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Removing Terrorist Sanctuaries: The 9/11 Commission Recommendations and U.S. Policy

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Summary

The National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission) issued its final report on July 19, 2004. A major recommendation in the report was that the U.S. government should identify and prioritize actual or potential terrorist sanctuaries and, for each, to employ a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power. The rationale given for devoting special attention to denial of sanctuaries was the belief that “a complex international terrorist operation to carry out a catastrophic attack would be difficult to mount without a secure place from which to plan, recruit, train, rehearse, and launch the operation. To find sanctuary, terrorist organizations have fled to some of the least governed, most lawless places in the world, according to the Commission. The Commission stressed the value to Al Qaeda of the Afghan sanctuary and its logistical networks, running through Pakistan and the United Arab Emirates in preparing the 9/11 attack and other operations, as well as the advantages the terrorists derived from the lax internal security environments in Western countries, including the United States.

U.S. strategy to combat global terrorism, even prior to 9/11, included efforts to deny sanctuary to terrorist groups by isolating and applying pressure on states that sponsor or acquiesce to terrorists on their territory and by strengthening the counter-terrorism capabilities of countries that cooperate with the United States but need help. For years, U.S. officials exerted considerable diplomatic pressure on the Taliban government to expel Al Qaeda from Afghanistan. The United States also pressed the government of Pakistan to crack down on terrorist sanctuaries within its own borders and to use its influence with its then Taliban ally. These efforts were largely unsuccessful until the 9/11 attacks caused many governments to change their approach and cooperate more extensively with the United States in the fight against terrorism. After 9/11, U.S. efforts to deny terrorists sanctuary were substantially increased worldwide. The *National Strategy for Combating Terrorism*, released by the White House on February 14, 2003, placed strong emphasis on closing down terrorist sanctuaries, using all available instruments (military force, law enforcement, diplomacy, economic assistance, etc.). The strategy report addressed the need to eliminate conditions that produce terrorist sanctuaries, especially in failed states.

The 9/11 Commission identified six primary regions that serve or could serve as terrorist sanctuaries. These included Western Pakistan and the Pakistan-Afghanistan border region; southern or western Afghanistan; the Arabian Peninsula, especially Saudi Arabia and Yemen, and the nearby Horn of Africa, including Somalia and extending southwest into Kenya; Southeast Asia, from Thailand to the southern Philippines to Indonesia; West Africa, including Nigeria and Mali; and European cities with expatriate Muslim communities. In all of these regions, the United States and its allies have mounted campaigns to deny safe havens for terrorists. This report analyzes current U.S. policies aimed at closing down sanctuaries in each of these countries and regions in light of the 9/11 Commission recommendations. It may be updated as developments warrant.

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Removing Terrorist Sanctuaries: The 9/11 Commission Recommendations and U.S. Policy

Overview¹

The National Commission on Terrorist Attacks Upon the United States issued its final report (the 9/11 Commission Report) on July 19, 2004. The report offered a number of recommendations to strengthen U.S. efforts to combat terrorism. One strong recommendation was that the U.S. government should identify and prioritize actual or potential terrorist sanctuaries.² For each, it recommended a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power. The Commission stressed that the United States should reach out, listen to, and work with other countries that can help.

The rationale given for devoting special attention to denial of sanctuaries was that “....a complex international terrorist operation aimed at launching a catastrophic attack cannot be mounted without the time, space, and ability to perform competent planning and staff work; a command structure able to make necessary decisions and possessing the authority and contacts to assemble needed people, money, and materials; opportunity and space to recruit, train, and select operatives with the needed skills and dedication, providing the time and structure required to socialize them into the terrorist cause, judge their trustworthiness, and hone their skills; a logistics network able to securely manage the travel of operatives, move money, and transport resources (like explosives) where they need to go; access, in the case of certain weapons, to the special materials needed for a nuclear, chemical, radiological, or biological attack; reliable communications between coordinators and operatives; and opportunity to test the workability of the plan.”

The Commission stressed the value to Al Qaeda of its Afghan sanctuary under the Taliban government, as well as of its logistical networks, running through Pakistan and the United Arab Emirates in preparing the 9/11 attack and other operations. The report also emphasized the lax internal security environments in Western countries, including the United States that the terrorist were able to exploit. The Commission stated that to find sanctuary, terrorist groups have fled to some of the least governed, most lawless places in the world. The United States was seen as facing an enormous challenge finding ways to extend its reach and influence to some of these remote areas. The Commission warned that every policy decision made

¹ Prepared by Francis T. Miko, Specialist in International Relations.

² The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States, July 2004, Section 12/2, p. 365-367.

needed to be viewed through this lens. For instance, Iraq could not be allowed to become a failed state, because it could become a primary breeding ground for attacks against Americans at home. Similarly, the report stressed that U.S. and allied efforts to achieve stability in Afghanistan must succeed or else the Taliban, warlords, and drug traffickers might prevail, and allow the country to again become a potential refuge for Al Qaeda, or like-minded terrorist groups.

As the Commission report pointed out, U.S. efforts were underway even prior to 9/11 to get governments, especially those of Afghanistan and Pakistan, to deny sanctuary to Al Qaeda and other terrorist groups but these efforts were largely unsuccessful until the 9/11 attacks caused many governments to change their course. U.S. policy to combat global terrorism has long included the objective of denying sanctuary to terrorist groups by isolating and applying pressure on states that sponsor terrorism or tolerate terrorists on their territory, and by strengthening the counter-terrorism capabilities of countries that cooperate with the United States but need help.

The *National Strategy for Combating Terrorism*, released by the White House on February 14, 2003, stressed the broad scope of U.S. policy aimed at denying terrorists sanctuaries.³ What was termed the second front of U.S. strategy gave priority to “denying terrorists the sponsorship, support, and sanctuary that enable them to exist, gain strength, plan, and execute their attacks.” The strategy’s stated focus was three-fold: (1) to convince all states of their responsibility to combat terrorism; (2) to target aid to countries with the will but not the means to combat terrorism; and (3) to take action against states that are unwilling to meet their obligation to fight terrorism. Military force and law enforcement remained major tools of the new strategy. However, the strategy document also emphasized other instruments such as diplomacy, economic assistance, and programs to strengthen governance. The aim was to choke off the lifeblood of terrorist groups. In language very similar to that of the 9/11 Commission report, the strategy document spoke of denying access to territory, funds, equipment, training, technology, and unimpeded transit. More broadly, the strategy sought to eliminate conditions that produce terrorist sanctuaries, especially in failed states. The strategy spoke of the need to build a powerful coalition of nations against terrorism, including reorienting existing partnerships and creating new mechanisms of cooperation. It stressed that the United States was recasting its relations and forging new cooperation with Russia, China, Pakistan, and India.

After 9/11, the United States rallied much of the world’s support for the war against Al Qaeda and the Taliban in Afghanistan and for a global crack-down against terrorists and their money. The United States was able to enlist allies, as well as Russia and China, in support of the war effort. In what many experts saw as a fundamental shift in Russian policy with potential long-term consequences for U.S.-Russian relations, President Putin allied himself fully with the United States in the struggle, even showing understanding on the sensitive issue of U.S. use of bases in neighboring former Soviet republics. The United States gained more qualified

³ [http://www.whitehouse.gov/news/releases/2003/02/counter_terrorism/counter_terrorism_strategy.pdf]

support from China, which stopped short of specific military assistance. The United States also succeeded in gaining crucial operational support from Pakistan and the Central Asian republics, in particular Uzbekistan, Tajikistan, and Kyrgyzstan.

A large coalition of countries, as well as NATO as an organization, remain engaged in Afghanistan and elsewhere around the world. Small numbers of U.S. forces have been deployed to the Philippines to help local authorities root out terrorists believed to be affiliated with Al Qaeda. U.S. and allied forces have also been sent to the Middle East and Horn of Africa to intercept terrorists. The United States has sent military advisors to the Republic of Georgia to help eliminate terrorist groups operating from its territory. Since President Bush's State of the Union speech in 2002, singling out Iran and North Korea, along with Iraq, as an "axis of evil," diplomatic pressure has been mounted on the North Korean and Iranian governments to give up their nuclear weapons ambitions and end their support for terrorism, and the regime of Saddam Hussein has been removed from power.

In November 2003, the Bush Administration signaled that it would begin consultations with U.S. allies and host nations on the issue of possibly moving U.S. bases in order to better position forces to meet the new global threats, including the ability to attack terrorists in their sanctuaries. Planning for such a redeployment has reportedly advanced considerably, though most details have not yet been made public.

The United States also uses economic "carrots and sticks" to gain cooperation from governments and to strengthen their capacity to deny sanctuary to terrorists. The United States has a strong economic sanctions regime in place barring U.S. foreign assistance to states that support terrorism. The United States also uses foreign aid and economic incentives to encourage states to cooperate in efforts to eliminate terrorist sanctuaries, providing new resources to assist unstable countries with impoverished and alienated populations. In March 2002, the Administration unveiled a plan to increase U.S. foreign aid over the next several years to poorer developing countries, through the "Millennium Challenge Account."⁴ Although this initiative is linked to good governance rather than anti-terrorism, it could be seen as supporting both.

The 9/11 Commission Report identified six primary areas in particular that do or could serve as terrorist sanctuaries. These include Western Pakistan and the Pakistan-Afghanistan border region; southern or western Afghanistan; the Arabian Peninsula, especially Saudi Arabia and Yemen, and the nearby Horn of Africa, including Somalia and extending southwest into Kenya; Southeast Asia, from Thailand to the southern Philippines to Indonesia; West Africa, including Nigeria and Mali; and European cities with expatriate Muslim communities, especially in central and eastern Europe where security forces and border controls are less effective. The following sections assess the current situation and U.S. efforts in each.

⁴ See CRS Report RL32427, *Millennium Challenge Account: Implementation of a New U.S. Foreign Aid Initiative*, June 30, 2004.

Western Pakistan and the Pakistan-Afghanistan Border Region⁵

The *9/11 Commission Report* emphasizes that the mounting of large-scale international terrorist attacks appears to require sanctuaries in which terrorist groups can plan and operate with impunity. It also notes that Al Qaeda was aided substantially by its former sanctuary in Afghanistan and its logistical networks through Pakistan. The report further notes that Pakistan's vast unpoliced areas remain attractive to terrorist groups. Almost all of the 9/11 attackers traveled the north-south nexus from Kandahar in Afghanistan through Quetta and Karachi in Pakistan, according to the report. The Commission identifies the government of President Pervez Musharraf as the best hope for stability in Pakistan and Afghanistan, and recommends that the United States make a long-term commitment to provide comprehensive support for Islamabad, so long as it is committed to a policy of "enlightened moderation."

According to the U.S. Departments of State and Defense, Pakistan has afforded the United States unprecedented levels of counterterrorism cooperation by allowing the U.S. military to use bases within the country, helping to identify and detain extremists, and deploying tens of thousands of its own security forces to secure the Pakistan-Afghanistan border. Top U.S. officials regularly praise Pakistani anti-terrorism efforts. The State Department reports that Islamabad has captured 550 alleged terrorists and their supporters, and has transferred more than 400 of these to U.S. custody, including several top suspected Al Qaeda leaders. Pakistan also ranks fourth in the world in seizing terrorist assets, according to State. Among the security-related assistance provisions to Pakistan from the United States since 2001 are surveillance radars, night-vision goggles, and transport aircraft and helicopters, equipment meant to enhance Pakistan's ability to support Operation Enduring Freedom and to secure its borders.

Pakistan is known to be a base for numerous U.S.-designated Foreign Terrorist Organizations, and Al Qaeda founder Osama bin Laden, his associate, Egyptian Islamic radical leader Ayman al-Zawahiri, and Taliban chief Mohammed Omar may themselves be in a remote area of Pakistan near Afghanistan. Despite Pakistan's "crucial" cooperation, there have been doubts about Islamabad's commitment to core U.S. concerns in the vast "lawless zones" of the Afghan-Pakistani border region where Islamic extremists find sanctuary. Especially worrisome are indications that members of the Taliban may continue to receive logistical and other support inside Pakistan. Senior U.S. Senators and State Department officials have voiced such worries, including concern that elements of Pakistan's intelligence agencies might be helping members of the Taliban and perhaps even Al Qaeda.

Since the Taliban's ouster from power in Kabul and subsequent retreat to the rugged mountain region near the Pakistan-Afghanistan border, what the U.S. military calls its "remnant forces" have been able to regroup and to conduct "hit-and-run" attacks against U.S.-led coalition units, often in tandem with suspected Al Qaeda fugitives. These forces are then able to find haven on the Pakistani side of the

⁵ Prepared by K. Alan Kronstadt, Analyst in Asian Affairs.

border, which Islamabad does not allow U.S. forces to cross. Many of the extremists operating in this region have links to indigenous Pakistani terrorists groups that operate in the city of Karachi, and two lethal December 2003 attempts to assassinate President Musharraf were blamed on Jaish-e-Mohammed and Al Qaeda terrorists. Musharraf has claimed that up to 600 “unwanted foreigners” are active in the tribal areas and he has acknowledged that Islamic extremists have infiltrated the lower levels of Pakistan’s security apparatus.

In an effort to block infiltration along the Pakistan-Afghanistan border, Islamabad had by the end of 2002 deployed some 70,000 troops to the region. In April 2003, the United States, Pakistan, and Afghanistan formed a Tripartite Commission to coordinate their efforts to stabilize the border areas. In June 2003, in what may have been a response to increased U.S. pressure, Islamabad for the first time sent its armed forces into the traditionally autonomous western Federally Administered Tribal Areas (FATA) in search of Al Qaeda and Taliban fighters who have eluded the U.S.-led campaign in Afghanistan. By September 2003, Islamabad had up to 25,000 troops in the FATA, and a major border operation reportedly took place in coordination with U.S.-led forces on the Afghan side of the border. After the two attempts on President Musharraf’s life, the Pakistan military increased its efforts in the FATA. The Islamabad government also has made progress in persuading Pashtun tribal leaders to undertake their own efforts by organizing tribal “lashkars,” or militias, for the express purpose of detaining — or at least expelling — wanted fugitives. Such militias have been unsuccessful to date. Islamabad’s more energetic operations in the western tribal regions also have brought vocal criticism from Musharraf’s detractors among Islamist groups, many of whom accuse him of taking orders from the United States. Some observers worry that increased government pressure on tribal communities and military operations in the FATA may create a backlash, sparking unrest and strengthening pro-Al Qaeda sentiments there.

During March 2004, the United States, Pakistan, and Afghanistan intensified their coordinated military operations in the mountainous Afghan-Pakistani border region, and Pakistani troops fought a pitched 12-day battle with Islamic militants in a traditionally autonomous tribal area. More than 130 people were killed in the fighting, including 46 Pakistani soldiers, but no “high value” Al Qaeda or Taliban targets were reportedly killed or captured. Up to 6,000 Pakistani soldiers were involved in the battle, which encouraged many observers as a sign of President Musharraf’s sincerity in the effort to uproot terrorists and their supporters on Pakistani territory, but which also apparently exacerbated already volatile anti-Musharraf sentiments held by many ethnic Pashtuns in the region. On April 24, 2004, in what came to be known as the “Shakai agreement,” Islamabad took a new tack of seeking “reconciliation” with Pashtun militants and the foreign radicals they are accused of harboring by allowing foreign fighters to remain in the region if they turn in their weapons and renounce terrorism.

By early June 2004, this strategy apparently had failed, and the government rescinded its amnesty offer to five key tribal militants in South Waziristan. More than 20,000 troops backed by fixed-wing aircraft and helicopter gunships, engaged in offensive operations that included the killing of one of the most defiant militant Pashtun leaders, Nek Mohammed, who was described by a Pakistani military spokesman as an agent of Al Qaeda. More than 100 people were killed, including

some 20 Pakistani soldiers. Also in early June, authorities in South Waziristan shuttered more than 6,000 merchant shops in an effort to use economic pressure against tribesmen who are providing shelter to foreign militants. The South Waziristan Agency Chief Administrator has said that the Islamabad government would continue enforcing economic sanctions on the region until its demands were met, including the handover of two wanted tribal militants, Maulvi Abbas and Mohammed Javed. As of late July, sporadic and lethal clashes between Pakistani soldiers and Islamic militants continue in the border areas, and Pakistan's Islamist political leaders continue to demand an end to military operations in the FATA. On July 29, some nine months after such military operations began, Pakistan announced having captured a genuine high-value target, Tanzanian national Ahmed Khalfan Ghailani, who had appeared on the FBI's most-wanted list after his indictment for murder in connection with the 1998 bombings of two American Embassies in East Africa.

In mid-June 2004, a Pakistan Army spokesman drew direct links between a six-week-long spate of mostly sectarian bombings and killings in Karachi and government efforts to root out militants in South Waziristan. At least 72 people were killed between May 3 and June 10, including ten murdered when suspected Islamic militants attacked the motorcade of a top Pakistani Army commander in Karachi (the general was unharmed). The attacks raised concerns that the Musharraf government is finding it difficult to control domestic extremism, especially among some elements of Pakistan's security apparatus, itself. Late-July reports that the Pakistani government is again seeking to resolve conflict in its western regions through accommodation with militants (based on the Shakai agreement) suggest that Islamabad may be confounded by the continued and vehement resistance being shown in the face of military operations.

U.S. Anti-Terrorist Operations in Afghanistan⁶

The U.S.-led war in Afghanistan that began October 7, 2001 (Operation Enduring Freedom, OEF) — in the immediate aftermath of Al Qaeda's September 11, 2001 attacks on the United States — sought to deny Afghanistan as a base of operations for Al Qaeda by overthrowing the Taliban leadership of that country. The Taliban had come to power in Kabul in 1996 and had refused repeated U.S. requests to expel Al Qaeda terrorists in Afghanistan, including Al Qaeda founder Osama bin Laden. As a result of the war, the Taliban government collapsed in November 2001, leading to the establishment of a pro-U.S. government led by President Hamid Karzai. The United States is attempting to promote stability and, in so doing, keep Afghanistan inhospitable to any regrouping of Al Qaeda, the Taliban, or other terrorist groups. The pillars of the security effort are (1) OEF combat operations; (2) patrols by a U.N.-mandated International Security Assistance Force (ISAF); (3) the formation of "provincial reconstruction teams;" (4) the establishment and training of an Afghan National Army and a police force; and (5) the demobilization of local militias.

⁶ This section was prepared by Kenneth Katzman, Specialist in Middle Eastern Affairs, on July 29, 2004

OEF is a U.S.-led combat mission against Al Qaeda and Taliban remnants that are still active primarily in southern and eastern Afghanistan. Al Qaeda militants reportedly want to regroup in parts of Afghanistan to train and plan terrorist attacks, while Taliban fighters want to discredit the Karzai government and hopefully regain power in Afghanistan. OEF forces do not conduct “peacekeeping” missions or routinely patrol Afghan neighborhoods; that role is left to ISAF, which operates in Kabul and Konduz and is planning to expand to other cities as well. The United States maintains about 17,000 OEF troops in Afghanistan, and coalition forces are contributing another 2,000 to OEF. Although the main focus of U.S. operations is in sparsely populated areas where the Taliban and Al Qaeda still operate, some militants have infiltrated Afghan cities to commit terrorist attacks, such as a September 5, 2002 car bombing in a crowded marketplace in Kabul, and a virtually simultaneous assassination attempt against President Karzai. Other urban terrorist attacks attributed to Taliban activists include the bombing of a marketplace in Qandahar on December 5, 2003, and two February 2004 suicide bombings against ISAF troops in Kabul.

To combat these threats, OEF forces, in partnership with U.S.-trained troops of a reborn “Afghan National Army (ANA),” are almost constantly on the offensive, particularly in Qandahar province and the several provinces north of it; Qandahar had been the power base of the Taliban. About 2,000 U.S. troops participated in one of the largest anti-Taliban sweeps (“Operation Avalanche, December 8 - 30, 2003) conducted since the fall of the Taliban. During March-July 2004, 2,400 U.S. Marines, along with ANA soldiers, conducted “Operation Mountain Storm” against Taliban remnants in and around Uruzgan province, the home province of Mullah Omar. The Marines departed Afghanistan in late July 2004 at the conclusion of the operation. Other significant operations against militants have taken place in southeastern Afghanistan since May 2004 as part of a planned “spring offensive.” Another sweep operation began in mid-July 2004 to help secure the scheduled October 9, 2004, presidential election. OEF forces continue to hunt in Afghanistan and possibly over the border into Pakistan for bin Laden. He reportedly escaped the U.S.-Afghan offensive against the Al Qaeda stronghold of Tora Bora in eastern Afghanistan in December 2001.

Another target of OEF is the faction of Afghan Islamist leader Gulbuddin Hikmatyar — a major leader of the anti-Soviet resistance during the 1980s and who is now allied with Al Qaeda and Taliban remnants. Hikmatyar’s traditional power base is in and around the eastern city of Jalalabad, where his insurgent followers are active. On February 19, 2003, the U.S. government formally designated Hikmatyar as a “Specially Designated Global Terrorist,” under the authority of Executive Order 13224. That order subjected named terrorists and terrorist-related institutions to financial and other U.S. sanctions. His group, Hizb-e-Islami Gulbuddin (HIG), was analyzed in the section on “other terrorist groups” in the State Department’s report on international terrorism for 2003, released April 30, 2004. The group is not formally designated as a “foreign terrorist organization.”

Some U.S. commanders say the combat has caused the Taliban-led insurgency to “lose energy” and that fewer than 1,000 Taliban (and Al Qaeda) fighters remain

in Afghanistan.⁷ The commander of OEF, U.S. Gen. David Barno, said in February 2004 that U.S. forces were now attempting to cultivate relations with the population in areas where Taliban and other insurgents operate, in order to better conduct counter-insurgency missions.

Arabian Peninsula⁸

The Arabian Peninsula, covering more than 1.2 million square miles including some rugged mountainous and desert terrain, provides a potential sanctuary for members of Islamist terrorist groups such as Al Qaeda. Poorly demarcated borders (until recently, often undemarcated borders) between the seven states comprising the Arabian Peninsula are easy to traverse, facilitating movement of people seeking to avoid detection. The two largest and most populous Arabian Peninsula states, the Kingdom of Saudi Arabia and the Republic of Yemen, are experiencing political, economic, and demographic pressures that have fostered discontent, especially among younger generations. Furthermore, many people in both countries are attracted to Islamic fundamentalism, sometimes in its more violent manifestations, and are often hostile to western and non-Muslim influences or to local governments deemed to be cooperating with non-Muslim nations.

These factors have created fertile ground for recruitment by Al Qaeda, its affiliates, and like-minded organizations. Al Qaeda leader Osama bin Laden is a former Saudi citizen (his citizenship was revoked in 1994) and his ancestors came from a remote part of Yemen, where he still has relatives. Many members of terrorist groups in these countries were recruited by bin Laden to fight the Soviet occupation of Afghanistan, where they acquired their initial military training and experience. According to news reports, a newer generation of veterans, who fought against U.S. forces in Iraq, are supplementing the ranks of terrorist groups formerly filled by the so-called "Afghan Arabs."⁹

Saudi Arabia. The September 11, 2001 attacks kindled criticisms within the United States of alleged official Saudi involvement in terrorism or of Saudi laxity in acting against terrorist groups. A high percentage of the hijackers (15 out of 19) were Saudi nationals. Some maintain that Saudi domestic and foreign policies have created a climate that may have contributed to terrorist acts by Islamic radicals. For example, some believe that the Saudi regime has fostered international terrorism by funding religious schools (*madrasas*) that, in some cases, propagate extreme forms of Islam and advocate violence. Critics of Saudi policies have also cited a multiplicity of reports that the Saudi government has permitted or encouraged fund raising in Saudi Arabia by charitable Islamic groups and foundations linked to Al Qaeda. (For more information, see CRS Report RL32499, Saudi Arabia: Terrorist Financing Issues, July 28, 2004.) Saudi officials maintain that they are working

⁷ NATO: Afghan Rebellion Fading. Dallas Morning News, February 11, 2004.

⁸ This section was prepared by Alfred B. Prados, Specialist in Middle East Affairs.

⁹ Whitlock, Craig, "Saudis Facing Return of Radicals," *The Washington Post*, July 11, 2004, p. A1.

closely with the United States to combat terrorism, which they say is aimed as much at the Saudi regime as it is at the United States.

U.S. efforts against Al Qaeda's presence in Saudi Arabia have generally involved intelligence sharing, technical assistance, encouragement of Saudi efforts to apprehend key people in terrorist groups, cutting the flow of funds to these groups, and enacting new laws to improve oversight of charitable donations to ensure that they are not diverted to terrorist activity. Some specific U.S. or Saudi measures include the following: (1) Establishment of a joint U.S.-Saudi task force to conduct an on-going investigation of terrorist financing in Saudi Arabia, through scrutiny of bank accounts, computer records, and other financial data. (2) Several joint actions against a large Saudi-based charity accused of involvement in terrorist financing ("the Al-Haramain Islamic Foundation"), leading to the closure of this charity and a request by the two countries that it be added to a consolidated U.N. list of terrorist entities tied to Al Qaeda. (3) Continued support for Saudi security forces, including the Saudi Armed Forces and the National Guard. A small number of U.S. military advisory personnel have remained in the kingdom since the withdrawal of U.S. forces after the Iraq war. Also, the Bush Administration requested a small amount — \$25,000 — for Saudi Arabia under the International Military Education and Training (IMET) Program in FY2005, to encourage continued Saudi attendance at U.S. military service schools.¹⁰ In addition, the Saudi government has promulgated new laws and regulations to outlaw money laundering, ban cash collections at mosques, centralize control over charitable collections, close unlicensed money exchanges, and scrutinize clerics involved in charitable collections.

According to the U.S. State Department, since May 2003 an increase in terrorist acts that killed Saudi nationals as well as U.S. and other expatriates appears to have galvanized Saudi authorities into a more proactive stance in confronting terrorist groups in Saudi Arabia.¹¹ In June 2004, Saudi security officials killed Abd al-Aziz Muqrin, leader of an apparent Al Qaeda offshoot known as "Al- Qaeda on the Arabian Peninsula", which had claimed responsibility for several terrorist acts in 2004, along with two senior financial operatives of Al Qaeda. Results of Saudi police work have been mixed; of 26 terrorists on the Saudi Government's most-wanted list, 12 reportedly remain at large.¹² According to a recent report, Saudi government forces appear to be conducting a major campaign in southwestern Saudi Arabia near the Yemen border.¹³

¹⁰ Saudi Arabia has received the same amount of aid under IMET since FY2001; however, the House version of H.R. 4818, the Foreign Operations, Export Financing, and Related Programs Appropriations bill for FY2005 contains a provision (Sec. 582) banning direct assistance to Saudi Arabia.

¹¹ U.S. Department of State, *Patterns of Global Terrorism, 2003*. Washington, April 29, 2004.

¹² Whitlock, Craig, "Saudis Facing Return of Radicals," *The Washington Post*, July 11, 2004, p. A21.

¹³ Dunn, Michael Collins, "The Saudi Violence," *The Estimate*, June 14, 2004, pp. 1,11.

Yemen. As an underdeveloped country where tribal leaders often exert more control than do central government authorities, Yemen has long been the scene of random violence and kidnapping; there are an estimated 60 million firearms among a population of less than 20 million.¹⁴ The prevailing climate of lawlessness in much of Yemen has provided opportunities for terrorist groups to maintain a presence in outlying areas of the country. Some Al Qaeda sympathizers and operatives are believed to be located in an eastern province of Yemen, which is the ancestral home of Al Qaeda leader Osama bin Laden, and the United States has linked Al Qaeda to the October 2000 bombing of the U.S. Navy Ship *U.S.S. Cole* while it was refueling in the southern Yemeni port of Aden. A similar attack on a French oil tanker near the southern Yemeni port of Mukalla in October 2002 was praised by bin Laden,¹⁵ and many attribute that attack to Al Qaeda.

U.S. officials initially complained that Yemeni authorities did not fully cooperate in the investigation of the *Cole* bombing. Since the September 2001 attacks, however, and perhaps because Al Qaeda attacks have continued in Yemen, President Salih has been more forthcoming in his cooperation with the U.S. campaign to suppress Al Qaeda. He reportedly allowed small groups of U.S. Special Forces troops and CIA agents to assist in identifying and rooting out Al Qaeda cadres hiding in Yemen, despite sympathy for Al Qaeda among many Yemenis. According to press articles quoting U.S. and Yemeni officials, the Yemeni Government allowed U.S. personnel to launch a missile strike from an unmanned (“Predator”) aircraft against an automobile in eastern Yemen in November 2002, killing six passengers believed to be terrorists including Qaid Salim Sinan al-Harithi, a key planner of the attack on the *U.S.S. Cole*.¹⁶ In its most recent annual publication *Patterns of Global Terrorism 2003*, released on April 29, 2004, the U.S. State Department credits the Yemeni Government with having “continued to cooperate with US law enforcement and to take action against al-Qaida [alternate transcription] and local extremists in 2003.” Yemeni authorities have arrested several suspected members of Al Qaeda in late 2003 and early 2004. The Abu Hafs al-Masri Brigade, an alleged Al Qaeda affiliate which took responsibility for the March 2004 Madrid bombings, reportedly described Yemen as its next target in retaliation for the detention of Al Qaeda members by Yemeni authorities.¹⁷

The United States has also sought to weaken Al Qaeda through a modest aid program for Yemen’s security forces. The Bush Administration has requested \$15 million in Foreign Military Financing (FMF) for Yemen, together with 1.1 million under the International Military Education and Training (IMET) Program. Some of the FMF funds will support development of a Coast Guard, designed to patrol Yemen’s extensive coast line (extending nearly 1,200 miles) and territorial waters and to help interdict the entry of terrorists.

¹⁴ John R. Bradley, “Bad Fences,” *The New Republic*, March 1, 2004.

¹⁵ “Bin Laden hails ‘heroic’ anti-Western attacks,” *Reuters News Wire*, Oct. 14, 2002.

¹⁶ Peter Willems, “Yemen: The Stakes Are Higher,” *The Middle East*, March 2003, p. 25.

¹⁷ Ahmed al-Haj (Associated Press), “Nine Arrested In Cole Bombing,” *The Washington Times*, March 17, 2004.

The Smaller Arab Gulf Monarchies¹⁸

Findings of the 9/11 Commission. The 9/11 Commission Report's detailed accounting of an Al Qaeda presence in some smaller Persian Gulf monarchies demonstrates how terrorists have used these countries both to find safe haven and to conduct logistical operations. One of the main terrorist masterminds behind the September 11, 2001 attacks, Khalid Sheikh Mohammed, was briefly housed in Qatar during the mid- 1990s and evaded capture there after being tipped off by a member of the Qatari royal family. The United Arab Emirates (UAE), more than any other small Persian Gulf monarchy, was frequently used by terrorist plotters to move funds around the globe, acquire foreign visas and passports, and shelter terrorists moving between Afghanistan and the Middle East. According to the Commission Report, "the United Arab Emirates was both a valued counter terrorism ally of the United States and a persistent counter terrorism problem," due to its simultaneous policy of keeping behind the scenes contacts with the Taliban in Afghanistan while cooperating with U.S. counter terrorist officials.¹⁹

Actions Taken. Over the past three years, Kuwait, Qatar, Bahrain, Oman, and the UAE have cooperated with U.S. officials and have been praised by the State Department for monitoring and arresting suspected terrorists and for implementing various policies to curb terrorist financing. All of the aforementioned countries have taken, in varying degrees, the following steps to deny terrorists sanctuary:

- Shared information on the operational level with U.S. intelligence officials
- Hired auditors to review donations to state and some private charitable organizations
- Frozen terrorist bank accounts
- Implemented financial surveillance systems in some banks to detect suspicious transactions
- Passed new anti-money laundering regulations
- Arrested and detained suspected terrorists, including the UAE's 2003 arrest of Al Qaeda operative Abd al-Rahim al-Nashiri.

Challenges Ahead. Despite the marked improvement in Gulf cooperation in the war on terrorism, certain challenges remain. From a financial standpoint, there is still the potential for wealthy individuals, both within and outside of royal families, to make illicit contributions to terrorist groups. Despite curbs on terrorist financing, analysts believe that there is an undercurrent of resentment against the United States among many Gulf citizens and that motivated donors could exploit weaknesses or lapses in government oversight of the banking sector. In addition, many Gulf countries are heterogenous societies, composed of Gulf Arabs, Persians, Arabs from other parts of the Middle East, and Southeast Asians who are drawn to the Gulf for its high paying jobs. With such ethnic diversity, it can be easy for terrorists to

¹⁸ This section was prepared by Jeremy Sharp, Analyst in Middle East Affairs.

¹⁹ The UAE was one of three governments to officially recognize the Taliban regime in Afghanistan. The Commission Report noted that the UAE maintained its ties to the Taliban as a bulwark against the threat of Iranian Shiite-inspired terrorist groups.

infiltrate some parts of the Gulf. Finally, observers note that even if Gulf states are effective in denying sanctuary to international terrorists, there is still the problem of “homegrown” terrorism, which many observers believe could be a more serious problem in the years to come. In order to preempt the development of new terrorist movements in the Gulf, some advocate the adoption of certain social and economic reforms in order to improve local education systems and provide more opportunities for gainful employment of young people. Some Gulf states have taken small steps toward reform while taking more overt steps to curb extremism by demanding that religious leaders encourage more tolerance and cut down on vitriol against the United States in weekly sermons.

Africa and International Terrorism²⁰

Overview. International terrorist organizations continue to use Africa as a safe-haven, staging area, or transit point to target U.S. interests. African leaders face daunting challenges in dealing with growing international terrorist threats, as well as increasing domestic terror activities by extremist groups. Africa’s counter-terrorism response has included stepping up law enforcement and intelligence efforts, as well as developing domestic anti-terrorism legislation. Countries in the Horn of Africa — Djibouti, Kenya, Eritrea, and Ethiopia — have taken steps, often with U.S. assistance, to counter the terror threat by strengthening air transit and airport security capacities and by training special anti-terrorist units. The subregion is focusing on countering coastal and maritime terrorist activities as part of the U.S.-led Combined Joint Task Force-Horn of Africa (CJTF-HOA) mission, which is aimed at “detecting, disrupting, and defeating” international terrorist groups.

Despite these efforts, the risk of terrorism in many African countries remains high. In November 2002, Kenya became the site of another terrorist attack, just four years after the U.S. Embassy bombings in Kenya and Tanzania. In June 2003, the International Atomic Energy Agency (IAEA) issued a warning on illicit trafficking of materials commonly used for making dirty bombs. Subsequently, an IAEA team was sent to Nigeria and Tanzania to investigate the seized materials. In addition to East Africa, the Sahel region of Africa has grown vulnerable to terrorism. In September 2003, the South Africa Institute of Security Studies reported that, since 1990, terrorist attacks have claimed the lives of some 6,000 Africans (20% of deaths caused by international terrorist attacks). Al Qaeda and pro-Al Qaeda groups in Africa have a presence in a number of African countries, especially in Kenya and Somalia. Clear indications for claims that terrorist groups have sought or may seek sanctuary in certain West African countries, such as Nigeria, are generally lacking, while there are some indications that international terrorists may have undertaken operational activities in others, such as Sierra Leone or Liberia, though evidence for such claims is contested. In general, the international terror threat against U.S. and local national interests is likely to continue to grow in several parts of Africa because of porous borders, lax security, political instability, and a lack of state resources and capacities.

²⁰ Overview and sections on Somalia, Kenya and the Sahel prepared by Ted Dagne, Specialist in International Relations. Sections on the Mano River countries and Nigeria by Nicolas Cook, Analyst in African Affairs.

Somalia. In late September 2001, the Bush Administration added Al-Ittihad, a Somali-based group, to a list of terrorism-related entities whose assets were ordered frozen by a presidential Executive Order. Bush Administration officials accused Al-Ittihad of links with Al Qaeda. The Administration did not offer evidence to prove its allegations, but some officials asserted that links between the two organizations dated back to the U.S. presence in Somalia during Operation Restore Hope (1992-1994). In early November 2001, federal authorities raided several Somali-owned money transfer businesses in the U.S. operated by Al-Barakaat Companies. The Bush Administration ordered the assets of al-Barakaat frozen because of its alleged links to Al Qaeda. U.S. officials, however, subsequently appeared to back off from their earlier assertion that Al-Barakaat and individuals associated with the money transfer business sector are directly linked to Al Qaeda. In September 2002, U.S. officials cleared three Somalis and three Al-Barakaat branches accused of ties with Al Qaeda. The three individuals and businesses were de-listed from the U.S. Treasury list of terrorist supporters and their assets were also unfrozen. In early December 2001, American officials reportedly visited Baidoa, Somalia and met with faction leaders and Ethiopian military officers. The purpose of the one-day visit was not acknowledged by Washington, but reporters in the region stated that these officials asked about terrorist networks in Somalia. Bush Administration officials are concerned that Al Qaeda members may flee to Somalia from Afghanistan. The United States and its allies have intensified their search for Al Qaeda members in the Horn of Africa. U.S. allies are searching fishing boats and vessels off the coast of Somalia. U.S. surveillance planes have been flying over Somalia. In March 2002, Germany reportedly deployed six ships and several thousand troops to the Horn of Africa to monitor and intercept terrorists and prevent them from establishing bases in the region. In 2003-2004, Ethiopia arrested a number of non-Somali terror suspects from Somalia. The absence of a central government in Somalia is one of the major factors that makes Somalia potentially attractive to international terrorist organizations.

Kenya. The East African country is the only country in sub-Saharan Africa with a current known Al Qaeda presence. Kenya suffered two major terrorist attacks in the last six years. On November 28, 2002, simultaneous terrorists' attacks struck Mombasa, Kenya just four years after the 1998 embassy bombings. Suicide bombers drove a four-wheel drive vehicle packed with explosives into the Israeli-owned Paradise Hotel in Mombasa, killing 10 Kenyans and three Israelis. Minutes earlier, terrorists fired two shoulder-fired missiles that missed an Israeli passenger plane taking off from the Mombasa airport. The 261 passengers on board the carrier escaped injury, and the plane landed safely in Tel Aviv. Observers assert that the synchronized attacks illustrate a common tactic linking both the 1998 and 2002 terrorists' incidents. Suicide bombing against "soft" targets appear consistent with those carried out in Saudi Arabia and Morocco in May 2003. In June 2003, Kenyan authorities announced that four people were charged with murder for the hotel bombings.²¹ Other suspects include Fazul Abdullah Mohammed (a.k.a., Abdul Karim) and Saleh Ali Saleh Nabhan. Mohammed was also named in connection with the 1998 U.S. embassy bombings, and is on the U.S. Federal Bureau of

²¹ "Five men arrested on suspicion of being al Qaida operatives in Malawi," *Associated Press*, June 23, 2003.

Investigation's list of 22 most wanted terror suspects. Mohammed and Nabhan remain at-large, but are believed to be in the region, according to Kenyan authorities.²² Al Qaeda has claimed responsibility for the attacks, according to a message posted by the Political Office of Al Qaeda Jihad Organization.²³ U.S. officials view the message as credible, though it apparently has not been authenticated. Israeli authorities believe that Somalia was used as a rear base to carry out the attacks. Kenyan authorities further suspect that the missiles were likely smuggled through Somalia. A recent U.N. report apparently supports these claims, suggesting that "Al-Qaida operatives ... trained, plotted, and obtained weapons in neighboring Somalia."²⁴

The Sahel Region. The United States has been actively engaged in counter-terrorism efforts in the Sahel region over the past several years. Algerian terrorist groups with ties to Al Qaeda have been active in the Sahel region. The region has been cooperating with U.S. efforts and is participating in the U.S.-led Pan Sahel Initiative (PSI). In 2002, the Department of State launched the PSI program, an effort intended to establish rapid response border control units to counter terrorism and trafficking in goods and persons, and enhance regional peace and security cooperation in Chad, Niger, Mauritania, and Mali.

In mid-May 2004, a rebel group in Chad stated that it has captured an Algerian terrorist with ties to Al Qaeda. The Movement for Democracy and Justice in Chad claimed it was holding Amari Saifi, a leader of the Salafist Group for Preaching and Combat, a group fighting for an Islamic state in Algeria. In 2003, Saifi was accused of killing 43 Algerian soldiers and kidnaping 32 Europeans. According to press reports, Germany paid \$6 million in ransom for the hostages' freedom. In early 2004, U.S. officials stated that Saifi was operating in West Africa, especially in Mali and Mauritania. Under military pressure, he reportedly moved to Chad. Saifi was captured with nine other followers, and seven more people were later captured, according to press reports.

West Africa

Nigeria. While Nigeria may be a potential sanctuary for terrorists or, as suggested by the 9/11 Commission report, at present — according to a review of open sources and discussions with State Department officials — that eventuality appears to be a theoretical one. No international terrorist groups, suspects, or international radical Islamic militants have been publicly reported to have a presence in Nigeria, and Nigerian officials have issued press statements indicating that they

²² "Mombassa nightclub attacked," *BBC News*, December 18, 2002, [<http://news.bbc.co.uk/2/hi/africa/2586517.stm>]; accessed July 25, 2003.

²³ "Al Qaeda claims responsibility for Kenya attacks," *CNN.com*, December 3, 2002 and "CDI Terrorism Report: Al Qaeda Attempts to Widen War," CDI Terrorism Project, *CDI*, [<http://www.cdi.org/terrorism/widening-pr.cfm>]; accessed July 25, 2003.

²⁴ England, Andrew, "U.N. Report: al-Qaida Trained in Somalia," *Associated Press*, November 4, 2003.

do not believe that the Al Qaeda organization is active in the country.²⁵ While Nigeria has a large Muslim population that includes some radical elements and supporters of Salafist-oriented theologies,²⁶ as well as numerous self-professed admirers of Usama bin Laden, religion-linked threats to Nigerian national security have primarily taken the form of recurrent Muslim-Christian violence in central and northern Nigeria and in the commercial capital, Lagos. Diverse criminal acts and armed confrontations related to socio-economic inequities and local political claims — sometimes likened to acts of terrorism — are common in the oil-rich Niger Delta region of Nigeria. Despite the lack of evidence that an international terrorist presence exists in Nigeria, it is possible that such actors could begin to view Nigeria, particularly its oil production and export facilities, as a strategic target, both for armed attack operations and as a base for building political support or recruiting followers. The potential for such an outcome is suggested by a comment attributed to Usama bin Laden, who in a taped message labeled Nigeria, along with Jordan, Morocco, Pakistan, Saudi Arabia, and Yemen, as being among “the most qualified regions for [religious and political] liberation.”²⁷

Liberia and Sierra Leone. Press reports, evidence in court cases, policy analyses, and U.N. reports, among other sources, suggest that international terrorist groups may have sojourned in Liberia and traveled to Sierra Leone in order to buy rough diamonds, reportedly for use in terrorist financing activities.²⁸ In one instance, it is alleged that Al Qaeda operatives visited northeast Sierra Leone, entering the country from neighboring Liberia, to purchase such diamonds.²⁹ The arrival and stay in Liberia of the Al Qaeda representatives and their subsequent visits to Sierra Leone were allegedly facilitated by officials of the government of the then-president of Liberia, Charles Taylor, and members of the Revolutionary United Front (RUF), a now defunct Sierra Leonean rebel group. The operatives were allegedly based at and operated out of a Liberian government-protected safe-house in the Liberian capital, Monrovia.

A second alleged example of the use of West Africa as a base for providing support to terrorist groups is more diffuse, indirect, and long-standing. Diverse

²⁵ “AAGM: ‘No Al-Qaeda Cells Here’,” *This Day* (Nigeria), Mar. 9, 2004

²⁶ Militant, armed Salafist groups have been implicated in kidnappings and other criminal acts in countries in the Sahel; see discussion above. On Salafist beliefs, see CRS Report RS21695, *The Islamic Traditions of Wahhabism and Salafiyya*, by Febe Armanios.

²⁷ “Text of Bin Ladin’s message broadcast by Al-Jazeera, 11 February,” *BBC Monitoring Newsfile*, Feb. 11, 2003.

²⁸ These allegations are discussed at length in CRS Report RL30751, *Diamonds and Conflict: Background, Policy, and Legislation*, pp. 7-10 and 25-26.

²⁹ Some observers postulate that the diamonds were purchased as a means of wealth savings and asset preservation, rather than in order to directly finance Al Qaeda operations. Diamonds are a compact, concentrated, and highly fungible form of wealth that is difficult to trace, but can be easily concealed and transported. The Al Qaeda representatives reportedly purchased diamonds at a premium, at prices that exceeded then-prevalent local market rates, and which created temporary scarcity in the supply of rough diamonds in the region of Sierra Leone where the purchases were made.

observers of West Africa, including some U.S. government officials, assert that some members of the large, often multi-generational and permanent Lebanese diaspora that is resident in the region routinely contribute to the financing of Hizballah, a Lebanese Shi'a group that is a U.S. Designated Foreign Terrorist Organization.

U.S. Counter Terrorism Efforts in Littoral West Africa. The question of whether Al Qaeda sought temporary sanctuary in Liberia or Sierra Leone, and what U.S. response, if any, may be appropriate, is controversial. While some U.S. officials believe that there is a reasonable possibility that Al Qaeda operatives were involved in purchasing Sierra Leonean diamonds, the FBI has reportedly repeatedly investigated these allegations, and has found no firm evidence establishing the claims. The claims, in this view, have not been proved, an assertion with which the Central Intelligence Agency reportedly concurs. Similarly, *The 9-11 Commission Report* states that the Commission had “seen no persuasive evidence that Al Qaeda funded itself by trading in African conflict diamonds” (p. 171) — though it did not categorically deny that such links may exist. However, those that believe the evidence is compelling³⁰ assert that U.S. intelligence agencies findings — the apparent basis of the 9/11 Commission findings (see footnote 129) — are “wrong and will damage international efforts to ensure that rough diamonds are not used to fund terrorism.”³¹ There are also some indications that U.S. officials are divided about the credibility of the allegations, and may be further investigating the link; similarly, some Members of Congress reportedly view the allegations as credible.³² Interrogation of one of the operatives alleged to have purchased diamonds in Sierra Leone, Ahmed Khalfan Ghailani, may result in confirmation or dismissal of the claims. Ghailani was reportedly captured in Pakistan in late July 2004.³³

Aside from the Al Qaeda/diamond linkages issue, a review of news sources and informal discussions with U.S. officials indicates that there appear to be few overt or apparent indications that there is a current or immediate threat of an international terrorist presence in the Mano River basin countries (Sierra Leone, Liberia, and

³⁰ Leading sources of such allegations include reports by Douglas Farah, a former *Washington Post* reporter; the natural resources and human rights advocacy group Global Witness; and public statements by David Crane, the Prosecutor of the Special Court for Sierra Leone.

³¹ Quotation from Global Witness, “Global Witness questions 9/11 commission regarding diamonds,” June 17, 2004. Farah, who first reported such allegations and extensively investigated and reported on them, recently published a book in which he summarizes his findings. Entitled *Blood from Stones: The Secret Financial Network of Terror* (Broadway Books, May 2004), the book includes a section characterizing what Farah views as an improperly negative and dismissive reception of U.S. intelligence agencies to his findings.

³² See Thomas Catan and Michael Peel, “U.S. suspects al-Qaeda African diamond link: Terrorists could be financing operations through smuggling from Sierra Leone,” *Financial Times*, June 30, 2004; Chris Melville, “U.S. Examines Diamond Links Between Liberia and Hizballah,” *WMRC Daily Analysis*, June 30 2004; and Douglas Farah, “Report Says Africans Harbored Al Qaeda; Terror Assets Hidden In Gem-Buying Spree,” *Washington Post*, Dec. 29, 2002.

³³ See Kamran Khan, “Pakistan Holds Top Al Qaeda Suspect,” *Washington Post*, July 30, 2004.

Guinea, a diamond-rich area that has been deeply affected by instability, war, and weak state capacities in Sierra Leone and Liberia) countries or in Nigeria. In Liberia and Sierra Leone, U.S. officials point out, United Nations (U.N.) peacekeeping missions — of which the United States is a major funder — and military aid efforts from other third countries are currently endeavoring to build up border monitoring and patrol capacities, though they acknowledge that these countries' borders remain porous, and that these capacity-building efforts have had modest success to date. They also note that several of these countries have signed U.N. anti-terrorism treaties and publicly support U.S. counter-terrorism efforts. One tool that has been provided by the United States to Cote d'Ivoire, and could potentially be provided to other West African countries are Terrorist Interdiction Program (TIP) hardware/software packages, which are intended to allow participating countries to rapidly identify criminal or terrorist suspects attempting to enter or exit the country. A State Department official informed CRS that TIP assistance to such countries is limited due to funding constraints; the capacity of countries to use and apply the aid; and the priority of a given potential recipient country, in relation to others, on the basis of the exigency of the perceived terrorist threat among potential recipients.

Europe³⁴

European countries and the European Union (EU) have been reliable partners for the United States in the fight against terrorism; they have significantly strengthened their legal and administrative abilities to counter terrorists in the years since September 11, and made improving law enforcement cooperation with the United States a top priority. The 2001 attacks and the subsequent discovery of Al Qaeda cells in Europe shocked European leaders and publics. Immediate and unprecedented European efforts following September 11 to track down suspects and freeze financial assets, often in close cooperation with U.S. authorities, produced numerous arrests in Western Europe, especially in Belgium, France, Germany, Italy, Spain, and the United Kingdom. Germany and Spain were identified as key logistical and planning bases for the attacks on the United States. As a result, it quickly became evident that Europe's different legal systems, the largely open borders of the then-15 member EU, liberal asylum laws, and strong privacy protections allowed terrorists and other criminals to move around easily and evade arrest and prosecution. The large Muslim populations in many Western European countries often provided cover for terrorist cells as well as fertile recruiting grounds, drawing especially from young, disenfranchised Muslim populations that have not been well-integrated into mainstream European society. The lack of sizable Muslim communities in most Central and Eastern European countries has made this region less of a known sanctuary, although laxer border controls and weaker governments, especially in the Balkans, still pose concerns. The March 11, 2004 terrorist bombings in Madrid, Spain further confirmed for analysts and policymakers that Europe remains both “a target and a base” for Al Qaeda and Al Qaeda-inspired terrorists.³⁵

³⁴ Prepared by Kristin Archick, Analyst in European Affairs, and Steven Woehrel, Specialist in European Affairs.

³⁵ See the text of a speech by Gijs De Vries, European Coordinator for Counterterrorism, “European strategy in the fight against terrorism and the cooperation with the United (continued...) ”

To respond to these threats, European governments have sought to tighten their domestic laws against terrorism and terrorist financing, and many have taken steps to reform immigration and asylum laws to prevent terrorists from gaining footholds in their countries. Especially notable are EU initiatives since September 11 to boost police and judicial cooperation, bring down traditional barriers among law enforcement and intelligence agencies, and harmonize national laws against terrorism. Among other steps, the EU has established a common definition of terrorism and a list of terrorist groups, an EU arrest warrant, enhanced tools to investigate terrorist financing, and new measures to strengthen external EU border controls. The EU has been working to bolster Europol, its fledgling joint police body, and Eurojust, a new unit charged with improving prosecutorial coordination in cross-border crimes. In the wake of the Madrid attacks, the EU created a new “counterterrorism czar” to help further improve internal EU law enforcement cooperation and intelligence-sharing.

In addition, the EU has sought to build ties with U.S. police, judicial, and intelligence authorities to complement and enhance ongoing bilateral cooperation. Washington has welcomed these efforts, hoping they will ultimately help root out terrorist cells in Europe that could be planning other attacks against the United States or its interests. Europol has stationed two liaison officers in Washington, DC. The United States and the EU have worked to bring their respective terrorist lists closer together. Other steps taken to improve U.S.-EU cooperation include two U.S.-Europol information-sharing agreements, and two new treaties on extradition and mutual legal assistance (MLA). Once ratified, U.S. officials say the extradition accord will harmonize and modernize bilateral U.S.-European extradition treaties; the MLA treaty will give U.S. authorities access to European bank account information, speed the processing time for MLA requests, and permit joint investigations.

Despite these strides, European governments and the EU still face significant political, legal, and cultural hurdles as they seek to introduce more effective law enforcement tools against terrorism. The March 2004 terrorist attacks in Spain highlighted these ongoing implementation problems. National police and intelligence services have remained reluctant to share information with Europol, or with each other. Several of the Madrid suspects were reportedly known to security services in Spain and in other EU states, but fell through communication cracks and legal loopholes.³⁵ Furthermore, agreed EU measures, such as the EU-wide arrest warrant, have bogged down in the legislative processes of individual member states. The warrant was supposed to have taken effect on January 1, 2004, but only eight of the EU’s then-15 members had transposed the warrant into national law; the warrant is still not in force in seven members of the enlarged EU of 25.

Like the United States, European governments have had to balance their counterterrorism efforts against well-established civil liberty protections and

³⁵ (...continued)

States,” Center for Strategic and International Studies, Washington, DC, May 13, 2004.

³⁶ Tim Golden, Desmond Butler, and Don Van Natta, “As Europe hunts for terrorists, the hunted press advantages,” *New York Times*, March 22, 2004

democratic ideals. For example, the evidentiary bar is still set very high in most European countries. Although there have been hundreds of terrorist-related arrests throughout Europe in recent years, critics assert that many suspects have been released because of a lack of sufficient or admissible evidence, and there have been few successful prosecutions. As of January 2004, for example, only six of the 544 people arrested under UK anti-terrorist legislation since September 11 had been convicted.³⁷ Cooperation challenges also remain between the United States and Europe. European opposition to the use of the death penalty in the United States may still slow or prevent the extradition of terrorist suspects. Different data protection regimes have complicated quick and robust U.S.-EU cooperation in the area of border controls and travel security. And some European officials complain that the United States expects collaboration but does not readily share its own intelligence.

Central and Eastern Europe has not been reported to be as important a haven for Al Qaeda and other terrorist groups as some countries in Western Europe, in part because most countries in the region have not attracted large numbers of Muslim immigrants in recent decades. However, concerns have been raised about several countries in southeastern Europe with large Muslim populations, especially Bosnia and Herzegovina.

One area of particular concern in Bosnia is the presence of Islamic fundamentalist fighters from the 1992-1995 war in Bosnia. Most left Bosnia at U.S. insistence after the deployment of the NATO-led peacekeeping force in 1995. However, some stayed behind and became Bosnian citizens. In addition, some Islamic charities and humanitarian groups that proliferated during and after the war have served as Al Qaeda fronts for planning attacks in Bosnia and elsewhere. Some Al Qaeda operatives in Bosnia reportedly have had connections to members of Bosnia's intelligence service, another legacy of Bosniak wartime cooperation with Islamic militants. Terrorist groups have also operated from Albania. There have been few reports of terrorists operating from Kosovo.³⁸ It should be stressed that opposition to terrorism among indigenous Muslims in the Balkans has been remarkably strong. Bosniaks and Albanians are generally more secular in outlook than Muslims elsewhere. Most view themselves as part of Europe and are grateful for the perceived U.S. role in defending them against Serbian aggression in the 1990s. Efforts by Islamic extremists to recruit local Muslims into their organizations have met with limited success.³⁹

The State Department Patterns of Global Terrorism reports for 2002 and 2003 noted that the countries of southeastern Europe have taken steps to combat terrorism. Bosnia has transferred terrorist suspects to U.S. control, shut down non-governmental organizations with links to terrorism, and frozen terrorist assets. Albania has taken similar steps. However, as noted by the 9/11 Commission report, border controls and

³⁷ Craig Whitlock, "Terror suspects beating charges filed in Europe," *Washington Post*, May 31, 2004.

³⁸ Patterns of Global Terrorism 2003, from the State Department website, [<http://www.state.gov>]

³⁹ Discussions with U.S. officials.

security services in central and eastern Europe are not as effective as their Western counterparts. The situation is improving in new EU member states in central Europe, due to substantial EU assistance in bringing their border controls up to EU standards. Countries in southeastern Europe, which are not likely to join the EU for many years, have received lesser amounts of aid for the same purpose. They continue to be particularly vulnerable due to the weakness of their government institutions and the power of organized crime and corruption in the region. On the other hand, NATO-led peacekeeping forces operating in Bosnia and Kosovo (dubbed SFOR and KFOR respectively) work with their local counterparts and independently to track down and arrest suspected terrorists. After SFOR's withdrawal from Bosnia at the end of 2004, a NATO headquarters will continue to play a role in anti-terrorist efforts in Bosnia, as will the European Union-led successor force to SFOR.

Some observers have asserted that Bosnia poses a more significant terrorist risk than often reported. One recent press report quotes unnamed European intelligence officials as saying that some of the approximately 750 former Islamic foreign fighters in Bosnia provide a "one-stop shop close to Europe" for guns, money, and documents for terrorists passing through the region.⁴⁰

⁴⁰ Harry de Quetteville, "U.S. hunts Islamic militants in Bosnia," *Daily Telegraph*, July 26, 2004.