



26/11 Reflections

 **GATEWAY HOUSE**
INDIAN COUNCIL ON GLOBAL RELATIONS

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26/11 Reflections

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Contents

Foreword.....	5
India's Hydra-Headed Terrorism	
~ Neelam Deo.....	6
26/11...What Outcomes Do We Want?	
~ Meera Sanyal	8
The Architecture for Securing Lives	
~ Akshay Mathur	10
26/11: Seriously Not Ready	
~ Brigadier Xerxes Adrianwalla	13
26/11 - National Day of Remembrance	
~ Admiral Venkat Bharatan.....	16
The Right to Security Act	
~ Jayaprakash Narayan	17
Why the UN Didn't Respond to 26/11	
~ Dr. Waheguru Pal Singh Sidhu.....	19
26/11 Revisited from Lahore	
~ Masood Hasan.....	22
India: Up-and-Down on Pakistan	
~ Inder Malhotra.....	24
The ISI: U.S. Backers Run for Cover	
~ M.D. Nalapat.....	26
9/11 and 26/11: Are We Any Safer?	
~ Bob Dowling	28
Hope-to-Despair-to-Hope Policy on Pakistan Doesn't Work	
~ Seema Sirohi.....	30
26/11: What About Human Rights?	
~ Meenakshi Ganguly.....	32

Foreword

It has been three years since 26th November, when terrorists attacked Mumbai's monuments and its self-esteem. Life has resumed for the Mumbaikar, as always. But many questions remain, unanswered. Gateway House has attempted to analyse the event and its aftermath. We asked experts and ordinary individuals from around the world to bring in their unique perspectives. In a series of 13 essays, we examine the following:

How did the ordinary Pakistani feel as she/he watched the towers of the Taj burn? Why didn't the United Nations respond to 26/11 the way it did after 9/11? Should New York heed the warning of 26/11? What does Washington's double-standards in South Asia mean for us? Should we change our strategy on Pakistan – or is it now the right time for Pakistan to change its strategy towards us? Are we better equipped in terms of defence equipment and maritime security? What can our security structures learn from our corporations? Are we entitled to the Right to Security, the way we are to education and food? What are the human rights of terrorism's victims? Have we really cared for those who suffered on account of terrorism? Why is justice so delayed in India and what does it mean for terrorism?

We hope these opinions will provide some answers.

Manjeet Kripalani
Executive Director
Gateway House: Indian Council on Global Relations
Mumbai

India's Hydra-Headed Terrorism

~ Neelam Deo

The third anniversary of the terrorist attack on Mumbai is a chilling reminder that the perpetrators of numerous earlier and subsequent terrorist acts have mostly not been identified, charged, found guilty or punished. Although all the evidence shows Ajmal Kasab to be guilty, the investigative and judicial processes continue, without end.

With justice so delayed, citizens are growing increasingly frustrated by the inconclusiveness of investigations into cases of terrorism – and the discourse around terrorism is becoming defined in sectarian (religious) terms for political advantage. Terrorism has become so infused with the politics of short-termism, that we have lost sight of the motivation for the original act of terror and are thus unable to respond adequately to the grievance. Consequently, terrorism in India has become hydra-headed, morphing into different forms and spanning the gamut.

Let us examine the various kinds of terrorism, manifested over time in different ways and in different countries around the world, and see where India stands.

Bits of the old traditional fighting between religious groups can still be seen in their modern incarnations in the Palestinian-Israeli conflict and the Moro Islamic Liberation Front in southern Philippines, for instance. Often these can also have an ethnic element as in the Sinhalese Buddhist versus Tamil Hindu (and Christian) conflict in Sri Lanka and the Turkish versus Kurdish PKK fighters. Another variant is the separatist struggles of the ETA in Spain or the many ethnic groups in Myanmar.

Ideological differences have spawned innumerable terrorist groups, especially after the advent of Marxism. So Russia had its Nihilists and Narodniks, the Brigade Rosse in

Italy, the Japanese Red Army, the Baader Meinhof group in Germany. More recent and long-lasting have been left wing terrorist groups in Latin America such as the Sandinistas in Nicaragua and the Shining Path in Peru which claim the ideological and romantic lineage of Che Guevara.

India seems to have experienced all of the above. The size of our country, the colonial legacy, the vast diversity of religion, ethnicity, language and ideological persuasion has meant that we have lived with some form or other of violent protest

since Independence. Among the earliest was the threat of secession by Tamil Nadu in protest against attempts to dilute the use of English as a national language. The long-running Telangana agitation remains unresolved. Although Assam was carved into seven different states between 1963 and 1987 to fulfil ethnic aspirations, deadly insurgencies continue. Sub-nationalism is

alive and well in the North East, with support initially from Communist China, followed by Pakistan and occasionally unfriendly governments in Bangladesh.

Hindu-Muslim riots have received the most media exposure, scholarly examination, and official focus because of the wide dispersal of the minority community over the country, its depressed economic conditions, and lower level of accessing education. All of this has enabled political manipulation of the Muslim community and kept communal passions inflamed. The division of the country on religious grounds and continuous Pakistani posturing on behalf of Indian Muslims, the differences over Jammu and Kashmir, and Pakistani support to terrorist activities has driven the two communities further apart – so much so that speaking of minority (Muslim) terrorism versus saffron (Hindu) terrorism has become part of mainstream discussion.



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Added to the Hindu-Muslim religious mix was the Punjab problem and Sikh terrorism. This was the product of local grievances and political manipulation of religious sentiments sustained by training, funding, and safe haven provided by Pakistan as well as wealthy Sikh communities abroad, channelled largely through Gurudwaras. Now we also have the attacks on Christian preachers by groups and individuals affiliated to the Sangh Parivar.

The ideologically-motivated Naxalite movement peaked in West Bengal in the late 60's and 70's. But related communist groups, birthed in the exploitation and degradation of tribal communities, are now active as 'Maoists' in some 223 out of 645 districts – one third of the country. Their acts of terrorism flow in an arc starting below Nepal from Bihar and West Bengal, Chattisgarh, Jharkhand, Orissa and Andhra Pradesh, to pockets in Maharashtra.

Unsurprisingly, the growth of the communist insurgency and its final accommodation in Nepal's republican government, has added to the momentum of left-wing terrorist groups. Although they are called Marxist or Communist, their continuing – and even growing – attraction to the inhabitants in these areas is connected to corrupt and poorly-regulated commercial mining activities. Consequently, the ideological element as motivation has been supplanted by the dispossession of local communities.

It feels as if the violence will never end. But dissidence does have a shelf-life.

The historical record shows that while some conflicts such as Israel-Palestine can go on for decades, others have been wiped out by determined military action over time. The most recent example is the LTTE in Sri Lanka, eliminated by the current Rajapaksa administration. Some like ETA in Spain have been made irrelevant by democratization and increasing prosperity. Others such as the ones in

Germany and Italy diminished as a result of police work and judicial procedures. Yet others such as the Kurdish PKK disappeared through a combination of diplomacy, the arrest of its leader Abdullah Ocalan in Syria, political concessions such as allowing the use of the Kurdish language in educational institutions and the media, and Turkey's increasing prosperity and prominence on the world stage.

Can we too look forward to a future free of terrorism?

At the macro level, yes. But only if we can craft a consistent policy on Pakistan and depoliticize our internal processes of investigation and the pursuit of terrorists. That may take years.

A more achievable success is possible at the micro level, if we can deal humanely with elements in our society that suffer on account of terrorism. The politics of nations gives inadequate attention to the way acts of terror affect communities, the personal lives of the injured and the families of those killed. They deserve to be assisted financially so they can live with dignity. As important, their acts of bravery need to be recognized and honoured by the State to give solace to the families and the public. Even the families of those who perform acts of terrorism deserve sympathy and privacy to deal with their grief and shame.

We must also think of the unfairly accused, those who suffer years of incarceration, and the trauma of their families. Our authorities must recognize that monetary compensation is only part of the healing process and public apology may be the only way towards rehabilitation of – and in – a community.

Only then can we hope for the sort of conciliation we have achieved, imperfect though it remains, after years of conflict in the Punjab. Our continuous endeavour should be to dampen the bitterness and polarities in our society.

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26/11...What Outcomes Do We Want?

~ Meera Sanyal

On the anniversary of 26/11, several of us question whether we have made any progress in our battle against terrorism. Many quote the success of the United States in preventing a major terrorist attack post 9/11. Others quote the ubiquitous surveillance cameras in the UK, as being a strong deterrent to would be perpetrators.

The general perception, which grows with each passing attack, is that India is seen as a soft state, vulnerable to and unable to protect itself against such attacks. Spurred on by the impassioned anchors of the TV news channels, we indulge in collective breast-beating. "How can India claim to be a super power," we ask "when we cannot even prevent a bomb blast?"

Without wishing to defend the Government, which undoubtedly can and should do more to beef up national security, this article proposes a simple hypothesis: We need to agree on the outcome we desire; it should be achievable and affordable; when this outcome is achieved we should celebrate success and publicise it as a failure of the terrorists.

The general feeling among citizens is that there is only one possible outcome that is desirable in dealing with terrorism and terrorists: that there should be no more terrorist attacks.

In fact, there are several, three of which are outlined below. I believe if we closely examine these and make a conscious choice about which outcome we desire, then the chances we will achieve the chosen outcome – and thereby deal with the problem – are much greater than if we drift along as we have been doing so far.

Outcome 1: No more terrorist attacks e.g., the USA model. This is clearly the most preferred outcome. There can be no doubt that the

Department of Homeland Security combined with the U.S. Patriot Act, have made the U.S. a strong and secure fortress against terrorism.

It is also the most expensive outcome to secure. It is estimated that the expenditure on Homeland Security in the USA is currently 80% higher than that on education, and that cumulative expenditure in the past 10 years (both public and private) exceeds \$3 trillion. Can India afford a comparable expense?

The anti-terrorism legislation required to secure this outcome also raises questions on possible infringements of human rights. As Ian Lustick points out in his insightful paper, Trapped in the War on Terror, 83,000 suspects were confined and interrogated in the U.S. post-9/11. Of these only 39 convictions were secured and only one foreign national was convicted.

Our experience in India of anti-terrorism legislation like POTA (Prevention of Terrorist Act) and MCOCA (Maharashtra Control of Organised Crime Act) has been mixed, with several reported instances of misuse and abuse, resulting in the repeal of POTA in 2004.

Thus, though No more Terrorist Attacks is the most wished-for outcome, it may neither be affordable nor the most desirable, given that the route to secure it may not be one we wish to, or can afford to take.

Outcome 2 : Preemption and retribution i.e., root out the evil and punish perpetrators swiftly.

This outcome as its name suggests relies on preempting terror attacks by targeting specific identified 'terror groups.' In the event of an attack that we fail to prevent, our aim must then be to swiftly identify the culprits and prosecute



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and punish them, so that others are deterred from following in their footsteps.

Though not as water-tight or secure as Outcome 1, many of us consider this as something we can legitimately achieve within the framework of our existing security and judicial systems.

The key terrorist organizations are well known and even recognized as FTO's (Foreign Terrorist Organisations) by the U.S. and other major nations. Why then, can't we go in and "take them out?" Similarly, many of us are outraged at the amount the Indian state is spending on keeping Ajmal Kasab in custody, and cannot understand why, in what should be an open-and-shut case, is taking so many years to bring to closure.

Regrettably the truth is, that no matter how desirable this outcome, geo-political considerations make preemption difficult if not impossible. As for the speed of our judicial system, this is something it is going to take a while to expedite, and a much larger issue than dealing with terrorism.

Thus though Preemption and Retribution is an outcome, that in theory, is much more feasible than the first outcome of No More Terrorist Attacks, in practice it seems as difficult to achieve.

Outcome 3: Harden selectively and recover swiftly. As a very wise and senior defence officer once told me : "A terrorist functions under the garb of an ordinary citizen. He becomes the enemy within. The only way to fully guard against terrorism is to police every citizen. If you can't do this then harden those targets that you feel must be protected, and ensure resiliency everywhere else. Your success is in a swift recovery – if the terrorist knows he cannot keep you down or break your spirit – he has failed."

This is the essence of Outcome 3. It is also the one that is most sustainable in the long run, and the most achievable in the immediate future.

A necessary first step is to identify locations that we wish to protect at all costs. These could be

places like transport hubs, schools and hospitals, places of religious worship, popular market places, administrative, legislative and judicial buildings and police and defence establishments.

Hardened infrastructure implies both adequate and up to date human and electronic surveillance. Likewise resiliency does not merely rely on the "spirit of the people" but means that disaster management and business continuity measures must be instituted and tested regularly. Regular fire drills must be conducted and crisis management teams and business continuity protocols established at a building, locality and city-wide level. Measures to seal off escape routes as well as arrange speedy evacuation in the case of an incident must be taken and tested.

While the state can undertake this for public spaces and buildings, citizens should be encouraged to do the same for private spaces as well. The more "hardened" locations we have, the tougher it will be for terrorists to wreak havoc.

The interesting thing about focusing on this Outcome, is that it provides insurance against more than just terrorist attacks: It creates resiliency for any kind of disaster.

Conclusion

It is clear that each of the above outcomes is different. The scale of resources both financial and human, needed to achieve each of these, is also different. What is important is that we take a realistic and pragmatic approach to deciding what is feasible and achievable for us in the Indian context. Rather than bemoaning the past, this is the dialogue we should have on the anniversary of 26/11 and arrive at a bipartisan consensus on which outcome to focus on. Once our target outcome is clear, the chances that we will devote the necessary focus to achieving it, are significantly improved. The war against terrorism is likely to be a long and prolonged one. It is time we tackled it with the pragmatic determination that is essential to help us prevail.

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The Architecture for Securing Lives

~ Akshay Mathur

Indian law enforcement agencies are faced with the same issues as large corporations: how to design and manage an organization that can swiftly and collectively respond to immediate demands, and yet be able to communicate and fight common challenges.

The 26/11 attacks on Mumbai exposed these challenges with distressing severity. Mumbai did not have adequate forces to respond, Maharashtra lacked coordination between the police, intelligence, and paramedical organizations, and the centre-state communication was poor. In the weeks that followed the attacks, both Central and State governments promised a range of measures. Some were acted upon but none were stitched together into a comprehensive national strategy.

Of course, law enforcement is not the same as commercial business. Securing lives is undeniably the greatest responsibility of a society and a state. Plus, in India, the state is subject to our Constitution, hence federated in nature, as opposed to a business where a CEO can manage from the centre.

Still, there are lessons on effective integration that can be drawn from corporations.

To begin with, an honest acceptance of existing capability is necessary. What we have the capability to do is recruiting, training, coordination, and organizational changes. We have the manpower, techniques, and institutions.

What we cannot do, is invest in expensive technology or build infrastructure. We are limited by financial constraints. And finally, what we ought not to do is unjustifiable arrest or even special operations in foreign countries. Our

democracy provides fair rights to every citizen, and it also respects the sovereignty of other countries.

So, let us examine the progress we have made in enhancing our nation-wide capability since 26/11. We have made progress in recruiting. India has added over 36 battalions with 36,000 policemen and 21 more battalions, estimated to have similar numbers, are in the offing. The strength of the Indian Police Service has also been increased to 4,720 from the existing 3,393 in 2011.

However, the immediate need is for organization and in particular, horizontal and vertical integration. In a corporation, horizontal integration enables the different moving parts of a corporation such as marketing, production, sales, and finance to synchronize their efforts while responding to market demands. It ensures that not one is out of step with the other. Our law enforcement needs similar collaboration on the ground between the different government agencies such as the police, army, medical teams, engineering teams,

scientists, and businesses. A terrorist attack is not just an armed attack. It hurts civilians, destroys infrastructure, spreads toxic chemicals, causes trauma and much financial damage. Why would we then think of preparing for only an armed attack?

Effective in-service training can achieve this. Our training strategy must be one that requires constables from local police stations to train with other law enforcement agencies and defense forces. That results in agility, speed and synchronization. After all, the local police are always closest to the target, as they were on 26/11.



A terrorist attack is not just an armed attack. It hurts civilians, destroys infrastructure, spreads toxic chemicals, causes trauma and much financial damage. Why would we then think of preparing for only an armed attack?



One way to do this is by grouping stakeholders in concentric circles:

Local first: responders such as constables, commandos, paramedics, coast guard, shop-owners, and municipal (or Panchayat) teams make up the inner and most vitally important circle. In other words, an extended version of the armed Force 1 that Mumbai has now set up.

State-wide police, business and engineering teams would form the next, middle circle. Again, this could be an extended version of the State Industrial Security Force that states like Andhra Pradesh and Gujarat have successfully put together to guard public and private enterprises. Maharashtra approved a similar bill in 2010 but there is little news of progress since.

Nation-wide intelligence, defense, telecommunication, legislative, and judicial agencies form the third and outer-most circle, and so on.

In short, the focus of the training will depend on the level, with the immediate and critical focus being on the local levels which have not had collective training.

This approach is markedly different from having National Security Guard (NSG) centres in the four metropolitan cities, which though comforting as an immediate measure, is a tactical, centre-led response rather than a strategic, state level response.

A successful working example of this is the fight against the insurgents in Assam. The coordination between the Assam Police and the Army's 4 Corps Command enabled effective operations in the state between 2007 and 2009. It led to the surrender of the 28th battalion of the insurgent United Liberation Front of Assam (ULFA) in 2007 and subsequent drop in insurgency-related fatalities (1,051 in 2008 to 211 in 2011). Another example from Assam is the collaboration between the local police and the bomb detection squads. Bomb explosions dropped from 86 in 2006 killing 61, to 10 in 2011 with zero deaths, and a greater number of explosives were detected before being detonated.

Vertical integration, on the other hand, is traditionally used to eliminate choke-points

introduced by stakeholders in the chain from top to bottom. As 26/11 exposed, there were six alerts sent by the Centre to the State about a possible attack on 26/11, specifically mentioning sea-borne terrorists. Neither did the Centre follow up nor did the State put in enough counter measures. Both were restricted by capacity and skill.

One solution is to introduce a separate ministry for internal security. This was proposed by M. L. Kumawat who was Special Secretary at Ministry of Home Affairs (MHA) on 26/11. No, this will not create yet another non-functional bureaucracy or be in competition with the Home Ministry. Many countries in the world – U.S., UK, Pakistan – already have this in place. Our Home Ministry is overburdened with responsibilities that are not related to security – appointment of governors, famine and disaster management, etc. – accounting for a total of six departments and 18 divisions. It is a big responsibility for Union Home Minister P. Chidambaram who is also a member of 19 of 28 Group Of Minister (GoM) committees.

A separate ministry for internal security can alleviate these challenges by focusing on security matters. The ministry can then work directly with nodal officers in the state for sharing intelligence. The Pradhan Committee Report on 26/11 identified the Principal Secretary (Home) and Commissioner (State Intelligence Department), as potential candidates for this liaison from the state.

A second approach is to introduce a central organization only for fighting terrorism. The U.S. has done this by establishing the National Counter-Terrorism Centre. In India, the Intelligence Bureau (IB) doesn't have the mandate, and thus no arms or training, and the recently created National Investigative Agency (NIA) is responsible only for investigation, not for preventing attacks. The central government has already set up eight of 20 planned Counter Insurgency and Anti-Terrorist schools (CIAT) but the focus of these is to train for operations in India's naxalite regions as opposed to internationally-linked terrorist groups in India. Thus, a national centre for fighting terrorism is the logical next step.

Every year, security issues are discussed at the Annual Director General of Police Conference. But the list of action items only grows longer. In fact, the 2008 annual meeting was held on November 22, just four days before the 26/11 attack, with the main theme being training of forces for counter-terrorism activities. This must change if we are to be secure.

Our leadership has stopped over-reacting to terrorist attacks in India. But equally, these days,

attacks don't even generate enough of a response. The recent re-election of Tarun Gogoi in Assam in 2011 proves that governments that prioritize security needs, can win elections. What remains to be seen is whether we can replicate the Assam success in other states, and the nation as a whole.

That's when the tables will turn and corporations will begin to look at law enforcement agencies for lessons to draw on.

Akshay Mathur is Head of Research, and Geoeconomics Fellow, at Gateway House.

26/11: Seriously Not Ready

~ *Brigadier Xerxes Adrianwalla*

Mumbai is the world's fourth largest urban agglomeration, with an estimated population of 19 million and an area of 603.4 sq km. The population density is about 22,000 persons per square kilometre; 89 police stations contain a police force of approximately 40,000, all ranks included. Within this intense mass of humanity is a hive of commercial activity, making Mumbai a dream target for terrorists. The huge movement of people in and out of the city each day makes it difficult to identify terrorist ingress.

Much has been said about the resilience of Mumbaikars in the face of terror attacks. But is this resilience or a fatalistic approach to the inevitable? After each attack, we get up, dust ourselves off, berate the failure of security and intelligence agencies and get back to business, the trauma a distant memory.

26/11 was the first time a terror attack largely affected the well-heeled of Mumbai. Hence it appeared more traumatic due to the stridency of their influential outcry. Much was made about the really serious measures to be instituted. Budgets were apportioned, knee jerk purchases were made and now... we are back to business as usual.

So what then were the major lessons of 26/11 and where are we today?

The Threat

In the foreseeable future India will continue to face a serious terrorist threat from various quarters.

Some of these are:

- Pakistan based jihadi terrorist groups;
- Extremist movements in the East and North East which under pressure will move westwards;
- Home-grown criminal elements fostered by the above external forces.

Neither India's nor any other country's policy is likely to be able to reduce these threats in the

short or medium term. The actions of these groups will inspire and instruct other extremist factions in India; this indicates that the threat will most likely continue to grow. We have to develop a serious and coherent response to such threats, particularly in the country's growing number of metropolises.

Good governance and equitable wealth distribution will alleviate some of the dissatisfaction which creates fertile recruiting grounds for internal factions. The Maoist threat is one such case.

Aim of the Terrorist

In our context, the aim of the terrorist is likely to be to:

- create disharmony between different elements of the society,
- force the government to curb civil liberties, thereby creating public resentment,
- make security forces appear harsh and repressive,
- attract public attention to the cause through media exposure,
- by succeeding i.e., discrediting government capability, humiliating Indian security services, causing large scale death and destruction and garnering credible media coverage, terrorists hope to attract both international and Indian recruits to their cause.

The Security Fallout of 26/11

Government Sensitivity: Overt and harsh security measures continue, forces have become callous and the public is tired of often routine and meaningless security checks. Very few mature countries have the overt security that we have. The Central Industry Security Force (CISF) at airports is a case in point: armoured bunkers, helmets, automatic assault rifles (when did the soldier last fire it in practice?). These are the trappings usually found in banana republics. Such an attitude only enhances the terrorist cause. Countries who have been hit the hardest

and longest by terrorism realize that restrictive preventive measures instituted by security forces alienate them from the common man.

Security must be there but be invisible; one good example of this is the advanced screening and profiling processes at Tel Aviv airport.

Intelligence: In the wake of almost every incident, the public outcry is about "lack of intelligence." In fact, intelligence is available in plenty; it is the organization and process of correct analysis, dissemination and feedback that is left wanting. Enough has been written and said about this but little to nothing has been done. Turf wars between agencies will ensure that we are unlikely to go forward on this.

Fighting the Last War: Both security forces and society are invariably caught up in fighting the previous war, thereby disregarding the important fact that the next war will undoubtedly be different. Incidents are unique in terms of location, method, and weapons of attack. A telling case in point was the 26/11 attack. Most previous terrorist incidents were bomb attacks and both public and private security forces had instituted measures to check for bombs. In a radical departure from the bombings of the past, 26/11 was a fire assault using automatic weapons. Public or private security agencies were simply not geared to meet these attacks.

Attempts at creating special forces have been made, for example, the raising of Force One and the relocation of the National Security Guard to metros. However these measures have since been mired in bureaucratic wrangling, voiding the efficacy of such actions.

Since it is not possible for security forces to have a dedicated arm to address each kind of threat, it becomes important to have a multi-disciplinary organization with a brick system. This will ensure that appropriate skills are available in the central pool and can be swiftly deployed to meet each unique situation. In developed

societies, SWAT teams and other specialist forces operate on this concept.

Public Response: Since attacks against the public, a soft target, are relatively easy and cheap to mount, this group will continue to remain vulnerable. It is important to generate fundamental security consciousness through constant public awareness programmes which will address:

- the type of threats;
- the level of awareness expected from the public; and
- the suitable response drills when attacked.



There needs to be a clear media policy that addresses the concerns of both government agencies and the media. We must not allow such incidents to become electronic Roman Circuses



Remember that terrorists are like fish swimming in the tide of society. Without adequate local support, he is unlikely to be able to function effectively. The government should work hard to win over the common man in support against terrorism.

Information Security Protocols: In times of crisis, we tend to take our democracy too seriously. Why must the press and public have unfettered access to a site while operations are in progress, particularly when such real time airing of the situation jeopardises the lives of security

forces and hostages? There is an opinion that during 26/11, the Pakistani handlers of the attackers were getting real time feedback on the actions of the security forces through the constant and detailed coverage of the event by the Indian media.

Clear cordons and police lines must be established to allow all agencies involved in a situation to function without hindrance. There needs to be a clear media policy that addresses the concerns of both government agencies and the media. We must not allow such incidents to become electronic Roman Circuses. In doing so, we only play into the hands of the terrorists, creating the oxygen of publicity that the terrorist craves.

Police Reforms: Various commissions have been ordered after each attack, they have

recommended extensive police reforms, but there seems to be a convenient amnesia on part of the government when it comes to their implementation. As soon as the trauma wears off, budgets cannot be found and archaic acquisition policies undermine progress. Some of our police are still equipped with weapons of Second World War vintage. Witness the Railway Protection Force (RPF) at CST during the attacks, trying to use .303 Lee Enfield rifles that jammed. In a mistaken attempt to modernize, AK-47 assault rifles are being distributed indiscriminately to various police forces. The AK-47 fires at 600 rounds per minute; if used by untrained police personnel, it does not require much imagination to visualize the mayhem it could cause amongst innocent bystanders.

Private Security Agencies: As police and paramilitary forces are being stretched ever

thinner in the discharge of their duties, there is an increasing tendency to move towards private agencies to handle security functions. Most companies and individuals have some form of private security at office and at home. The only statutory provision governing them is labour-related; there is very little regulation on their legal empowerment to fulfil their duties.

This requires urgent attention. Clear-cut government policy must be drafted to enable such agencies to function effectively.

The threat is here to stay in the foreseeable future. 26/11 was not the first attack on Mumbai, nor will it be the last. How and where will the next strike be? Our resilience seems to lie in only one aspect: our unwillingness – and inability to be seriously ready.

Brig. Xerxes Adrianwalla is Chief of CIS and Group Security of the Mahindra Group.

26/11 - National Day of Remembrance

~ *Admiral Venkat Bharatan*

26 November should be declared a National Day of Remembrance. Not a holiday, but a day of formalised debate and informed discussions for seminal review and introspection on what happened that day in Mumbai, what has been done to prevent a repeat and what needs to be done to create a robust response that is unified yet decentralised.

A cursory glance and even a detailed study will reveal that barring ineffective notional changes, Mumbai is still a sitting duck, awaiting a repeat disaster. It could be any or all of these – terrorism from the sea or land, maritime disaster in the form of a tanker collision, oil rig collapse, oil pollution, monsoon mayhem at sea and at shore. In every case we will still only react instead of responding in an organised manner. Of course there have been improvements to the systems, but those are mostly ad hoc and piecemeal. Neither have our authorities or our public, the determination to manage a crisis effectively or even attempt pre-emptive prevention. Mumbaikars passively hope that nothing will happen and if it does, they will muddle through as usual.

Mumbai is a megapolis of admirable accommodation by its citizens. Most people are 'sea blind' – i.e., blissfully unaware of the sea that surrounds them, save a vista to be admired or a beach in which to immerse their toes. In contrast, to those connected with matters maritime, the complexities of its management, the immense economic potential, the porousness of its coastline, the maritime security challenges and the fiscal impact of any sea-borne crisis is obvious. Three years after the attack, we are nowhere near a formalised Maritime Governance Code, which can put an end to the current compartmentalisation and

lack of coordination. It calls for the state government, Navy, Coast Guard, police, Port Trusts and other mercantile marine agencies to set up a maritime governance centre. It will make Maharashtra, and Mumbai, India's financial capital, a pioneer in the country.

What is maritime governance? It is the coordination of all maritime activities with a constant, collective awareness of the surrounding maritime domain. It will require the various agencies like the navy and coast guard, along with support from the police, customs and port trust, to create and deploy standard operating procedures. The mercantile marine department can be chartered with merchant vessel management together with the shipping companies, stevedores, etc. The Maritime Governance Centre (MGC) will be responsible for the oversight of all sea-going activities and make sure the stakeholders have available and ready with them, the checklist of required resources. Models to follow are Automated Mutual-Assistance Vessel Rescue System (AMVERS) of the U.S. Coast Guard. Or France's Prefet Maritime, a civil servant charged with the sovereignty of the sea who reports directly to the Prime Minister. This was created in 1800 to unify the command of the harbours and the command of the navy.

The Indian Navy has a white paper planned on Maritime Domain Awareness. A committee of secretaries has already been set up. These intentions have to be made real. In the short, medium and long term, maritime governance is the only answer for Mumbai across the span of security, commerce, trade, disaster, crisis management, and fishermen/fishing fleet protection.

Vice Admiral Venkat Bharatan is a retired Admiral of the Indian Navy.

The Right to Security Act

~ Jayaprakash Narayan

It has been three years since the ghastly slaughter of innocent citizens in Mumbai. Once again, the way our people, transcending faith, have responded is a tribute to the inclusive, mature approach of Indian society.

But now it is necessary and timely that we take stock of our failings and the progress we have made in addressing them. The issue of terrorism is complex and multifaceted; perhaps that is why we keep hearing statements that we can't guarantee a 100% terror-proof society. But it is only when the public is convinced that the government has done enough, can that government be seen as a legitimate authority. Else, the people will not be partners in the fight against terrorism and the battle will be lost. What we need now is a Right to Security Act – and a people's agitation to bring it to the nation's notice.

There are many elements that need to be in place before people can demand their right to security against terrorism.

Firstly, addressing terrorism requires a strong legal framework. Do we have one in place? The Terrorist and Disruptive Activities (Prevention) Act (TADA), the revoked Prevention of Terrorism Act (POTA), and Unlawful Activities (Prevention) Amendment Act of 2008 (UAPA) are efforts made in this direction. The problem with such strong laws is that without robust safeguards, they are prone to misuse by the political executive against its opponents. POTA failed this test despite having review committees to scrutinize cases filed under the Act. It is now vital that the UAPA does not meet the same fate and anti-terror efforts are not weakened by the ire of human rights activists and people at large. A weak law habitually violated by officials anxious to safeguard the nation against terrorists, or a strong law which is strictly adhered to, so that national security and human

rights are both reconciled? Clearly, compliance with a strong law is preferable to acting as judge, jury and executioner outside the boundaries of law.

Secondly, post-26/11 the National Investigative Agency (NIA) was specifically set up to deal with offences relating to internal security with the powers to initiate suo moto investigations. However, the public has not seen successful outcomes from the NIA yet. Even in cases of successful conviction of terrorists such as the attack on Parliament and the assassination of Rajiv Gandhi, we have seen inexcusable delays in

enforcing punishment. It is absurd that mercy petitions of those convicted of terrorism are dealt with in a routine manner on par with convicts charged with routine offences. A sequential review of the mercy petitions that disregards the nation's stakes in awarding exemplary punishment to those guilty of terrorism is a sign of bureaucratic callousness. Terrorist crimes should be given primacy to ensure that there is

no delay in the legal process to enforce the punishments. The solution is for Parliament to consider enacting a legal provision that compels the government to submit a half-yearly report to the legislature on the status of terrorist investigations to the extent disclosable including the conviction rate and the status of mercy petitions, if any.

Once these reports are in the public domain, and Parliament debates them, timely action can be taken to correct past mistakes and learn from best practices elsewhere. Such periodic public focus on national security will keep the enforcement agencies on their toes and ensure accountability.

Thirdly, there still isn't adequate coordination within the intelligence and law enforcement agencies. The home minister has proposed a



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National Counter Terrorism Centre (NCTC) to bring the myriad intelligence agencies under one unified command. So far the proposal has met with strong resistance from these agencies who fear the encroachment of institutional turf. It will need strong political leadership to deal with this resistance and create a coherent, effective and integrated institutional intelligence framework.

Fourthly and perhaps most importantly, is the capacity of ground level police and other enforcement agencies. Has that been enhanced? India has around 150 policemen for every 1,00,000 citizens; the United Nations prescribes 222 per 100,000 citizens. Most western countries maintain ratios of around 250 – 500 per 100,000 citizens. Even the sanctioned strength within our own system is often not filled. The 40,000-strong Mumbai police force is reported to have a 15% vacancy rate. Existing forces are still not trained to deal with future terrorist threats. The procurement of bulletproof jackets, which could have saved the lives of police officers on 26/11, has become mired in corruption and controversy. Nor are our surveillance capabilities up to standard. How else can one explain that a big boat gets washed up on Mumbai's shores without being noticed by our security agencies? After the July bomb blasts in Mumbai, the government said that the excessive public focus on corruption has caused the delay in the process of procuring such life-saving equipment. If the government cannot balance the requirements of providing adequate security apparatus with ethical standards in procurement, should it continue to be in power?

Finally, we need a strong civil society that puts adequate pressure on the government to beef up the system. The response of Mumbaikars after 26/11 was commendable – but momentary. We still do not have any noteworthy civil society organizations demanding a “Right to Security” in the same way that there has been a demand for other rights such as information, services, food, education, etc. Mumbaikars still have a poor showing during elections, despite knowing that the ballot is the best way to demand accountability.

Rampant corruption, weak and inept leadership, bureaucratic turf battles and plain lethargy have exposed our vulnerabilities as a society. The 1993 Bombay blasts were possible because the terrorists could bribe customs officials and get RDX consignments cleared. Incoherent and delayed responses are strengthening the will of the terrorist, and weakening the morale of the nation. Inter-agency battles are weakening the country. In contrast, terrorist outfits are determined and relentless in their efforts to undermine our unity and strength. We need resolute action and a relentless vigil to protect our interests.

State and society should be partners in this quest for safety of our citizens and security of the nation. We need a comprehensive legal framework that fuses three vital elements: effective coordination among all security agencies, reconciliation of security with human rights, and engagement of citizens in the protection of their nation. The Right to Security Act that will integrate all these elements is the need of the hour.

Jayaprakash Narayan is the founder and President of the Lok Satta Party – new politics for the new generation.

Why the UN Didn't Respond to 26/11

~ Dr. Waheguru Pal Singh Sidhu

Today, at the national and regional level, large loopholes still exist in the security system. On the international front, however, there have been a lot more initiatives yet the apex body of the UN remained silent post-26/11. Were they justified in holding back?

The third anniversary of the heinous 26/11 assault on Mumbai, which coincides with the tenth anniversary of the 9/11 attacks and the attack on the Indian parliament, are a stark reminder that despite efforts at the national, regional and international level, the spectre of terrorism continues to haunt the world.

At the national level, even three years after the horror of the Mumbai attacks, the nation's capacity to detect and disrupt such plots remains appallingly inadequate. This was apparent when an abandoned 1,000-tonne merchant ship, the MV Pavit, drifted and ran aground, undetected, on the Juhu-Versova beach in June 2011. If a ghost ship like the MV Pavit is not spotted, let alone intercepted, it raises troubling questions about the ability to stop smaller vessels being manoeuvred to evade detection.

At the regional level, despite the 23-year old South Asian Association for Regional Cooperation (SAARC) Regional Convention on Suppression of Terrorism and its Additional Protocol, there is little or no coordination on counterterrorism at the practical level. This was evident at the latest SAARC summit in the Maldives, where Pakistan's oft-repeated promise to persecute the individuals responsible for Mumbai only underlined the lack of progress. Similarly, Islamabad's inability to act against the Jamat ul Daawa, despite evidence, indicates the

woeful inability of SAARC to effectively address terrorism at the regional level.

At the international level, over the past decade, the United Nations system (comprised of member states and various institutions) has done a commendable job establishing international norms and rules to combat terrorism. Starting with UN Security Council Resolution (UNSCR) 1373, adopted in 2001, which established the UN's Counter Terrorism Committee (CTC), the world's most exclusive decision-making body has also passed a number of other resolutions, notably UNSCR 1540 (2004), UNSCR 1566 (2004), and 1624 (2005), aimed at countering terrorism.

These resolutions strengthened the 14 other UN conventions and protocols (the earliest dating back to 1963) dealing with terrorism. Combined with the United Nations Global Counter-Terrorism Strategy, adopted unanimously by the General Assembly in September 2006, these established the UN's four-pillar counter terrorism strategy of:

Measures to address the conditions conducive to the spread of terrorism; measures to prevent and combat terrorism; measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in that regard; and measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism.

One indication of the success of the UN system in establishing norms against terrorism is the acceptance of these conventions, resolutions and strategy by the majority of UN members. According to India's Permanent Representative



At the regional level, despite the 23-year old South Asian Association for Regional Cooperation (SAARC) Regional Convention on Suppression of Terrorism and its Additional Protocol, there is little or no coordination on counterterrorism at the practical level



to the UN, Hardeep Singh Puri (who is also the chairman of the CTC), on “11 September 2001, only two states were signatories to all the [then] 12 UN conventions relating to terrorism. That number has now grown to 111.”

However, the implementation of these measures have been found wanting, partly on account of the lack of capacity of the various UN agencies as well as some member states. Most worrying is the ambivalence because of some countries’ inclination to support these norms in word but not in deed, compelling Puri to call for “a greater focus on States’ implementation of resolution rather than on ‘reporting’ as an end in itself.”

This severe drawback is evident in the case of the 26/11 Mumbai attacks. In previous attacks in other parts of the world – for instance, in London on 7 July, 2005 – the UN Security Council (UNSC) passed UNSCR 1611 (2005) on the very same day condemning the attacks. Similarly, the UNSC also adopted UNSCR 1618 (2005) to condemn terrorist attacks in Iraq and asked for specific actions to be taken to counter these attacks. In addition, the UNSC has regularly passed resolutions under Chapter VII of the UN Charter (which authorises the use of force) aimed at “Al- Qaida, the Taliban and other individuals, groups, undertakings and entities associated with them, for on-going and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property and greatly undermining stability.”

Significantly, no such resolution was forthcoming after the Mumbai attacks.

One possible explanation for this lapse is that the Mumbai attacks were not carried out by entities associated with Al-Qaida and Taliban and did not also directly affect the interests of the permanent members of the UNSC. A resolution was passed after the London attacks because the UK is a permanent member of the UNSC. As India was not even an observer member of the UNSC at the time of the Mumbai attacks, it might not have been in a position to propose such a resolution.

Worse, even as the involvement of Pakistan’s security establishment in the Mumbai attacks became evident, the UN system was unable and

unwilling to call Islamabad to task. This despite the fact that even three years after the strike on Mumbai, Pakistan has not prosecuted those responsible and was in clear violation of UNSCR 1456 of 20 January, 2003, which categorically notes: “States must bring to justice those who finance, plan, support or commit terrorist acts or provide safe havens, in accordance with international law, in particular on the basis of the principle to extradite or prosecute.”

In theory, the UNSC could impose sanctions against a country that violates its own statutes. In practice, however, this is not likely to happen in the case of Pakistan, primarily because Islamabad (despite its growing intransigence) is a key ally of the West in the counter-terrorism operations in Afghanistan.

While there is an inherent reluctance on the part of the UN counterterrorism architecture to confront state-sponsored or even state-unsponsored terrorism, such dereliction to uphold the painstakingly established norms is likely to erode the entire structure.

There was a time that state-sponsored terrorism was winked at on the mistaken assumption that one person’s terrorist is sometimes another person’s freedom fighter. However, in the wake of 9/11 and the Mumbai attacks, such a distinction is no longer tenable or justifiable under any circumstances.

Against this backdrop and under the Indian presidency of the CTC, the UN is now developing a norm “to ensure zero-tolerance towards terrorism” and particularly urges States to:

- Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens and to deny safe haven to persons engaged in these activities;
- Bring to justice those who finance, plan, support, facilitate, or commit terrorist acts, in particular noting the principle of “extradite or prosecute”, in accordance with international law, including human rights law;
- Enhance cooperation in bringing terrorists to justice, including cooperation in the prevention,

investigation, and prosecution of terrorists and offences;

- Prevent the movement of terrorists, including the supply of weapons, through effective border controls.

While the effective implementation of these would clearly prevent another 26/11-like episode, it is not clear whether the CTC, even under the Indian leadership, can ensure their operationalization.

Unless the UN system can adequately respond to the challenge posed by 26/11, by holding states like Pakistan accountable for their role in transnational terrorism, the elaborately constructed international counter-terrorism system will lose its credibility. If international terrorism is to be effectively tackled, then Mumbai's experience cannot be allowed to go unpunished or repeated.

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26/11 Revisited from Lahore

~ *Masood Hasan*

To me, Mumbai is very special because it is no ordinary city. Its sheer energy, rhythm, drive, glamour and joy of living infect you. It is a city where anything is possible, whatever the odds. Between its shanty townships and swinging nightlife lies the essence of 'Incredible India' – a city mired in poverty yet soaring across the world. On many visits to Mumbai, almost to a man – or woman – Indians never mentioned the 'K' word – Kashmir. They talked of steaming ahead. And almost everyone talked vaguely about 'being one' – with Pakistan – in tones bordering on nostalgia.

Here, in Pakistan, the 'K' word is like a well-intoned mantra, and the Indian nostalgia for 'being one' finds no supporters. It is partially why every peace or normalization initiative gets bogged down. There are other factors too, namely the Pakistan army's ingrained but seldom admitted paranoia of becoming irrelevant in the event of a peace deal. Ditto with the nutty hawks and right wingers, who dream of hoisting the green and white flag over the Red Fort in New Delhi. Then there are the 'jihadis' with their crazed agenda. It is a bubbling, frothing cauldron and no one knows what's cooking inside. Thus, even a whiff of relation – normalization is immediately followed by a feeling of euphoria and just as immediately – and sadly – by disappointment.

Mumbai is no stranger to terrorism. Between 1993 and 2011, almost 750 people in the city have lost their lives to terrorist attacks, and thousands have been injured. When 26/11 happened, there was widespread shock in Pakistan. But as evidence clearly indicated our involvement, voluntary or otherwise, there was denial. This was followed by indignation. The attackers were all from Pakistan yet this fact did not dampen the enthusiasm of Pakistani officials to deny all responsibility. The carnage that was beamed non-stop, world-wide, instead induced

the ostrich syndrome in us. We sought shelter behind notions like attributing to the attackers the status of mercenaries acting in their personal capacity – non-state personnel, or at the bidding of shady outfits, some here and some across the border in India. Even Zionism, Pakistan's favourite whipping-state, was thrown into the cauldron of blame, as was the United States. I think Canada was lucky to escape the conspiracy-mongers' flights of fancy. General denial and British 'nefarious' designs were aired when at least one UK newspaper reported live almost immediately from a village in Punjab, establishing Ajmal Kasab's Pakistani identity.



*As India waited with
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There was much fuss over the Indian-compiled report on 26/11 that had been delivered to the Pakistan government. As India waited with increasing frustration, Pakistan officialdom sat on the fence looking for thumbs to twiddle. Weeks later, the interior ministry went as far as to claim that it was still 'examining' the document.

The Indian government was convinced that the delay was deliberate to 'buy' time. Most assumed that the 26/11 dossier was the size of Everest. It wasn't. It could have been read in minutes and answered within a week at the most. But no one was that interested. It was more important to develop a 'posture' than an answer. The farce continued.

The truth was and is that the act was committed by Pakistani militants trained in Pakistan. Senior military persons maintained then and now that this act did not have the support of the ISI or any other organ of the Pakistani government. These terrorists evidently belonged to the banned outfit called Lashkar-e-Toiba (LeT) and were responsible along with the Inter-Services Intelligence (ISI) in fomenting trouble in Indian Kashmir. It and many of the banned outfits roam freely here. Half a dozen, otherwise banned,

have been allowed to collect skins of sacrificial lambs this Eid. The left hand-right hand analogy at play!

Possibly the first senior official of the Pakistani government to directly get in touch with the Indian government then was the National Security Advisor, Maj. Gen. Retd. Mahmud Ali Durrani, who offered to send Pakistani investigators to Mumbai to work alongside the Indian investigating team – a thought echoed much later by Prime Minister Gilani. The Indians, especially the media, had already gone berserk. The Indians accused the ISI of being involved, basing their reasoning on the origins of the attackers, their route, meticulous planning, intercepted calls and so on. They also maintained that such a complex operation could not have been undertaken without the support of the Government of Pakistan and the ISI. Pakistani officials in retaliation maintained that if a dozen Saudi citizens could pull off the 9/11 disaster then surely the LeT, a well-trained and battle-hardened group, could do it on their own without the ISI masterminding them.

Logical in a twisted way, perhaps. Convincing, no.

With India accusing Pakistan, the latter changed positions from silence to denial to going on the defensive. An offer to help and the Prime Minister's promise to send the ISI chief to India (didn't win the P.M. any brownie points with the army and eventually he did not go) did not result in the crisis abating. Even if the ISI was not involved, there is no doubt that it brought the strained relations between the two neighbours to the lowest level and set back any slender chances of peace. Instead, war at one point, was imminent. The Security Advisor who revealed to a Pakistani TV channel that Kasab was very much a Pakistani, was sacked. Later, on January 7, 2009, the Minister for Information, Sherry Rehman also said the same thing, but escaped a sacking – though she later quit. A month later, Pakistan's Minister of Interior, Rehman Malik, not the most discreet man in Pakistan, admitted Kasab's identity and said

“parts of the attack were planned in Pakistan.” Arrests here and abroad of many Pakistanis and foreigners linked to Mumbai continued, the LeT was charged formally. But nothing further is known of that move, buried as it is in tons of reports and speculations.

In India, the finger has pointed at various outfits – the Indian Mujahadeen, the Mumbai underworld, Kashmir militants, Islamist groups and Students of Islamic Movement of India, the last of which allegedly planned the attacks with the LeT. There is a mind-boggling amount of data and nothing is still clear. With the imminent hanging of Kasab, the sole survivor after the rejection of his February 2011 clemency plea, this chapter too will close. Kasab's charge that the attacks were conducted with the support of Pakistan's ISI will never be proved.

Average Pakistanis were shocked and saddened at the carnage and killing of innocent people – but not all. Today most Pakistanis no longer seem to have any interest in the case. From the front pages to the back, then inside and now small snippets tucked away, it has lost out in the aftermath of other terrible events that steadily continue to rock us. It will revive briefly if and when Kasab is hanged. Then like him, it too will cease to be.

As for the rest of us, we live on uneasily with so many known and unknown outfits freely going about their black business – the current flavour of the month is the Haqqani Group with the U.S. braying for its blood. In such murky times, the truth becomes an easy target and for government spokespersons to take cover and assign blame where it cannot be verified, simply becomes manageable.

Only more people-to-people contact will begin to overcome the history of mistrust between Pakistan and India. When both governments ban that silly ceremony at the Wagah border, it will mean more than we can think.

But when will this happen? Your guess is as good as mine.

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India: Up-and-Down on Pakistan

~ Inder Malhotra

Just two months ago, the United States observed the tenth anniversary of 9/11 with great solemnity and manifest determination never again to allow its repetition. There is little sign of similar sentiment here on the eve of the third anniversary of Pakistan's savage terrorist attack on Mumbai. People seem to have virtually forgotten the horrific assault; a few are advising others to forget the past and "think of the future," whatever that might mean.

These sentiments can be allowed to pass. Our real worry should be that while there has not been a single terrorist attack on the U.S. for a whole decade – some amateurish attempts were nipped in the bud – there have been quite a few here in India during the past 36 months. One reason for the unequal comparison is, of course, that Fortress America is blessed by geography. By contrast India has long and porous land borders with not only the neighbour that uses terrorism as an instrument of policy but also with nearby countries to the north and the east through which these merchants of death and destruction transit into this country. Yet, after full allowance has been made for this factor, the fact remains that our counterterrorism efforts, so far, have been woefully deficient.

The problem is vast but let us examine the situation on three crucial counts.

First, compared with the speed and vigour with which the U.S. made its counterterrorism machine and methods foolproof and knaveproof, we are progressing at a snail's pace and, at times, far too casually. The Americans set up a new department of homeland security, reorganized their intelligence establishment under an intelligence czar and ensured enviable

coordination among all agencies responsible for combating terrorism.

Whatever we have been able to achieve is not at all comparable, and this leads me to the second main point. The concept of the National Investigation Agency (NIA) was unexceptionable. We need an agency to investigate all terrorism cases. But what is the result? Nearly two-and-a-half years after it took over the investigation of the Malegaon blasts in 2006, the court has had to release on bail seven of the nine accused for want of an iota of credible evidence. The NIA's performance over the bomb blasts in the Delhi High Court in May is no better. At first it made strident claims of having "cracked" the case and also made some arrests in Jammu and Kashmir; then it released its prisoners and went silent.

What makes this already dismal situation worse is that quite a number of sensible decisions, taken in the aftermath of 26/11, have not been implemented at all. For instance, the terrorists who converted Mumbai's five-star hotels into slaughterhouses had landed by sea at the Indian Navy's most important command and the main area of operation of the Coast Guard. The government had then wisely decided to have a full-time Maritime Security Advisor. However, nothing has been heard on the subject since.

All terrorism afflicting India is not the monstrous type from across the border and the Line of Control (LoC) in Kashmir. In what V. S. Naipaul called the land of 'a million mutinies,' the Maoist menace is the worst threat to India's internal security. But two high-level inquiries into squalid episodes in which Maoists massacred personnel of our security forces with



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impunity, have concluded that those assigned the task of defeating the Maoist rebellion – that extends from Pashupati in Nepal to Tirupati in Andhra Pradesh – are “badly trained, badly equipped and badly led.”

Rather than go on in this depressing strain, let me take up the third angle from which post-Mumbai events have to be judged: our interaction with Pakistan, the source of the trouble. For the United States, the choice was easy: to vow to decimate Al Qaeda through a global war on terrorism in which Pakistan was co-opted under the threat of “bombing it to the Stone Age.” In my view, it was a sound policy of the Manmohan Singh government not to start a war between the two nuclear powers, which is what any kind of military action, however limited, would have led to. Mobilizing international pressure on Pakistan, to punish appropriately both the perpetrators and masterminds of 26/11, was a better course of action.

Its results have been limited, however, because the Pakistani response, beginning with total denial, has been extremely tardy and at best, only incremental. The trial of the accused persons is practically moribund. Islamabad wants to take no action at all against Hafiz Saeed, head of the Jamaat ud Dawa and founder of the Lashkar-e-Toiba (LeT). On a visit to Islamabad in August 2009, I raised this matter with every interlocutor, some of them old friends. Almost all of them remonstrated with me for “focusing on just one man.” At one stage, an intrepid journalist said that no Pakistani government would act against the Hafiz because “he has enough armed followers in Lahore alone who would raise hell in Punjab.” Since then the hold of the jihadis on Pakistan has increased manifold.

Under these circumstances it has not been easy for Dr. Manmohan Singh to follow a policy of dialogue with Pakistan. But, to his credit, he has stuck with it. For it is the only viable policy. One can't not be on talking terms with a neighbour with which one has acute problems.

So there have been numerous ups and downs in this exercise. Sharm el Sheikh, in August 2009, turned into a fiasco. Things have moved some since the 2010 SAARC summit in Thimpu where Dr. Singh met with his Pakistani counterpart, Yusuf Raza Gilani – but very slowly. Much enthusiasm was generated at the latest SAARC summit on the island of Addu in the Maldives, where Dr. Singh described Mr. Geelani as a “man of peace” and promised to write a “new chapter” in India-Pakistan relations. Expectedly, he had to later tone down his remarks.

Still, the dialogue continues, helped by such Pakistani gestures, to move, at long last, towards restoring normal trade relations. New Delhi also feels that Pakistan's troubles on its western border, and tensions between it and its main ally and mentor, the United States, will persuade it of the wisdom of making up with India. But now comes “Memogate” which has brought into the open the head-long confrontation between the all-powerful military chief General Ashfaq Kayani and the weak President Asif Zardari, which might impede decision-making in Pakistan.

In this unstable environment, the best that can be expected is to continue the dialogue with due emphasis on terrorism as the main issue, but not to pitch our expectations too high. For that would be the surest way to disappointment.

Inder Malhotra, a former editor of The Times of India and Guardian correspondent in India, is a syndicated columnist. The views expressed are personal.

The ISI: U.S. Backers Run for Cover

~ *M.D. Nalapat*

In September, the recently-retired U.S. Joint Chiefs of Staff, Mike Mullen, warned of the risks to international security because of the propensity of the Pakistan army to back – sometimes covertly, but usually openly – Wahabbi extremist fighters. However, he left unsaid the name of the country that has been most responsible over six decades for causing this risk to develop.

Since the 1950s, the Pakistan army has been, in a significant way, the creation of the U.S. military and intelligence services, including its fraternisation with jihadis. Even as the former admiral was talking of the 'double-dealing' of the Pakistani military, U.S. military and intelligence officers were going through the very same 'double-dealing' machinery in order to gain access to elements such as the Taliban. And as before, they were using the Pakistan side to gain information about the country that has become the biggest challenger to U.S. military dominance – China.

Prior to the fall of the Soviet Union in 1991, the U.S. had teamed up with China in encouraging the Pakistan army to weaken its Indian counterpart through non-conventional and clandestine methods. After that, Washington's policy changed to one of benign acquiescence to the ISI's (Inter-Services Intelligence) operations in India – even after 9/11. It was only after the 26/11 attacks showed that Western interests were almost as much at risk as India's, that the U.S. began to actually – as distinct from formally – discourage Islamabad from using Wahabbi and other proxies to launch attacks within India. Of course, China's People's Liberation Army has, to date, continued the policy of seeing in the ISI's antics a useful way of slowing down the

progress of a country that it sees as a rival – India.

It was easy to play these games in the early days.

Till 9/11, the U.S. regarded Wahabbi-based terrorism as a problem far from home. This perception was shared by many Europeans, even though other manifestations of the scourge had for decades hit the continent, such as the actions of the Basque separatists in Spain or the IRA in the UK. The latter country, in fact, prided itself on the sanctuary it afforded to any extremist who was a self-labelled 'freedom fighter.' To this day, collections are made by citizens of the UK, which are sent directly to organisations active in Kashmir or for the Naga insurgency. The latter is made possible by Anglican church groups which still have collections for 'charities' active in Nagaland that oppose Indian 'domination' – without a peep from Indian authorities.



In the past, a large share of the funds used by the Khalistan movement were formed out of collections made in cities such as Los Angeles and Toronto. In fact, the latter location, together with Paris, was a prime source of funds utilised by the LTTE until its 2009 collapse at the hands of the Sri Lankan army



In the past, a large share of the funds used by the Khalistan movement were formed out of collections made in cities such as Los Angeles and Toronto. In fact, the latter location, together with Paris, was a prime source of funds utilised by the LTTE until its 2009 collapse at the hands of the Sri Lankan army. These days, countries that are more 'progressive' in Europe, notably Norway, have picked up some of the slack, encouraged by a state that believes it has a magic wand that can turn extremists into good citizens in any part of the globe. Flush with cash and with a taste for exotica, Norwegian-funded NGOs have blossomed in conflict locations, usually on the side of those confronting established

authorities. Should the Sri Lankan or another government ask Interpol for an international arrest warrant to be issued against those funding and otherwise backing groups engaged in organised violence, it may have some effect on the volume of such 'Good Samaritan' contributions. The Government of India is, of course, far too genteel to even think of such measures, no matter what the havoc such funds collected from the 'civilised world' have done to its internal security.

While others may argue that it is better late than never that the former Chairman of the Joint Chiefs of Staff realised the truth about the ISI and the broader Pakistan army, the reality is that the fusion of the military in that country with terrorists has been known across the globe. In its very first war, waged against India over Kashmir during 1947–1948, the Pakistan army relied on irregulars armed by itself to soften up resistance from the forces of the Maharaja of Kashmir. This fact was not unknown to Pakistan's backers in the UN, notably the U.S. and the UK, both of whom succeeded in making a fool out of Indian Prime Minister Jawaharlal Nehru when the latter placed the issue of Pakistan's aggression before a UN Security Council – a body dominated by those unhappy with his anti-colonial rhetoric and impressed with the effusive promises of Pakistan to remain as loyal a follower of the superior wisdom of the occident as Mohammad Ali Jinnah was of Winston Churchill.

Sixteen years ago, Gene Madding, an official in the Clinton administration, organised a meeting for this columnist in the innards of the Clinton administration. More than a dozen analysts and officials showed up for the inquisition, and there was a knowing cynicism about the part of the presentation that held the Pakistan military as a pro-terror force. "That's because you're an Indian (that such a point was made)," was the comment of a State Department analyst who was introduced as an expert on south Asia. Despite the first World Trade Centre attack – and its obvious link to Pakistan – the Clinton administration remained in total denial about

the actual nature of the only organised military in the world that has 'jihad' as its motto. Small wonder that a year prior to the (1995) meeting, former Assistant Secretary of State for South Asia, Robin Raphel and U.S. Ambassador to Afghanistan Zalmay Khalilzad, had already begun the programme of facilitation that ensured the takeover of 86% of Afghanistan by the Taliban in 1996. A check of the output of journalists of that period will show the credulity of the U.S. and UK media of the actions and analysis of Raphel and other Pakophiles within the Beltway.

Faith in the Pakistan military, and in the Wahabbi elements within the ruling elites of the Gulf Cooperation Council countries, comprise the hole in the ozone layer of counter-terrorism strategy – a gap through which numerous terrorist groups and individuals have escaped punishment. Till today, the U.S. hesitates to place international sanctions against even those members of the ISI that the Defense Intelligence Agency and the CIA know are aiding terror groups, in contrast to their zeal against a defanged and collaborative Muammar Gaddafi.

Until the United States accepts that the only path to success in cleansing Afghanistan of significant terror groups is to take the war to the Pashtun areas as a whole, including those located in Pakistan, the Taliban will continue as a potent threat. The former Soviet Union made the mistake of not even trying to interdict weapons and explosives supplies from Pakistan that had been flowing into Afghanistan since 1978. President Obama has been more robust in the drone program than the pro-Pakistani Defence Secretary Dick Cheney, allowed George W. Bush to be. But these attacks – like those on Mumbai – represent only a small fraction of the attention needed to be paid by the Pentagon to the Pashtun territories as a whole. And after 26/11 (which incidentally this columnist was the first to expose as being an ISI operation in upiasia.com), there is no place to hide for the Mike Mullens and countless others who have, throughout their careers, been apologists for the Pakistan army and the state it controls.

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9/11 and 26/11: Are We Any Safer?

~ *Bob Dowling*

Is the U.S. safer after ten years of war in Afghanistan? When President Barack Obama was posed this question on October 7, he said yes.

Obama's reasons were that the U.S. was ending wars in Afghanistan and Iraq from a "position of strength", that Osama Bin Laden was dead, and that Al-Qaeda was degraded to the point of defeat. Left out of the Afghan perspective was whether the U.S. could count on Pakistan to be a peacekeeping ally or a disruptive force when the troops make their scheduled departure two years from now.

President Hamid Karzai of Afghanistan did not share these doubts. In an interview with the BBC on October 7, he said that the U.S. had failed to make Afghanistan secure from the Taliban and that the Taliban was supported by "elements in Pakistan." Karzai's thrust was that Afghanistan would fall to Taliban control with a U.S. exit, implying that Afghanistan could return as a homeland for terrorists.

Karzai wasn't alone. Stanley McChrystal, the U.S. general ousted for criticizing the U.S. President's handling of the war, said on the eve of the 9/11 anniversary this year that the key to Afghan stability was creating a broad-based government "that Afghans can believe in." But few U.S. specialists believe that a strong central government in Afghanistan can work. Recognizing the existence of tribal fiefdoms, U.S. Senator John Kerry argues that a collection of separate regional Afghan governments in place of a central authority is the best result that can be expected as the U.S. withdraws. Others pointed out that a stable government means a stable economy – not in sight when 90% of the

cash economy is growing poppies and cannabis for the export of opium, heroin, and hashish. This means that after Afghanistan is taken off external aid, it will be pretty much like Mexico and Colombia – a drug economy.

So what's the verdict?



The disclosure last May by U.S. citizen David Headley that American intelligence officials knew that a Pakistani terrorist group was planning a possible attack in Mumbai, was shocking news when it was revealed at the Chicago trial of his alleged accomplice, Tahawwur Rana



At this point, most Americans don't care. Battling a weak economy, subjected to a daily barrage of election promises by presidential candidates and spared from what was once an inevitable second 9/11-type attack, they have turned inward. Close calls like the shoe bomber, the underwear bomber, and the car bomber in New York City's Times Square pass through news filters like bad weather: headlines one day, gone the next.

The disclosure last May by U.S. citizen David Headley that American intelligence officials knew that a Pakistani terrorist group was planning a possible attack in Mumbai, was shocking news when it was revealed at the Chicago trial of his alleged accomplice, Tahawwur Rana. So was Headley's allegation that Pakistani intelligence had links

to the terror group Lashkar-e-Toiba (LeT). As a self-confessed spy for the militant LeT Pakistani group, Headley entered a plea bargain with U.S. prosecutors to avoid the death penalty. He then agreed to testify against Rana, a Chicago businessman who is charged with giving Headley cover as his immigration agent so that Headley could scout the Taj Mahal Hotel and other sites for the 26/11 attacks.

Six months before his trial, a leaked report by the U.S. director of national intelligence said American agencies had been following Headley's activities for seven years but did not seem to

have shared their findings. Headley was at one time a paid informant for the Drug Enforcement Administration and may have also supplied information to the CIA. In the murky world of overlapping intelligence gathering, no one in the report pinpointed where the intelligence failure started, except to say that data bases were still not coordinated. In other words, blame a bureaucratic snafu. The Washington Post quoted one official as saying "It's a black eye" that one hand didn't know what the other was doing

What no one has tackled is whether there are other Headleys and Ranas out there whose actions threaten Americans as well as overseas allies. In her excellent Washington Post series and later book, "Top Secret America: The Rise of the New American Security State," Dana Priest depicts a homeland security industrial complex of more than 800,000 employees, 51 agencies and scores of private contractors paid to gather intelligence in secretive, often duplicative ways.

That's the argument used - that a bureaucratic screw-up prevented India from getting a line on Headley before the 26/11 attacks. It would also be the argument used if another attack hit the U.S.

But is clumsy coordination the whole story or did diplomatic concerns intrude and prevent intelligence vital to India but adverse to Pakistan from getting passed on? Or as some suggest were Pakistani agents informed but as Headley alleges, also involved? Webster Tarpley, a conspiracy-minded U.S. talk show host, maintains that Headley was a double agent. "If

this David Headley was working for the CIA all along, which is a very plausible conclusion.....It means that the CIA is implicated," he asserts.

The United States' relationship with Pakistan is often called a "roller coaster" and a "guilt trip" with Pakistan laying the guilt on Washington for not getting enough credit for sharing intelligence and losing thousands of its own citizens as a result of the Afghan war. Those are important considerations. But for every pro-Pakistan statement, there is a counterpoint disclosure: the Wikileaks disclosures that Pakistan funneled U.S. aid directly to the Taliban, that Osama bin Laden was living next to a Pakistani military base, that China is Pakistan's largest arms supplier.

If Americans paid attention, these would be specific hot-button issues and raise the question: "Why should we feel safer if our Pakistan ally is duplicitous?"

They don't because they're grateful for a decade of security, no matter how disjointedly it has been delivered, and aren't inclined to stir up questionable alliances.

But what a string of disclosures by Wikileaks, reporter Dana Priest and others have shown is this: strip away the fluff and you'll see how fragile the U.S. security blanket really is. As he winds down a very unpopular war, President Obama has no choice but to declare America safer.

Safer, unless it happens again.

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Hope-to-Despair-to-Hope Policy on Pakistan Doesn't Work

~ Seema Sirohi

The whole truth about the Pakistan's deep state role in harbouring, supporting and periodically unleashing terrorists is now established. A steady torrent of statements, by senior U.S. officials on and off the record to journalists and to the U.S. Congress over the past year, has shredded the last of the pretence that maybe, somehow, the generals who run the increasingly dangerous show, are innocent of what goes on in the country they have turned into an antediluvian jungle. From their machaans in Rawalpindi, they want to control the fate of Afghanistan and the pace of peacemaking with India.

As India approaches the third anniversary of the horrific Mumbai attacks, during which ISI-linked Pakistani terrorists killed 166 people and injured many more, it is time to take a hard look at the options. It is a given that, in the medium term, the generals next door will continue to shelter 'snakes' in their backyard; a term for militants now made famous by Hillary Clinton. They show no signs of changing tack, only of waiting it out until the Americans leave Afghanistan. The Rawalpindi generals have managed to turn their loyal friends, the Pentagon generals, apologetic by repeatedly sticking it in their eyes. Attacks against U.S. troops have become steadily more brazen as trust between the allies has dissipated. The senior brass has leaked U.S. intelligence, helping the terrorists escape.

No amount of pressure or largesse seems to work on the deep state actors. Leaders of the Taliban, the Haqqani Network and Lashkar-e-Toiba (LeT) are living and prospering in Pakistan, waiting for 2014 when U.S. troops will be gone and Afghanistan will be open 'business.'

The Pakistan military-ISI combine will ensure the terrorist leaders don't break ranks. No effective reconciliation process is likely to emerge in Afghanistan because of this dynamic despite Clinton's energy and efforts.

Recent comments by General Pervez Musharraf, who wants to return and fight elections in Pakistan, are revealing. Last month he told a Washington audience that "Afghanistan always has been anti-Pakistan" because of its closeness to India and the former Soviet Union. "So we must not allow this to continue...One must not begrudge if Pakistan orders the ISI to take countermeasures to protect its own interests." It can be safely assumed that he reflects the thinking of fellow generals. Afghans themselves are increasingly vocal about Pakistani interference as a destabilizing force. They no longer want to be treated as a province of Pakistan.

Now that Washington has come to the painful realization about the nature and intent of the Pakistani deep state, something that India has lived with for decades, it might be time to take a hard, practical look at how to work around the generals. Both the U.S. and India have a common interest in containing terrorists but they need to cooperate on a grander scale. They also must overcome the trust deficit. The new India-U.S. homeland security dialogue launched this summer can be the vehicle to bolster counter-terrorism cooperation and intelligence sharing. But it must deepen and widen to levels that are meaningful.

The United States must stop making a distinction between terrorists who act against it



Now that Washington has come to the painful realization about the nature and intent of the Pakistani deep state, something that India has lived with for decades, it might be time to take a hard, practical look at how to work around the generals



from those who operate against India. The divide is blurring and the sharing is increasing. But there is a sense that U.S. intelligence agencies still withhold information on terrorists operating in Kashmir, because they believe it would adversely impact relations with Pakistan and bolster the feeling that Washington is taking 'sides' on the Kashmir dispute. It is unclear if relations with Pakistan – or more precisely – with the Pakistani military could get any worse or improve for that matter by protecting certain terrorists.

Pakistani sensitivities should no longer dictate the level of intelligence sharing between the U.S. and India. American officials made Indian interrogators wait nine months before allowing them access to David Headley – one of the masterminds of the Mumbai attacks who became a government witness. Headley's testimony pointed directly to a Pakistani ISI officer and a naval officer who helped plan and execute the assault. Yet the U.S. administration made no effort to get Pakistan to produce the two men. Pakistan's Foreign Secretary Salman Bashir had dismissed the three Indian dossiers of evidence against Hafiz Saeed, the chief of Lashkar-e-Toiba (LeT), and other terrorists as 'literature.'

However, the FBI was granted unfettered access to evidence collected by Indian investigators and was allowed to interview more than 50 people,

including Ajmal Kesab, the only Mumbai attacker to survive. The U.S. did provide technical assistance, which shed light on the links to Pakistan the money trail to Spain and the satellite phones used by terrorists. FBI agents also gave testimony in the Mumbai court, which is considered a milestone in bilateral cooperation.

But what's needed is a clear-eyed view that terrorist groups based in Pakistan are linked and interdependent. It is only this year that the Washington establishment has begun to view LeT as a group that also operates against the U.S. not merely against India. Its game is larger and its footprint is increasingly found in Afghanistan. The attack on the Jewish centre in Mumbai was the most blatant assertion of LeT's widening net. Its sympathizers and operatives have been arrested in the U.S., one as recently as this year. Jubair Ahmed, a Pakistani American was nabbed in September for spreading LeT propaganda on YouTube.

It could be argued that LeT's ability to operate freely inside Pakistan ultimately helps al-Qaeda, the group Washington wants to decimate. So when Hafiz Saeed goes firing up crowds with hate and vitriol, he is not just aiming at India. He includes America. The U.S. government has the choice of either continuing to hope that the Pakistan military-ISI-jihadi complex will reform or take measures to force compliance.

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26/11: What About Human Rights?

~ *Meenakshi Ganguly*

Hearing an appeal on November 10, 2011, from militant Devinder Pal Singh Bhullar challenging the rejection of his mercy petition by the President, a bench at the Supreme Court asked, "Has anyone tried to find out what is the psyche of the victims? They hadn't committed any crime. What about their human rights?" Bhullar is facing a death sentence for his role in a 1993 Delhi bombing which killed nine people. "We always forget [the victims]," the judges mourned.

These comments had particular resonance, coming as they did so close to the third anniversary of one of the worst terror attacks ever in India: the November 2008 attack on Mumbai. The burned hotels have been rebuilt, commuters are rushing through the busy station that had witnessed such bloodshed, the attacked hospital is functioning, and Leopold's café shows its bullet marks as trophies to visiting tourists. In fact, the Supreme Court is also hearing an appeal from Ajmal Kasab, the surviving gunman convicted for the attack. The city, ostensibly, has moved on.

This is no different from what happened after horrific attacks in London, Moscow, New York or Madrid. Yes, there are longer queues at airports now, an inevitable increase in surveillance, and often frisking before entering public places. People might worry about sudden and terrifying violence: shootings, ambushes, bombings or other attacks, but most have shrugged and accepted this as an added risk to life and security.

What also fades from public memory is how these assaults have caused terrible harm to civilian populations – maiming people for life, devastating families, leaving deep physical and psychological scars — the severe violation of their rights. Thousands have been killed in indiscriminate bombings and shooting attacks over the last decade.

States have the obligation not only to provide proper compensation and rehabilitation to

victims of terror attacks, but to also identify and prosecute perpetrators and take steps to prevent future attacks.

In the case of Mumbai, for example, the Indian state should follow the evidence wherever it leads. Where the evidence suggests the involvement of persons based in Pakistan, the authorities there have the responsibility to investigate and prosecute or extradite anyone involved in an international criminal act. Pakistan also has the responsibility to shut down networks planning future attacks that violate international law. Pakistani authorities should ensure that no Pakistani government officials, whether at a federal, province, or local level, are providing sanctuary or support to insurgents responsible for attacks violating human rights and international criminal law.

The perpetrators launch these strikes with the intent to spread terror among ordinary people. In Mumbai, for instance, taped phone conversations between the militants and their minders in Pakistan suggest that the goal was to maximize casualties, seeking glory from television accounts of the destruction they caused. Ajmal Kasab said in his initial confession, "We were shown the film on VT railway station and the film showing the commuters moving around at rush hours....We were instructed to carry out the firing at rush hours."

The Mumbai attacks were so well-planned they felt like a military operation. The Pakistan-based Lashkar-e-Toiba (LeT), an organization banned in 2002 but which has continued to operate under new names, sent four groups that killed 166 people and injured 238. The two-and-half day siege shocked the world.

Those that suffered personal loss should never be forgotten. Their pain will never go away. But for the wider community there is relief that the carnage was not further extended. After the Mumbai attack, relations between India and Pakistan were severely strained; there was talk of war – nuclear war – but better sense

prevailed. There was also concern about religious riots, but Indians came together, united except for the extreme right, in their abhorrence for such brutal violence. The Indian government vowed to make the trial of Kasab, who was photographed and captured on closed circuit cameras during his shooting spree, a showcase of due process.

Mumbai has many lessons to offer. One is not to overreact in the way terrorists want. Attacks succeed when they are followed by hate speech targeting a religious community, when there is ethnic profiling, when government forces engage in illegal detention, torture or renditions. Abuses such as these cause resentment and act as a recruitment tool for extremists. Some in India continue to call for Kasab to be hanged without trial. They should instead take pride in Home Minister P.

Chidambaram's commitment that India is "a country wedded to the rule of law."



States should always adopt a rights-based approach that ensures accountability and protects against abuses in the fight against terrorism



States should always adopt a rights-based approach that ensures accountability and protects against abuses in the fight against terrorism. There was a good step recently when the authorities in India launched fresh investigations into other bombing attacks, releasing from detention men initially arrested based on coerced

confessions for the 2008 Malegaon attack. The accused will still have to face trial, but it is always welcome when the State admits to an error. India should never again resort to rounding up the "usual suspects" or torture in custody. Instead, India's citizens deserve a well-planned and organized defense system to prevent future attacks. That will be evidence that the victims are not forgotten.

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