. [http://commlaw.cua.edu/articles/v14/Zarrella.pdf].

[10] S.L. Silliman, op. cit., p. 294.

[11] J. Zarrella, op. cit., p. 269.

[12] R.S. Litt and W. C. Bennett, op. cit., p. 9.

[13] J. Elsea, op. cit., p. 34.

[14] Harold Hongju Koh. 'The Case Against Military Commissions'. *The American Journal of International Law,* Vol. 96, No. 2, April 2002, pp. 339. [http://jthomasniu.org/class/Stuff/PDF/milcom.pdf].

[15] Amos N. Guiora. 'Where are Terrorists to be Tried: A Comparative Analysis of Rights Granted to Suspected Terrorists'. *Catholic University Law Review,* Vol. 56, No.2, Case Research Paper Series in Legal Studies, Working Paper 07-13, March 2007, pp. 12. [http://papers.ssrn.com/sol3/papers.cfm?abstract_id=977259].

[16] Idem, p.15.

[17] David Scheffer. 'Options for Prosecuting International Terrorists'. United States Institute of Peace Special Report, November 14, 2001, pp. 5-6. [http://www.usip.org/files/resources/sr78.pdf].

[18] James J. Benjamin, Jr. 'In Pursuit of Justice: Prosecuting Terrorism Cases in Federal Courts, 2009 Update and Recent Developments'. *Case Western Reserve Journal of International Law,* Vol. 42, No. 1, 2009, pp. 270. [http://www.case.edu/orgs/jil/vol.42.1.2/42_Benjamin.pdf].

[19] D. Scheffer, op. cit., p. 6.

[20] Ibid.

[21] Detlev F. Vagts,. 'Which Courts Should Try Persons Accused of Terrorism?' *European Journal of International Law.* Vol. 14, No. 2, 2003, p. 316. [http://www.ejil.org/pdfs/14/2/417.pdf].

[22] Stephen J. Schulhofer. Prosecuting Suspected Terrorists: The Role of the Civilian Courts'. *Advance: The Journal of the ACS Issue Groups,* Vol. 2, No. 2, Fall 2008, p. 64. [http://www.acslaw.org/files/Prosecuting-Suspected-Terrorists.pdf].

[23] Ibid.

[24] Michael B. Mukasey. 'Civilian Courts Are No Place to Try Terrorists'. *Wall Street Journal Online,* October 19, 2009. [http://online.wsj.com/article/SB10001424052748704107204574475300052267212.html].

[25] Ibid.

[26] Ibid.

[27] Peter Finn. Former boy soldier, youngest Guantanamo detainee, heads toward military tribunal, *The Washington Post,* February 10, 2010. [http://www.washingtonpost.com/wp-dyn/content/article/2010/02/09/AR2010020904020.html].

Letter to the Editor

by David Yerushalmi

I just read the article "Using the Qur'an to Justify Terrorist Violence: Analysing Selective Application of the Qur'an in English-Language Militant Islamist Discourse," by Donald Holbrook (http://www.terrorismanalysts.com/pt/index.php?option=com_rokzine&view=article&id=117&Itemid=54).

The article is based on a grievous misconception about how the Quran is applied to Islamic normative dictates and the translation of these dictates to praxis. The author appears to be guided by the principle that if he can show that Al -Qaeda and its offshoots don't follow the Quranic verses of war literally, the counter-narrative propaganda effort can show these so-called jihadists to be "dishonest and hypocritical" - the author's words - and discredit them among the population of potential recruits and of supporters.

The entire article is a self-selection of war-like verses quoted by al Qaeda types and an effort by the author to show how these quotes have been abused.

Unfortunately, the author appears to have no understanding of how a juridical religion like Islam (akin to Judaism) applies Scriptural text through the filter of theological jurisprudence to arrive at legal and normative mandates for behaviour. Thus, not once in the article does the author reference or even suggest the role of *usul al fiqh*—the accepted science of jurisprudence of *Sharia*. Specifically, he treats the verses of the Quran as if their meaning for praxis or normative instructions on how a Muslim engages the infidel is somehow self-evident. This is of course absurd. Scripture in and of itself is absolutely meaningless and can be interpreted in as many ways as there are followers who wish to self-interpret.

What matters in juridical religions like Judaism and Islam is not the apparent meaning of the verses (like: "an eye for an eye"), but the meaning as *required* by the law - in Judaism: *Halacha*; in Islam: *Sharia*. A specific example of the author's wholesale failure to understand the distinction between dogma, Scriptural exegesis, and praxis in juridical religions is the typical retreat to "Old Testament" violence. He writes:

> "Fragmented elements endorsing violence are not unique to the Qur'an of course. Sections of the Bible and the Old Testament in particular, for example, contain vivid descriptions of bloodshed celebrated for its divine purpose. For instance, the Old Testament displays scant tolerance for 'idolaters', e.g. in sections of Deuteronomy where believers are commanded to: 'pull down their altars, break their sacred pillars, hack down their sacred poles and destroy their idols by fire' (7:5-6). Similar

condemnation of idolatry in the Qur'an forms the foundation of one of the more popular verses used to justify violence: *At-Taubah* (9): 5 ('the verse of the sword', see below). Numerous other commands and accounts of the Old Testament similarly glorify and legitimise violence.[11] 'Islamic activism is not', as Quintan Wiktorowicz reminds us, '*sui generis*.'"

Footnote 11 is a long list of Scriptural examples of the Old Testament's violent bent:

[11] The Book of Joshua, for instance, describes how, acting on the commands of Moses whose orders in turn were passed down from God, Joshua's conquest took prisoner the kings of the enemies and 'struck them down and put them to death' (20:18) since 'they should be annihilated without mercy and utterly destroyed, as the LORD had commanded Moses' (20:20). Consider also the ruthlessness of war as explained in God's laws delivered by Moses (in Deuteronomy), e.g.: When you advance on a city to attack it, make an offer of peace. If the city accepts the offer and opens its gates to you then all the people in it shall be put to forced labour and shall serve you. If it does not make peace with you but offers battle, you shall besiege it, and the LORD your God will deliver it into your hands. You shall put all its males to the sword, but you may take the women, the dependants, and the cattle for yourselves, and plunder everything else in the city' (20:10-14) and 'In the cities of these nations whose land the LORD your God is giving you as a patrimony, you shall not leave any creature alive' (20:20:16) (*The New English Bible: The Old Testament* Oxford University Press, Cambridge University Press. 1970).

For better or for worse, no observant or "Orthodox" Jew who takes the Torah seriously would read the Book of Joshua as a normative mandate for conducting war. From the time of the *Mishna*, through the *Talmud*, and including the "*poskim* of the *achronim*" (the contemporary Jewish legal scholars), the Book of Joshua (as with all of the "Old Testament") has never been understood legally to be the manual on how to fight wars. While some of these Scriptural verses are cited by the legal scholars of old and new to arrive at a jurisprudentially sound *halachic* decision, the verses themselves are patently meaningless without the Talmudic jurisprudence as a filter.

This is just as true for the Quran and for the *Hadith* of the *Sunna*, which make up the foundational canon of *usul al-fiqh* - Sharia's own jurisprudence. To read the verses of the Quran and to argue that al Qaeda has misunderstood them is utterly irrelevant if not trite. The question is whether al Qaeda has interpreted those verses as a matter of law - Sharia - in accord or not with the ijma or consensus rulings of the leading ulema - whether of the *Salaf* type or one of the specific *maddhahib*.

This article demonstrates nothing more than a fundamental misunderstanding of the enemy threat doctrine.

David Yerushalmi
Washington, DC

Response to David Yerushalmi

by Donald Holbrook

The writer of this 'Letter to the Editor' misses the point of my article entirely. As was clearly stated, the article did not intend to dissect the Quran itself (or any other religious texts for that matter) nor did it intent to assess the merit of jurisprudential and related debates and their application to real life. The focus was on ideological use of the textual material to glorify violence and propaganda.

It is a fact that radical websites, publishing networks and related media are increasingly popular and growing in number. These channels – rather than scholarly jurisprudence - act as *filters*. Jihadist ideologues use Scriptural passages to design a package of argumentation, mixing grievances and isolated elements from religious debates to concoct a narrative designed to generate further support for militant Islamism. Many of the key propagandists and actors involved have no particular training in religious and jurisprudential argumentation traditions. The article I wrote focuses on *these mainly web-based filters* and the ideologues' efforts to translate the militant narrative into English with particular attention to influence a potentially receptive audience in the UK. The fact that the Qur'an is quoted out of context in these texts is recognized, including in sources quoted in the article. However, David Yerushalmi, the writer of this 'Letter to the Editor' appears more concerned with de-linking and defusing possible parallels between Islamic texts and passages from the Old Testament than with the uses and abuses of Quranic verses by salafi jihadists and their ideological followers.

Donald Holbrook
St. Andrews

Book Review

Camille Tawil. Brothers in Arms: The Story of Al-Qaʻida and the Arab Jihadists
London: Saqi, 2010. Translated by Robin Bray. 208 pp. £14.99/ $18.95. ISBN:
9780863564802 (pbk).

Reviewed by Richard Phelps

The story of Osama bin Laden's life is well known, yet a narrow focus on his own itinerary and
that of his followers too often overlooks a wider a trend among Islamist militants during the
1990s. Al-Qaʻida's history is inseparable from its associates, argues Camille Tawil. His book
rightly places the group in a wider context of Islamist militancy in the wake of the Soviet defeat
in Afghanistan. Al-Qa'ida was not the only post-Afghan group to emerge and in this fascinating
account Tawil recounts the histories of its Algerian, Egyptian, and Libyan *Brothers in Arms*. It is
essential reading for anyone wishing to understand the wider revolutionary generation of which
al-Qaeda is part.

Tawil is well-placed to do so. For decades, this Lebanese journalist has reported from London on
the activities of North African Islamist groups in the Arabic newspaper *al-Hayat*. Throughout the
'Londonistan' era, Tawil gained the trust of, and access to, many insider sources completely
unattainable to most Western journalists. It clearly payed off; his book traces the groups of Arab
volunteers who had fought in Afghanistan as they coalesced into militant groups dedicated to
continuing their struggle and overthrowing the authoritarian Arab regimes that many of their
members had earlier had to flee from. Tawil hops nimbly between the Egyptian, Libyan and
Algerian experiences of the jihad and allows his interviewees to do much of the talking.

Algeria during the 1990s in many ways offered a template that the conflict in Iraq came to echo
in the 2000s. Many Muslims were outraged by the incumbent military regime's cancellation of
elections that had seen it trounced by its Islamist opposition in the first round and before that at
the municipal level. As rioting and repression led to a chaotic insurgency, the scale of butchery
and massacres came to repulse the bulk of those who had initially been sympathetic to the
violence. Tawil details the ins and outs of the Algerian struggle from the perspective of the
militants and highlights the fratricidal spats between the different Islamist militants and factions.

The Libyan experience of Islamism is the least well known. Not only is Libya an understudied
state; the bulk of attention has previously focused on Colonel Gaddafi as an Islamist and a
dissenter, rather than the target of Islamist dissent. For the first time here, Tawil outlines the
history of the Libyan Islamic Fighting Group (LIFG): from Afghanistan, to Sudan, to Libya and
London and finally back to Afghanistan. Its uprising was crushed, and its attempts to kill
Gaddafi failed, and the group continued to limp on in exile.

Tawil's focus in all three case studies is on the violent end of the Islamist spectrum, but his account does not suffer for it. The Egyptian and Algerian jihads have both been examined on their own terms previously, but Tawil places both conflicts in a wider context of uprising. In a number of places the book revises the familiar history of international Islamist militancy, many of which will surprise the less-immersed. By far its strongest feature is the level of detail Tawil is able to bring from the accounts of militants themselves. Shedding light on this revolutionary generation, in one passage he cites a seasoned former Libyan militant who tells of another Libyan who was travelling on a false Tunisian passport but awkwardly forgot the name that was written on it when he was stopped and questioned by a Sudanese policeman (p.94).

Brothers in Arms is a much-condensed and updated translated version of Tawil's Arabic book *Al-Qa'ida and its Sisters*. Though much detail has been lost in the cuts from the original, this book nevertheless remains a hugely valuable source for the level of detail it brings from those who experienced the events described. However, its' closing chapter on the jihad in Iraq, Saudi Arabia, and the Maghreb post-9/11 is too cursory, and examines neither context in sufficient depth to do them justice. Like most revolutionaries, the militants Tawil describes did not gain power. An interesting postscript though, is in the book's final pages where he charts several of the groups' recantations and reconciliations with the ruling regimes. Wisely though, he ends on a cautionary note, since the power structures that such groups sought to uproot remain firmly entrenched.

Richard Phelps *is a Research Fellow at the Quilliam Foundation (London). He focuses on the history and development of Islamist dissent in the Arabic world.*

Selected Literature on Human Rights and Terrorism

Monographs, Edited Volumes, Grey Literature and Prime Articles published since 2001, selected by **Eric Price** (Professional Information Specialist)

NB: some of the items listed below are clickable and allow access to the full text; those with an asterix [*] only have a clickable table of contents

Amnesty International (A.I.) (2005). *Cruel. Inhuman. Degrades Us All. Stop Torture and Ill-treatment in the 'War on Terror'.* London: Amnesty International.

Ball, K. & Webster, F. (Eds.) (2003). *The Intensification of Surveillance: Crime, Terrorism and Warfare in the Information Age.* London: Pluto Press.
[* http://www.loc.gov/catdir/toc/ecip042/2003007463.html]

Baravalle, G. (Ed.) (2003). *Rethink: Cause and Consequences of September 11.* New York: de.MO. [* http://www.loc.gov/catdir/enhancements/fy1007/2003092215-d.html]

Barnidge, R. Jr. (2008). *Non-state Actors and Terrorism: Applying the Law of State Responsibility and the Due Diligence Principle.* The Hague: T.M.C. Asser Press.
[*http://www.loc.gov/catdir/enhancements/fy0834/2008271058-t.html]

Behera, A. D. (2008). *Violence, Terrorism, and Human Security in South Asia. Dhaka, Bangladesh Institute of International and Strategic Studies: University Press.*

Benedek, W. et al. (2010). *Transnational Terrorism, Organized Crime and Peace-building: Human Security in the Western Balkans.* New York: Palgrave Macmillan.

Benedek, W. & A. Yotopoulos-Marangopoulos (Eds.) (2004). *Anti-terrorist Measures and Human Rights.* Leiden, Boston: M. Nijhoff
[* http://www.loc.gov/catdir/toc/fy052/2004304610.html].

Bhutto, B. (2008). *Reconciliation: Islam, Democracy, and the West.* New York: Harper.

Bingham, T. H. (2010). *The Rule of Law.* London; New York, Allen Lane.

Bianchi, A. & A. Keller. (Eds.) (2008). Counterterrorism: *Democracy's Challenge.* Portland OR., Hart.

Brenkman, J. (2007). *The Cultural Contradictions of Democracy: Political Thought Since September 11*. Princeton: Princeton University Press.
[*http://www.loc.gov/catdir/toc/ecip0711/2007007659.html]

Bronner, S.E. (2005). *Planetary Politics: Human Rights, Terror, and Global Society*. Lanham, Md.: Rowman & Littlefield.
[* http://www.loc.gov/catdir/toc/ecip0421/2004017766.html]

Brysk, Alison A. & G. Shafir (Eds.) (2007). *National Insecurity and Human Rights: Democracies Debate Counterterrorism*. Berkeley, University of California Press.
[* http://www.loc.gov/catdir/toc/ecip0717/2007018438.html].

Bullard, A. (Ed.) (2008). *Human Rights in Crisis*. Aldershot, U.K.Burlington, VT : Ashgate. [* http://www.loc.gov/catdir/toc/fy0804/2007041400.html].

Burbach, R. (2003) *The Pinochet Affair: State Terrorism and Global Justice*. London, New York: Zed Books. [*http://www.loc.gov/catdir/toc/fy0708/2003049701.html].

Butler, C. (Ed.) (2007). *Guantanamo Bay and the Judicial-Moral Treatment of the Other*. West Lafayette, Ind.: Purdue University Press: Published in cooperation with the Institute for Human Rights, Indiana University-Purdue University Fort Wayne.
[* http://www.loc.gov/catdir/enhancements/fy0806/2006026145-b.html].

Cahill, K.A. (Ed.) (2003). *Traditions, Values, and Humanitarian Action*. New York: Fordham University Press and The Center for International Health and Cooperation.
[*http://www.loc.gov/catdir/toc/ecip042/2003007550.html].

Christie, K. (2008). *America's War on Terrorism: the Revival of the Nation-state Versus Universal Human Rights*. Lewiston: Edwin Mellen Press.
[*http://www.loc.gov/catdir/toc/ecip0818/2008020619.html]

Clemens, C. N. (Ed.) (2010). *Current Issues in Human Rights and International Relations:Papers from the Clemens Nathan Research Centre*. Leiden, Boston: M. Nijhoff Publishers.

Cohen, D.B. & J. W. Wells (Eds.) (2004). *American National Security and Civil Liberties in an Era of Terrorism*. New York: Palgrave Macmillan.
[* http://www.loc.gov/catdir/toc/hol041/2003065607.html].

Cohen-Almagor, R. (Ed.) (2005) *Israeli Democracy at the Crossroads*. London: Routledge.

Chopra, V.D. (Ed.) (2002). *Global Challenge of Terrorism.* New Delhi, Gyan Pub. House. [* http://www.loc.gov/catdir/toc/fy0711/2002302365.htm].

Crotty, W. (Ed.) (2005). *Democratic Development & Political Terrorism: the Global Perspective.* Boston: Northeastern University Press.

Cubilié, A. (2005). *Women Witnessing Terror: Testimony and the Cultural Politics of Human Rights.* New York: Fordham University Press.
[*http://www.loc.gov/catdir/toc/ecip059/2005006684.html].

Daalder, I.H. (Ed.) (2007). *Beyond Preemption: Force and Legitimacy in a Changing World.* Washington, D.C., Brookings Institution Press.
[* http://www.loc.gov/catdir/toc/ecip0716/2007015792.html].

David, M.K. (Ed.) (2007) *Language & Human Rights: Focus on Malaysia*. Serdang: Universiti Putra Malaysia Press.

Dickson, B. (2010). *The European Convention on Human Rights and the Conflict in Northern Ireland* ., Oxford: Oxford University Press.

Donnelly, J. (2007). *International Human Rights.* Boulder, Colorado: Westview Press.
[*http://www.loc.gov/catdir/toc/ecip0613/2006015002.html].

Foot, R. (2004). *Human Rights and Counter-terrorism in America's Asia Policy.* Oxford: Oxford University Press for the International Institute for Strategic Studies. [*http://www.loc.gov/catdir/enhancements/fy0637/2004380266-t.html].

Fletcher, L.E. , E. Stover, S. P. Smith et al. (2009). *The Guanta´namo Effect: Exposing the Consequences of U.S. Detention and Interrogation Practices.* Berkeley: University of California Press.

Freedman, J. (2008). *America Debates Civil Liberties and Terrorism.* New York: Rosen Central.
[*http://www.loc.gov/catdir/toc/ecip0712/2007008692.html].

Freilich, J.D. & B.T. Guerette. (2006). *Migration, Culture Conflict, Crime, and Terrorism.* Aldershot, Hants: Ashgate.

[* http://www.loc.gov/catdir/toc/ecip069/2006005842.html]
Gaur, M. (Ed.) (2003). *Terrorism and Human Rights*. New Delhi: Anamika Publishers & Distributors.

Gehring, V.V. (Ed.) (2003). *War After September 11*. Lanham, MD., Rowman & Littlefield Publishers.

Ginger, A.F. (Ed.) (2005). *Challenging US Human Rights Violations Since 9/11*. Amherst, N.Y.: Prometheus Books. [*http://www.loc.gov/catdir/toc/ecip054/2004027189.html].

Greenberg, K.J. (Ed.) (2006). *The Torture Debate in America.* Cambridge: Cambridge University Press. [*http://www.loc.gov/catdir/toc/ecip0517/2005022921.html].

Gushee, D.P. , J.H. Zimmer. & J. Drew. (Eds.) (2010) *Religious Faith, Torture, and Our National Soul.* Macon, GA., Mercer University Press.

Hancock, J. (2007) *Human Rights and US Foreign Policy.* London; New York: Routledge. [*http://www.loc.gov/catdir/toc/ecip075/2006038905.html].

Human Rights Watch (2003). *Burundi: Everyday Victims: Civilians in the Burundian War*. New York: Human Rights Watch.

Imobighe, T.A. & A.N.T. Eguavoen (Eds.) (2006). *Terrorism and Counter-terrorism: an African Perspective.* Ibadan, Nigeria, Heinemann Educational Books.

International Council on Human Rights Policy (2002). *Human Rights After September 11* Versoix: International Council on Human Rights Policy.

Kassimeris, H. (Ed.) (2006) *Warrior's Dishonour: Barbarity, Morality and Torture in Modern Warfare.* Aldershot: Ashgate. [*http://www.loc.gov/catdir/toc/ecip0617/2006021139.html].

Kick, R. (Ed.) (2001). *You Are Being Lied To: the Disinformation Guide to Media Distortion, Historical Whitewashes and Cultural Myths*. New York: Disinformation Co.

Langwith, J. (Ed.) (2008). *Human Rights*. Detroit, Mich.: Greenhaven Press. [* http://www.loc.gov/catdir/toc/fy0803/2007029035.html].

Lenin, N. (Ed.) (2005) *Valley of Death: Three Years of BNP-Jamat Tyranny: Misrule, Terror, Fear, Corruption & Violation of Human Rights.* Dhaka: Information & Research Dept., Bangladesh Awami League.

MacDonald, D. B. , R.G. Patman & M. Mason-Parker (Eds.) (2007). *The Ethics of Foreign Policy.* Aldershot: Ashgate. [*http://www.loc.gov/catdir/toc/ecip078/2007001511.html].

Madiwale, A. (Ed.) (2007). *Rise of Fascism in India: Voices Beneath the Ashes, Victims of Communal Violence Speak.* [Report of the Independent People's Tribunal on the Rise of Fascist Forces and the Attack on the Secular State, March 20-22, 2007] New Delhi: Human Rights Law Network.

Makokha, K. & G. Godwin Murunga (Eds.) (2010). *Upholding Human Rights in Counter-terrorism: What Role for Non-state Actors?* [Proceedings of a regional conference report held in Nairobi, May 11-12, 2009] Nairobi: Muslim Human Rights Forum, Kenya Human Rights Institute.

Menjívar, C & N. Rodríguez (Eds.) (2005). *When States Kill: Latin America, the U.S., and Technologies of Terror*. Austin: University of Texas Press. [*http://www.loc.gov/catdir/toc/ecip0422/2004019668.html].

Narang, A.S. & P. Srivastava (Eds.) *Terrorism: the Global Perspective.* New Delhi: International Institute for Non-Aligned Studies, Kanishka Publishers, Distributors. [*http://www.loc.gov/catdir/toc/fy031/2001413773.html].

Netherlands Helsinki Committee/IKV (2007). *Two Kingdoms in Turmoil: Migration, Human Rights and Terrorism in Morocco and the Netherlands*. The Hague: Netherlands Helsinki Committee.

Okumu, W. & A. Botha. (Eds.) (2008). *Understanding Terrorism in Africa. Building Bridges and Overcoming the Gaps.* Pretoria: Institute for Security Studies.

Pelly, G. (Ed.) (2009). *State Terrorism: Torture, Extra-judicial Killings, and Forced Disappearances in India*. [Report of the Independent People's Tribunal, 9-10 February 2008]. New Delhi: Human Rights Law Network.

People's Union for Democratic Rights (2006). *When the state makes war on its own people: a report on violation of people's rights during the Salwa Judum campaign in Dantewada, Chhattisgarh.* Delhi: People's Union for Democratic Rights.

Reichberg, G.M. , H. Syse, & B. Endre (Eds.) (2006).   *The Ethics of War: Classic and Contemporary Readings.* Malden, MA. Oxford, Blackwell Pub.

Roberts, D. (Ed.) (2007). *Just War: Psychology and Terrorism.* Ross-on-Wye, U.K.: PCCS Books.

Rollings-Magnusson, S. (Ed.) (2009). *Anti-terrorism: Security and Insecurity after 9/11* Halifax, Fernwood Pub.

Rotberg, R. I. (Ed.,) (2009). *Corruption, Global Security, and World Order.* Washington, D.C., Brookings Institution Press.

Salter, M.B. (Ed.) (2010). *Mapping Transatlantic Security Relations: the EU, Canada, and the War on Terror.* Milton Park, Abingdon, Oxon: Routledge.

Shen, S. (Ed.) (2007). *China and Antiterrorism.* New York: Nova Science Publishers [* http://www.loc.gov/catdir/toc/ecip0616/2006021418.html].

Sherman, D.J. & Nardin, T. (Eds.) (2006). *Terror, Culture, Politics: Rethinking 9/11.* Bloomington: Indiana University Press. [*http://www.loc.gov/catdir/toc/ecip0513/2005014173.html].

Skelly, J.M. (Ed.) (2010) *Political Islam from Muhammad to Ahmadinejad: Defenders, Detractors, and Definitions.* Santa Barbara, Calif., Praeger Security International.

Smith, T. & H. van der Linden. (Eds.) (2006) *Philosophy Against Empire.* Charlottesville, Va.: Philosophy Documentation Center.

Soohoo, C. , C. Albisa, & M.F. Davis (Eds.) (2009). *Bringing Human Rights Home: a History of Human Rights in the United States.* Philadelphia: University of Pennsylvania Press.

Stephens, A. & R. Walden (Eds.) (2006). *For the Sake of Humanity: Essays in Honour of Clemens N. Nathan.* Leiden, Boston: Martinus Nijhoff. [* http://www.loc.gov/catdir/toc/fy0801/2006281302.html].

Tinnevelt, R. & G. Verschraegen (Eds.) (2006). *Between Cosmopolitan Ideals and State Sovereignty: Studies in Global Justice.* Basingstoke: Palgrave. Macmillan. [* http://www.loc.gov/catdir/enhancements/fy0703/2006043610-t.html].

Van Baarda, T.A. & D.E.M. Verweij (Eds.) (2009). The Moral Dimension of Asymmetrical Warfare: Counter-terrorism, Democratic Values and Military Ethics. Leiden, Boston: Martinus Nijhoff.

Tsang, S. (Ed.) (2007). *Intelligence and Human Rights in the Era of Global Terrorism*. Westport, Conn., : Praeger Security International. [* http://www.loc.gov/catdir/toc/ecip0620/2006028572.html].

Vogel. B, R. Dolzer. R & M. Herdegen (Eds.) (2005). *After the Iraq War: the Future of the UN and International Law.* New Delhi, Social Science Press. [* http://www.loc.gov/catdir/toc/fy0707/2005389855.html].

Weinberg. L. (Ed.) (2008). *Democratic Responses to Terrorism.* New York: Routledge. [* http://www.loc.gov/catdir/toc/ecip0725/2007034645.html].

Weiss, T.G. , M.E. Crahan & J. Goering (Eds.) (2004). *Wars on Terrorism and Iraq : Human Rights, Unilateralism, and U.S. Foreign Policy.* New York: Routledge. [*http://www.loc.gov/catdir/toc/ecip049/2003021057.html].

Wilson, R. A. (Ed.) (2005). *Human Rights in the War on Terror.* Cambridge: University Press [* http://www.loc.gov/catdir/toc/ecip0512/2005013325.html].

Grey Literature

Australian Human Rights Commission (2008). *A Human Rights Guide to Australia's Counter-terrorism Laws*. Sydney: Australian Human Rights Commission. [http://www.hreoc.gov.au/pdf/legal/publications/counter_terrorism.pdf].

Ball, M. (2004). *Terrorism, Human Rights, Social Justice, Freedom and Democarcy; Some Considerations for the Legal and Justice Professionals of the 'Coalition of the Willling'.* Brisbane, (Australia): Queensland University of Technology (QUT). [http://www.law.qut.edu.au/ljj/editions/v4n2/pdf/Ball.pdf].

Chaskalson, A. (2007). *The Widening Gyre: Counter-terrorism, Human Rights and the Rule of Law.* Cambridge (U.K): University of Cambridge. [http://www.cpl.law.cam.ac.uk/The%20Widening%20Gyre.pdf].

Commonwealth Human Rights Initiative (CHRI) (2007). *Stamping Out Rights.* New Delhi, India. [http://www.humanrightsinitiative.org/publications/chogm/chogm_2007/chogm_report_2007.pdf].

Conte, A. (2008). *Handbook on Human Rights Compliance While Countering Terrorism.* Washington & New York: Center on Global Counterterrorism Cooperation. [http://www.globalct.org/images/content/pdf/reports/human_rights_handbook.pdf].

Council of Europe. (2002). *Guidelines on human rights and the fight against terrorism.* Strasbourg. [http://www1.umn.edu/humanrts/instree/HR%20and%20the%20fight%20against%20terrorism.pdf] .

Cooper, Jonathan (2007). *Countering Terrorism, Protecting Human Rights; a Manual*. Warsaw, OSCE/ODHIR.
[http://www.osce.org/publications/odihr/2007/11/28294_980_en.pdf].

Crossman, G. & J. Russell (2006). *Liberty's response to Lord Carlile's review of the definition of terrorism.* London, Liberty.
[http://www.liberty-human-rights.org.uk/pdfs/policy06/response-to-carlile-review-of-terrorism-definition.pdf].

Heinz, W.S. & J.M. Arend. (2005) *The International Fight against Terrorism and the Protection of Human Rights.* German Institute for Human Rights, Berlin, Germany.
[http://www.institut-fuer-Menschenrechte.de/uploads/tx_commerce/study_the_international_fight_against_terrorism_and_the_protection_of_human_rights.pdf].

Hicks, N. & M. McClintock (Eds.) (2005). *Reformasi & Resistance: Human Rights Defenders and Counterterrorism in Indonesia.* New York: Human Rights First.
[http://www.humanrightsfirst.org/defenders/pdf/reformasi-resist-052505.pdf].

Human Rights Council (2010). *Counter-terrorism and the Protection of Human Rights.* Berkeley, Cal.
[http://www.humanrightsadvocates.org/wp-content/uploads/2010/05/HRC13_Counter-terrorism_and_Human-Rights.pdf] .

Human Rights Watch (2003). *In the Name of Counter-Terrorism: Human Rights Abuse Worldwide.* New York: Human Rights Watch.
[http://iilj.org/courses/documents/HRW10CountrySurveyofConcernsaboutHumanRightsandCTCMeasures.pdf].

Norman, P. (2004). *The United Nations and Counter-terrorism After September 11: towards an assessment of the impact and prospects of counter-terror 'spill-over'*
into international criminal justice cooperation. British Society of Criminology Conference 6-9th July 2004, University of Portsmouth.

Office of the United Nations; High Commissioner for Human Rights. (2008) *Human Rights, Terrorism and Counter-terrorism.* Geneva: United Nations.
[http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf].

Organisation for Security and Cooperation in Europe (2007). *OSCE High-level Meeting on Victims of Terrorism: 13-14 September 2007, Vienna, Austria, Final Report.* Warsaw: OSCE ODIHR. [http://www.osce.org/documents/odihr/2008/02/29703_en.pdf].

Poelgeest Seminar (2007). *Counter-terrorism Strategies, Human Rights and International Law.* Grotius Centre for International Legal Studies of Leiden University. [http://media.leidenuniv.nl/legacy/Final%20Report%20Counter%20Terrorism%20Expert %20Seminar.pdf].

Thakur. R. (2006) .*International Terrorism and the United Nations.* [Shimane-Yamaguchi Global Seminar, 5–8 August 2006] [http://www.unu.edu/gs/files/2006/shimane/Thakur_text_en.pdf].

Thirteen/WNET (2002). *Justice & the Generals.* New York, Thirteen/WNET. [http://www.pbs.org/wnet/justice/].

U.K. Government (2007). *Counter-Terrorism Policy and Human Rights: 28 days, interception and post-charge questioning.* London, The Stationary Office. [http://www.official-documents.gov.uk/document/cm72/7215/7215.pdf].

United Nations (2009). *Protection of human rights and fundamental freedoms while countering terrorism.* [http://www.chrgj.org/projects/docs/A64211.pdf].

United Nations Counter-Terrorism Implementation Task Force (2008). *'The impact of terrorism and counter-terrorism measures on the enjoyment of economic, social and cultural rights (ESCR)'* [Expert Seminar. 5-7 November 2008, Geneva] [http://www.un.org/terrorism/pdfs/wg_protecting_human_rights.pdf].

United Nations High Commissioner for Human Rights (2007). *Human Rights, Terrorism and Counter-terrorism.* [Human Fact Sheet, #32) [http://www.ohchr.org/Documents/Publications/ Factsheet32EN.pdf].

Yasenchak, M.A. , J. Giglio, & M. Paxson (Eds.) (2006). *National Security and Human Rights.* [Conference proceedings: June 29, 2006 Moscow, Russian Federation.] Washington, D.C.: Kennan Institute, Woodrow Wilson International Center for Scholars. [http://www.wilsoncenter.org/topics/pubs/KI_G8.pdf].

Prime Journal Articles

Alonso, R. & F. Reinares (2005). Terrorism, Human Rights and Law Enforcement in Spain. *Terrorism and Political Violence* 17 (1-2, Winter), p. 265-278.

Awada, M. (2008). Pan-Arab Civil Organizations: The Arab Organization for Human Rights. *Contemporary Arab Affairs* 1 (4, October), pp.621 – 630.

Azarvana, A. (2010). Terror, Oil and Repression in Algeria. *The Journal of North African Studies* 15 (2, June), pp.231 – 253.

Barak, A. (2008). Human Rights in Times of Terror - a Judicial Point of View. *Legal Studies* 28 (4, December), pp.493-505.

Bates, Ed. (2009). Anti-terrorism Control Orders: Liberty and Security still in the Balance. *Legal Studies* 29, (1, March), pp. 99-126.

Bianchi, A. (2006) Assessing the Effectiveness of the UN Security Council's Anti-terrorism Measures: The Quest for Legitimacy and Cohesion. *European Journal of International Law* 17 (5, 15 November), pp. 881-919.

Bianchi, A. (2006). Security Council's Anti-terror Resolutions and their Implementation by Member States. *Journal of International Criminal Justice* 4,(5, 1 November), pp. 1044-1073.

Cousins, M. (2008) Asset Freezing, Social Security, and Human Rights. *King's Law Journal* 19 (2), pp. 402-412.

Cohen, H. & R. Dudai (2005). Human Rights Dilemmas in Using Informers to Combat Terrorism: The Israeli-Palestinian Case. *Terrorism and Political Violence* 17 (1-2, -2/Winter), pp. 229-243.

Croissant, A. (2007). Muslim Insurgency, Political Violence, and Democracy in Thailand *Terrorism and Political Violence* 19 (1, March), pp.1 – 18.

Dahlmana, C. & G.O. Tuathailb (2005). The Legacy of Ethnic Cleansing: The International Community and the Returns Process in post-Dayton Bosnia–Herzegovina. *Political Geography* 24 (5, June), pp. 569-599.

Devji, F, (2009) The Terrorist as Humanitarian. *Social Analysis* 53 (1, Spring), pp. 173-192.

Draghicia, C. (2009). International Organisations and Anti-terrorist Sanctions: no Accountability for Human rights Violations? *Critical Studies on Terrorism,* 2(2, August), pp. 293 – 312.

Duner, B. (2005). Disregard for Security: The Human Rights Movement and 9/11. *Terrorism and Political Violence* 17 (1-2, -2/Winter), pp. 89-104

Fenwicka, H. (2008) .Proactive Counter-terrorist Strategies in Conflict with Human Rights. *International Review of Law, Computers & Technology* 22 (3, November), pp. 259 – 270.

Foot, R. (2007). The United Nations, Counter Terrorism and Human Rights: Institutional Adaptation and Embedded Ideas. *Human Rights Quarterly,* 29 (2, May), pp. 489-514.

Gayton, C. M. (2006). Beyond Terrorism: Data Collection and Responsibility for Privacy. VINE 36 (4), pp. 377-394.

Gregory, F. The EU's Response to 9/11: A Case Study of Institutional Roles and Policy Processes with Special Reference to Issues of Accountability and Human Rights. *Terrorism and Political Violence* 17 (1-2, -2/Winter), pp. 105-123.

Gearty, C. (2005). 11 September 2001, Counter-terrorism, and the Human Rights Act. *Journal of Law and Society* 32 (1, March), pp. 18-33.

Gearty, C. (2007) Terrorism and Human Rights. *Government and Opposition,* 42 (3, Summer), pp. 340-362.

Gill, P. (2009). Security Intelligence and Human Rights: Illuminating the 'Heart of Darkness'? *Intelligence and National Security* 24 (1, February), pp. 78-102.

Golder, B. & Williams, G. (2006). Balancing National Security and Human Rights: Assessing the Legal Response of Common Law Nations to the Threat of Terrorism. *Journal of Comparative Policy Analysis* 8 (1, March), pp. 43-62.

Grand, S. (2008). Sacrificial Bodies: Terrorism, counter-terrorism, Torture. *Psychoanalytic Dialogues,* 18 (5, September), pp. 671-689.

Gross, E. (2002). Self-defense against Terrorism - What Does it Mean? The Israeli Perspective. *Journal of Military Ethics* 1 (2, July), pp. 91 – 108.

Heinzea, E. & Freedmana, R. (2010). Public awareness of Human Rights: Distortions in the mass Media . *The International Journal of Human Rights* 14 (4, July), pp. 491 – 523.

Hickman, T.R. (2005). Between Human Rights and the Rule of Law: Indefinite Detention and the Derogation Model of Constitutionalism. *Modern Law Review* 68 (4, July), pp. 655-668.

Hoffmann, J. (2008).Terrorism Blacklisting: Putting European Human Rights Guarantees to the Test. *Constellations* 15 (4, December), pp. 543-560.

Hoffman, P. (2004). Human Rights and Terrorism. *Human Rights Quarterly* 26 (4, November), pp. 932-955.

Joffe, G. (2008). The European Union, Democracy and Counter-Terrorism in the Maghreb. *Journal of Common Market Studies*. 46 (1, January), pp. 147-171.

Kalhan, A., G.P. Conroy et al. (2006). Colonial Continuities: Human Rights, Terrorism and Security Laws in India. *Colombia Journal of Asian Law* 20 (1), pp.94-234. [http://www.abcny.org/pdf/ABCNY_India_Report.pdf]

Kruse, A. (2005). Financial and Economic Sanctions - from a Perspective of International Law and Human Rights. *Journal of Financial Crime* 12 (3), pp. 217-220.

Lavranos, N. (2009). Judicial Review of UN Sanctions by the European Court of Justice. *Nordic Journal of International Law* 78 (3), pp.343-359.

Lerner, N. (2008). Do Religion and Human Rights Interact? *International Journal on Minority and Group Rights,* 15 (2-3), pp. 403-411.

Lizin, A-M. (2007). Guantanamo: What Safeguards for the Fight against Terrorism? *Helsinki Monitor*. 18, (2), pp. 101-105.

de Londras, F. (2008). Guantánamo Bay: Towards Legality? *Modern Law Review* 71 (1, January), pp. 36-58.

Macklin, A. (2008) .From Cooperation, to Complicity, to Compensation: The War on Terror, Extraordinary Rendition, and the Cost of Torture. *European Journal of Migration and Law*, 10 (1), pp. 11-30.

McEldowneya, J.F. (2005) Political security and democratic rights. *Democratization* 12 (5, December), pp.766 – 782.

Macmahon, E. (2005). Terrorism and Human Rights: A Defence Lawyer's Perspective. *Terrorism and Political Violence* 17 (1-2, Winter), pp. 125-129.

Mertus, J. & Sajjad, T. (2008). Human Rights and Human Insecurity: The Contributions of US Counterterrorism. *Journal of Human Rights,* 7 (1, January), pp. 2-24.

Michaelsen, C. (2005). Derogating from International Human Rights Obligations in the 'War Against Terrorism'? — A British–Australian Perspective. *Terrorism and Political Violence* 17 (1-2, -2/Winter), pp. 131-155

Neve, A. (2007). Extraordinary Rendition, the Canadian Edition: National Security and Challenges to the Global Ban on Torture. *Societies Without Borders* 2 (1), pp. 117-130.

Oriolaa, T. (2009) .Counter-terrorism and Alien Justice: the Case of Security Certificates in Canada. *Critical Studies on Terrorism,* 2 (2, August), pp.257 – 274.

Papastamou, S., G. Prodromitis, & T. Iatridis (2005). Perceived Threats to Democracy: An Examination of Political Affiliation and Beliefs about Terrorism, State Control, and Human Rights. *Analyses of Social Issues and Public Policy* 5 (1, December), pp. 249-262.

Parkes, R. (2007) What Limits for Government Control? Civil Liberties and Anti-terror Measures after the Heathrow Bomb Plot. *The Political Quarterly,* 78 (2, April-June), pp. 272-281.

Petchesky, R. P. (2005) Rights of the Body and Perversions of War: Sexual Rights and Wrongs Ten Years Past Beijing. *International Social Science Journal* 57 (2, June), pp. 301-318.

Piazza, J. & J. Walsh (2009) Transnational Terror and Human Rights. 53 (1, March) *International Studies Quarterly*, pp. 125-148.

Quénivet, N. (2006). You are the Weakest Link and We will Help You! The Comprehensive Strategy of the United Nations to Fight Terrorism. *Journal of Conflict and Security Law* 11(3), pp. 371-397.

Ramcharan, B. (2004). Human Rights and Human Security. *Disarmament Forum* (1,), pp. 39-48 [http://www.unidir.org/pdf/articles/pdf-art2018.pdf].

Sangera, A. (2010). Force of Circumstance: The European Arrest Warrant and Human Rights. *Democracy and Security,* 6 (1, January), pp.17 – 51.

Schlager, E.B. (2005). Counter-terrorism, Human Rights, and the United States. *Helsinki Monitor* 16 (1), pp. 78-87.

Slukaa, J. (2008). Terrorism and Taboo: an Anthropological Perspective on Political Violence against Civilians. *Critical Studies on Terrorism* 1 (2, August), pp.167 – 183.

Schmid, A. P. (2005). Terrorism and Human Rights: a Perspective from the United Nations. *Terrorism & Political Violence* 17, (1-2, Winter), pp.25-36.

Smith, A. (2007). Balancing Liberty and Security? A Legal Analysis of United Kingdom Anti-Terrorist Legislation. *European Journal on Criminal Policy and Research,* 13 (1-2, April), pp. 73-83.

De Schutter, O. & J. Ringelheim (2008). Ethnic Profiling: A Rising Challenge for European Human Rights Law. *Modern Law Review,* 71 (3, May), pp. 358-384.

Sidela, V.W. War, Terrorism and the Public's Health (2008). *Medicine, Conflict and Survival* 24, pp. 13 – 25.

Tsoukala, A. (2006). Democracy in the Light of Security: British and French Political discourses on Domestic Counter-terrorism Policies. *Political Studies* 54 (3, October), pp. 607-627.

Watney, M. (2007). State surveillance of the Internet: Human Rights Infringement or e-security Mechanism? *International Journal of Electronic Security and Digital Forensics* 1 (1, 9 May), pp. 42-54.

About Perspectives on Terrorism

PT seeks to provide a unique platform for established scholars as well as academics and professionals entering the field of Terrorism, Political Violence and Conflict Studies. It invites them to:

- present their perspectives on the prevention of, and response to, terrorism and related forms of violent conflict;
- submit to the journal accounts of evidence-based, empirical scientific research an analyses;
- use the journal as a forum for debate and commentary on issues related to the above.

Perspectives on Terrorism (PT) could be characterized as 'nontraditional' in that it dispenses with some of the traditional rigidities associated with commercial print journals. Topical articles can be published at short notice and reach, through the Internet, a much larger audience than fee-based subscription journals. Our on-line journal also offers contributors a higher degree of flexibility in terms of content, style and length of articles - but without compromising professional scholarly standards. While aiming to be policy-relevant, PT is not supporting any partisan policies regarding (counter-) terrorism and conflict-waging. Impartiality, objectivity and accuracy are guiding principles we expect contributors to adhere to.

Editorial Team of Perspectives on Terrorism:

Alex P. Schmid, Editor
Joseph J Easson, Assistant Editor
Tim Pippard, Assistant Editor
Shazad Ali, Assistant Editor
Brad McAllister, Assistant Editor
Benjamin Freedman, Editorial Assistant

About the Terrorism Research Initiative:

PT is the journal of the *Terrorism Research Initiative* - an initiative that seeks to support the international community of terrorism researchers and analysts by facilitating coordination and cooperative initiatives. TRI was formed in 2007 by a broad association of individual scholars and representatives of institutions in order to provide the academic community as well as counter-terrorism analysts and practitioners with scientific tools to contribute to the enhancement of human security by collaborative research – thereby allowing them to better actualize the full potential of their efforts. TRI is working to build a truly inclusive international research community and seeks to empower it by creating synergies that can extend the impact of each participant's research endeavours.

The Journal can be accessed at the following website URL:
www.terrorismanalysts.com