

The Arrest of Abu Jundal: An Assessment and Recommendations

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July 20, 2012

Summary

The arrest of Abu Jundal yet again proves to the world community that it is not merely groups like LeT that need to be dealt with expeditiously, but also Pakistan's sponsorship of terrorist groups which it regards as 'strategic assets' and the terror infrastructure that has taken roots in its territory. India's approach to dealing with the challenge posed by terrorism has to become multi-dimensional, including diplomatic efforts to isolate state sponsorship of terrorism, dealing with Pakistan pragmatically instead of being driven by sentiment, and strengthened domestic structures.

The arrest of Abu Jundal is being seen as a coup for Indian intelligence agencies. While the arrest is not only likely to provide a link to as yet unknown and critical details of the 26/11 terrorist attack, it reinforces both state and non-state actor linkages with corresponding evidence. These could well have far reaching implications for investigators and the government for a number of reasons. *First*, the sequence of events leading to the arrest indicates a subtle realignment of bilateral relations with countries like Saudi Arabia. *Second*, while it is known that Pakistani state agencies were directly involved in the planning and execution of the attack, however, details likely to be made available as a result of Abu Jundal's interrogation could provide irrefutable evidence in this regard, thus helping to make strategic and tactical gains. While the former will help force legal action and shed greater light on Pakistan's strategy of state sponsored terrorism, the latter will provide details of the planning process, *modus operandi* and identity of key players in the 26/11 terrorist attack. *Third*, it will also highlight the weaknesses and loopholes in India's counter terrorism strategy that needs to be plugged.

It can well be argued as to why there is a need for a sharper focus on the 26/11 terrorist attack, given a large number of attacks that India has faced in the last couple of decades. The 1993 Mumbai attacks resulted in a larger number of deaths.¹ Akshardham in Gujarat witnessed similar killings by a group of fanatically motivated terrorists.² The attack on Parliament House³ targeted a more sensational objective. However, certain key factors differentiate 26/11 from previous attacks. *First*, there is clear evidence of direct Pakistani involvement in the attack right through the planning, preparation and execution stages. *Second*, the logistical arrangements and the professional execution of a multiple target operation by a small group of terrorists were unique in its application in the Indian context. *Third*, the sheer intensity of attacks exposed weaknesses within all parts of the Indian security apparatus. And *fourth*, it led to a serious rethink within India of all aspects of the existing counter terrorism strategy.

A number of details highlighting these issues had earlier come through the interrogation of Ajmal Kasab, investigations involving David Headley and Tahawwur Rana as well as communications that were intercepted⁴ during the attack. Abu Jundal's arrest not only reinforced some of these aspects, but also provided insights into the preparatory stages and subsequent events in the control room, thereby adding some missing pieces to the 26/

¹ The series of blasts resulted in 257 deaths. See Anupama Katakam, "On death row", *Frontline*, Jul 28-Aug 10, 2007, <http://www.frontline.in/fl2415/stories/20070810511213000.htm>, accessed on 19 July 2012.

² The attack took place on 24 September 2002 and led to the killing of 29 devotees. It was planned and conducted by a Lashkar-e-Taiba cadre Muzammil.

³ The attack took place on 13 December 2001.

⁴ Patrick J. Fitzgerald, US Attorney, *scribd.com*, 11 April 2011, <http://www.scribd.com/doc/56292387/David-Headley-Confession-on-Mumbai-massacre>, accessed on 16 July 2012.

11 puzzle.⁵ This Issue Brief focuses on these very facets linked with the arrest of Abu Jundal, with the aim of deriving recommendations for India's counter terrorism strategy.

Pakistan, the Epicentre of Terrorism

Abu Jundal aka Zabiuddin Ansari was arrested in Saudi Arabia and sent to India in an operation that saw close coordination between the Indian and Saudi intelligence agencies.⁶ This seemingly innocuous statement of fact is significant for a number of reasons. Saudi Arabia and Pakistan have close diplomatic ties.⁷ Pakistan has been receiving support and aid from Saudi Arabia despite being increasingly isolated in the Western world. Saudi Arabia has also been accused of being soft on extremist ideology and a number of Saudi charitable organisations have been involved in financing terror activities around the world.⁸ Given all this, Saudi cooperation in the arrest and deportation of Abu Jundal could have been influenced by its changed perceptions of terror threat from exposed coastal areas, the importance of improving bilateral security and economic ties with India and the residual threat of domestic terrorism in Saudi Arabia itself. While counter terrorism support from Saudi Arabia is welcome, its limitations also need to be understood. Help was forthcoming only after confirmation of the identity of the terrorist as an Indian national. Similar cooperation with respect to Pakistani terrorists wanted in India is unlikely to fructify.

The recognition of terrorist safe havens in Pakistan was earlier recognised by the United States as well. Admiral Mike Mullen, the former Chairman of the Joint Chiefs of Staff, called Pakistan the "epicentre of terrorism".⁹ More recently, Secretary of Defense Leon Panetta, during an interaction with the Indian strategic community at IDSA, openly indicated US exasperation with Pakistan, when he said, "We are reaching the limits of our

⁵ "Jundal, Saeed were in 26/11 control room in Karachi: PC", *The Tribune*, 29 June 2012, <http://www.tribuneindia.com/2012/20120630/main1.htm>, accessed on 18 July 2012.

⁶ Hiranmay Karlekar, "Saudis lend a helping hand", *Daily Pioneer*, 30 June 2012, <http://www.dailypioneer.com/columnists/item/51904-saudis-lend-a-helping-hand.html?tmpl=component&print=1>, accessed on 16 July 2012.

⁷ For an analysis on the changing India-Saudi Arabia equations, see, Harsh V Pant, "Harsh V Pant: India's new equations in the Gulf", *Business Standard*, 16 July 2012, <http://www.business-standard.com/india/news/harsh-v-pant-indias-new-equations-ingulf/480410/>, accessed on 16 July 2012.

⁸ Francis T. Mico, "Removing Terrorist Sanctuaries: the 9/11 Commission Recommendations and US Policy", *CRS Report for Congress*, 11 February 2005, <http://www.fas.org/sgp/crs/terror/RL32518.pdf>, accessed on 16 July 2012 and Larry Everest, "US and Saudi Arabia: Troubles in Toxic Relationship", 10 November 2002, <http://rwor.org/a/v24/1171-1180/1174/saudi.htm>, accessed on 16 July 2012.

⁹ "US is losing patience with 'epicentre of terrorism' Pakistan: Army Chief", *DNA*, 1 August 2011, http://www.dnaindia.com/world/report_us-is-losing-patience-with-epicentre-of-terrorism-pakistan-army-chief_1571670, accessed on 16 July 2012.

patience, and for that reason it is extremely important that Pakistan take action to prevent this kind of safe haven.”¹⁰

In a recent article, Bruce Riedel of Brookings named the Lashkar-e-Taiba (LeT) as more dangerous than the al Qaeda.¹¹ However, the reality of the current circumstances indicates that it is not merely the LeT, but the Pakistan sponsored terror machine as a whole that is the most lethal terror conglomerate in the world today. A brief assessment of the 26/11 attack and details revealed thereafter reinforce this reality.

Mumbai witnessed 10 armed LeT terrorists commence their attack at 8 PM on 26 November 2008. They were to be finally neutralised only at 8 AM on the 29th, almost 60 hours later and after they had succeeded in killing 166, wounding 304 and destroying property worth 41 crore and 72 lacs.¹² Eleven areas were targeted in a well planned attack. The city of Mumbai was held hostage by the ruthless action of the 10 perpetrators and their masters in Pakistan who were directing them. The intimate control over the massacre in Mumbai can be gauged by the fact that 41 calls lasting over 8834 seconds from Taj Mahal Hotel, 62 calls from the Oberoi/Trident lasting over 15,705 seconds and 181 calls for 35,172 seconds from Nariman House were made by the terrorists to their controllers in Pakistan.¹³ This clearly establishes the elaborate planning of the operation by the terrorist masterminds sitting thousands of kilometres away in Pakistan, immune from the exchange of fire at the scene of attack and busy with the clinical execution of their diabolical plan. The unambiguous orders and their remorseless execution leading to the cold blooded killings of innocents reinforced the ruthlessness of the perpetrators of the incident.

Evidence collected in the immediate aftermath of the 26/11 attack indicated that the LeT, operating from Pakistani soil, could not have achieved this dubious distinction, unless it had received state backing. Ajmal Kasab, one of the terrorists sent in to target the innocent people of Mumbai, was fortuitously captured alive. His confession gave a detailed account of the recruitment, training, induction and attack in Mumbai.¹⁴ This was followed by

¹⁰ Cited in Vishal Chandra, “Fantasising ‘Afghan Good Enough’, *IDSA*, 22 June 2012, http://idsa.in/idsacomments/FantasisingAfghanGoodEnough_vchandra_220612, accessed on 17 July 2012.

¹¹ Bruce Riedel, “Mumbai Terror Attack Group Lashkar e Tayyiba Now More Dangerous than Al Qaeda”, *The Daily Beast*, 1 July 2012, <http://www.thedailybeast.com/articles/2012/07/01/mumbai-terror-attack-group-lashkar-e-tayyiba-now-more-dangerous-than-al-qaeda.html>, accessed on 16 July 2012.

¹² Ashok T. Duraphe, Investigating Officer, Final Form/Report in the Court of Additional Chief Metropolitan Magistrate, 37th Court, 25 November 2009, *The Hindu*, <http://www.hindu.com/nic/mumbai-terror-attack-final-form.pdf>, accessed on 16 July 2012, p 2.

¹³ *Ibid.*, p 24.

¹⁴ Sagnik Chowdhury, “Confessions of Ajmal Ameer Kasab”, *The Indian Express*, 14 December 2008, <http://www.indianexpress.com/news/the-confessions-of-ajmal-ameer-kasab/398092/>, accessed on 18 July 2012. Kasab, however, subsequently retracted his confession.

evidence provided by David Headley and Tahawwur Rana, which was produced by the US Attorney, Patrick J. Fitzgerald:

“In or about July 2008, Headley returned to Mumbai for the fifth time to carry out instructions and surveillance activities. Headley carried out surveillance of a number of locations, including the Taj Mahal Hotel, Oberoi hotel, Leopold Cafe, Chabad House, the train stations, various potential landing sites, and a Hindu temple, where Headley purchased approximately 15 red bracelets commonly worn by the followers of the Hindu faith...Once his surveillance was completed, Headley returned to Pakistan and gave Sajid the GPS device so that its contents could be downloaded...Headley also met with Major Iqbal, and again debriefed not only on what he had done, but also his discussions with Lashkar leaders.”¹⁵

Major Iqbal alias Chaudhery Khan, was identified by Headley as the ISI handler who coordinated the attack.¹⁶

However, these two sets of inputs neither provide details of events inside Pakistan during the attack nor of behind the scene activities during the preparation for the same. This gap is now being filled through the interrogation of Abu Jundal. Abu Jundal has revealed that 12 LeT terrorists were trained at camps in Muridke and Thakot in Pakistan, of whom finally 10 were selected for the attack. He has also said that the terrorists “were in constant touch with LeT figurehead Hafiz Saeed and Lakhvi, both of whom used to meet them along with the Pakistan’s spy agency, Inter-Services Intelligence.”¹⁷

Abu Jundal has also given details of the control room set up “between the Malir Cantonment, a densely populated locality called Quaidabad and Jinnah International Airport.”¹⁸ It is also revealing to note that these locations are connected by the Jinnah Avenue and a national highway in the heart of the town! Interestingly, the control room was located in the close vicinity of an army cantonment, as also a PAF airbase, adjacent to the Abbottabad Lines complex at Chota Malir. These disclosures indicate a pattern of sorts, given that Osama Bin Laden’s safe house was located near the Pakistan Military Academy. Both cases thus indicate the availability of security for terrorists and proximity for the coordinating and controlling elements of the Pakistani establishment.

¹⁵ Patrick J. Fitzgerald, US Attorney, *scribd.com*, 11 April 2011, <http://www.scribd.com/doc/56292387/David-Headley-Confession-on-Mumbai-massacre>, accessed on 16 Jul 2012.

¹⁶ “ISI Handler Major Iqbal is Chaudhery Khan: Headley”, *NDTV.com*, 25 May 2011, <http://www.ndtv.com/article/world/isi-handler-major-iqbal-is-chaudhery-khan-headley-108188>, accessed on 16 July 2012.

¹⁷ “Not 10, but 12 terrorists trained for Mumbai attack: Abu Jundal”, *ndtv.com*, 4 July 2012, <http://www.ndtv.com/article/india/not-10-but-12-terrorists-trained-for-mumbai-attack-abu-jundal-239655>, accessed on 17 July 2012.

Pakistani complicity is also borne by the fact that Abu Jundal had been provided a National Identity Card for Overseas Pakistanis (Number 354050-3970947) and free Visa entry into Pakistan (Passport Number QL 1790941).¹⁹

According to Abu Jundal, amongst the occupants of the control room were two Pakistani ISI agents, Sajid Mir and Sameer Ali. This corroborates David Headley's confession that these same individuals were his handlers, thus reinforcing the suspicions of direct Pakistani control of the operation.²⁰ As noted by India's Home Minister P. Chidambaram, "[i]t is no longer possible to deny that though the incident happened in Mumbai, there was a control room in Pakistan before and during the incident. Without state support, the control room could not have been established."²¹

The Domestic Angle

While Pakistan is undoubtedly the epicentre of terror activities directed against India and hence India's counter terrorism strategy has to take into account this critical external aspect, it is equally important to ensure that both real and perceived causes of alienation among people within the country are addressed.²² Abu Jundal's arrest has once again reinforced the importance of this aspect in India's counter terrorism strategy. In this regard, a key aspect that must be borne in mind that it is more important to root out the causes of terrorism rather than merely neutralising individual terrorists who will continue to feed on perceived injustice and radical propaganda. At the same time structural and enforcement weaknesses²³ within the country will have to be addressed to ensure that the ability of

¹⁸ Bharti Jain, "Abu Jundal gives location of 26/11 attack control room in Pakistan", *The Economic Times*, http://articles.economictimes.indiatimes.com/2012-06-27/news/32441465_1_mumbai-attackers-abu-jundal-control-room, accessed on 18 July 2012.

¹⁹ Neeraj Chauhan, "Abu Jundal given express treatment by Pakistan government", *The Economic Times*, 4 July 2012, <http://economictimes.indiatimes.com/news/politics/nation/abu-jundal-given-express-treatment-by-pakistani-government/articleshow/14661668.cms>, accessed on 18 July 2012.

²⁰ "Abu Jundal, voice of 26/11 points finger at Pakistan", *FirstPost.com*, 03 July 2012, <http://m.firstpost.com/india/abu-jundal-voice2611-points-finger-at-pakistan-364786.html?page=4>, accessed on 18 July 2012.

²¹ P. Chidambaram, "26/11 happened in Mumbai but was conceived and executed by state actors in Pakistan, declares Chidambaram", *intoday.in*, 4 July 2012, <http://indiatoday.intoday.in/story/chidambaram-26-11-mumbai-attacks-abu-jundal-hamza-pakistan/1/203755.html>, accessed on 16 July 2012.

²² See Gilbert Sebastian, "Getting to the Roots of Global Terror", *Mainstream*, Vol XLVII, No 2, 24 January 2009, <http://www.mainstreamweekly.net/article1130.html>, accessed on 16 July 2012. Chidambaram accepted the possibility of Jundal's radicalisation in India, simultaneously reinforcing Pakistan's role in training and supporting the terrorists. See "Jundal, Saeed were in the 26/11 control room in Karachi: PC", n 4.

²³ Angel Rabasa et al, "The Lessons of Mumbai", *Rand*, California, 2009, http://www.rand.org/pubs/occasional_papers/2009/RAND_OP249.pdf, accessed on 16 July 2012, pp 9-12.

terrorists to function is constrained and finally neutralised. For instance, the ability of terrorists to exploit existing channels of funding, communication, liaison and manpower available to criminals has to be curtailed by severing the unholy nexus between profit seeking criminals and ideologically extremist terrorists. Some of these structural weaknesses have also been exploited by Non Governmental Organisations (NGOs), given the advantage they enjoy of inherent social respectability. While some steps have been initiated by placing 100 organisations under the governmental scanner,²⁴ a vast majority continues to take advantage of the lack of structured audit, thereby allowing them to act as fronts for terror groups.²⁵

Recommendations

Given the external and internal angles to the threat of terrorism, India needs to adopt a comprehensive counter terrorism approach that includes both domestic and foreign policy measures.

International

- India needs to continue its diplomatic efforts to strengthen the global counter terrorism architecture. This should include simplification of the procedure for extradition of terrorists and those supporting terrorism activities. India's cooperation with the United States and Saudi Arabia, amongst other countries, is a test case of successful joint action against terrorism, and these need to be deepened.
- The ongoing effort to expose Pakistan's use of terrorism as an instrument of policy must continue in order to bring to bear sustained diplomatic pressure upon Islamabad and Rawalpindi to take proactive measures against terror groups operating from Pakistani soil.
- Intelligence sharing is one of the most important instruments in the fight against terrorism. While a number of bilateral memorandums of understanding have been signed in the past, this effort needs to be enlarged to block existing loopholes and gaps being exploited by terrorist organisations.
- The financing of terrorism remains the basis for groups like the LeT to function with impunity. India should work in close cooperation with multinational groups like the

²⁴ "Money Laundering: NGOs under intel scanner", *Nagaland Post*, September 29, 2011, <http://www.nagalandpost.com/ChannelNews/State/StateNews.aspx?news=TkVXUzEwMDAwNjU1Mw==mS29MccEbgo=>, accessed on May 16, 2012.

²⁵ There are approximately 20 lakh NGOs in the country and, till 2006-07, only 71,009 had filed income tax returns and 38591 had completed formalities to receive mo

Financial Action Task Force (FATF), Financial Intelligence Units (FIUs) and Asia Pacific Group (APG) to fight the flow of funds to terror organisations. This will help provide a fillip to efforts aimed at making countries compliant with the recommendations of world bodies fighting terrorism.

- India, along with like-minded countries, should introduce specific measures in the UN aimed at assessing State support for terrorism by a UN-mandated body. The findings from this body should thereafter become the basis for aid from World Bank and IMF.

Dealing with Pakistan

- Pakistan's growing international isolation clearly indicates the increasing pressure upon it to act against terrorist groups which it considers as 'strategic assets'. At the same time, Pakistan's internal political, economic and security situation has also become weakened. India must exploit Pakistan's current position to coax it into taking verifiable action against the terrorist infrastructure within its territory.
- But at the same time, sustained efforts need to be made to reach out to and strengthen moderate sections within Pakistan aimed at increasingly marginalising the radical voices within its society.

Domestic

- Domestic laws need to be adjusted to ensure that the sensitivities of countries regarding human rights and treatment of prisoners are addressed suitably. This will facilitate extradition and follow-up trial proceedings. Some action has already been initiated through the formalisation of Do's and Don'ts as part of AFSPA, revocation of laws like TADA and POTA. Improvements in the Unlawful Activities (Prevention) Amendment Act 2008, (UAPA) have also been incorporated to address some of the issues raised by human rights groups. As an exception, India had also agreed to the conditional release of Abu Salem by Portugal on the assurance that it will not seek the death penalty for his crimes.
- Steps need to be taken to ensure that alienation within society is not allowed to fester. This can only be achieved if there is an all party consensus to avoid fuelling divisions that provide an opportunity for neighbours like Pakistan to exploit. Empowerment, inclusive growth and a rights based approach to democracy are some of the pointers in this direction.
- Hitherto, domestic terrorist actors have been able to successfully shield themselves from state scanners. While there are a number of reasons for this, the two most important ones are inadequate regulation of NGOs and a weak intelligence apparatus. Consequently, registration, audit and transparency in the functioning of NGOs through regulatory bodies, especially those with religious affiliations, need to be

institutionalised. At the same time, the intelligence apparatus needs to be strengthened, in terms of numbers, capability and capacity of existing networks.

- Close coordination between law enforcement agencies, the intelligence apparatus and the government bureaucracy needs to be fostered at both the central and state levels in order to sever the linkages between crime, corruption and terrorism.

Conclusion

The arrest of Abu Jundal yet again proves to the world community that it is not merely groups like LeT that need to be dealt with expeditiously, but also Pakistan's sponsorship of terrorist groups which it regards as 'strategic assets' and the terror infrastructure that has taken roots in its territory. India's approach to dealing with the challenge posed by terrorism has to become multi-dimensional, including diplomatic efforts to isolate state sponsorship of terrorism, dealing with Pakistan pragmatically instead of being driven by sentiment, and strengthened domestic structures.