

# **EXHIBIT A**

United States v. Babar Ahmad, 3:04cr301 (JCH)  
United States v. Syed Talha Ahsan, 3:06cr194 (JCH)

**Report of Karen Armstrong**

**Qualifications as an expert witness**

1. I am a historian of religion and commentator on religious affairs. My books have been translated into fifty languages. Besides my study of Islam, I have also written about most of the other major world religions, including Christianity, Judaism, Confucianism, Daoism, Hinduism and Buddhism. In September 2005, the Dalai Lama asked me to moderate an interfaith meeting that he was holding with religious leaders in the United States on the anniversary of September 11, 2001. For ten years, I taught Christianity as part of the interfaith course at the Leo Baeck College for the Study of Judaism and the Training of Rabbis and Teachers in North London. I have also served as a Visitor at the Memorial Church of Harvard University in the past, and I frequently speak at churches and synagogues.
2. My books include: *The First Christian: A Study of St Paul* (1984); *Holy War, The Crusades and their Impact on Today's World* (1988); *A History of God: the Four Thousand Year Quest in Judaism, Christianity and Islam* (1993), *Jerusalem: One City, Three Faiths* [1996]; *The Battle for God, A History of Fundamentalism* (2000); *Islam, A Short History* (2000); *Buddha* (2001); *The Great Transformation: The World at the Time of Socrates, the Buddha, Confucius and Jeremiah* (2006); *Muhammad: A Prophet for our Time* (2006); *The Bible: A Biography* (2007); *The Case for God: What religion really means* (2009); and most recently *Twelve Steps to a Compassionate Life* (2010). My forthcoming book (to be published in the fall – initially in the United States, United Kingdom, Germany, and the Netherlands) is entitled: *Fields of Blood: Religion and the History of Violence*.
3. Since September 11 2001, I have been frequently called upon to discuss the questions that I have dealt with in the accompanying report. I have addressed members of the United States Congress and the Senate on three occasions, spoken at conferences at the State Department and the CIA, participated in the World Economic Forum in New York and Davos, in the Middle East WEF in Amman, been a speaker at study days at the United Nations General Assembly and at the NATO Naval Defense College in Rome. I have lectured at the Council for Foreign Relations in Washington and New York. I have also advised members of the Dutch parliament about Islam and the integration of Muslim communities in Europe.
4. In 2005, I was appointed by Kofi Anan to take part in the United Nations initiative "The Alliance of Civilizations." This was sponsored by the Prime Ministers of Spain and Turkey to counter the so-called "clash of civilizations" theory; its object was to give practical guidelines to member states about how to stem the rising tide of extremism. I was a member of the High Level Group, a panel of twenty people from every region of the world, who did not represent their countries but had been chosen for their expertise in this matter. They included Archbishop Desmond Tutu, former President Khatemi of Iran, and Hubert Vedrine, former French Minister of Foreign Affairs. The HLG presented its report to Kofi Anan III Istanbul in November 2006, and I am now an ambassador for the Alliance.

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5. In 2007 I was awarded a medal for Arts and Sciences by the Egyptian government for services to Islam under the auspices of Al-Azhar University, the first foreigner to have been awarded this decoration. I am frequently invited to speak in Muslim countries on Islam, most notably in Malaysia, Singapore, Turkey, the United Arab Emirates, Qatar and Pakistan. In 2008 I was presented with the Four Freedoms Medal (Freedom of Worship) by the Franklin & Eleanor Roosevelt Institute and in 2009 I received the Dr Leopald Lucas Prize for interfaith understanding at Tubingen University. In October 2011 the King of Sweden presented me with the International Knowledge Honorary Award. I am also a Trustee of the British Museum (advising on matters of faith) and a Fellow of the Royal Society of Literature.
6. In 2008 I was awarded a prize by TED (the acronym for Technology, Entertainment, Design), a private non-profit organisation best known for its conference on “ideas worth spreading” that can then be viewed on the internet. Previous winners included former US President Bill Clinton, the scientist E. O. Wilson, and the British chef, Jamie Oliver. The recipient is given a \$100,000 and a “wish for a better world”. I asked TED to help me create, launch and propagate a Charter for Compassion, which would restore compassion and the Golden Rule (“Never treat others as you would not like to be treated yourself”) to the centre of religious, moral, public and private life. The Charter was composed by leading thinkers and activists representing six of the major world religions and dedicated teams are now implementing the Charter realistically and practically by dedicated teams of CEOs, business people, lawyers and educators in the United States, parts of Europe, Jordan, and Pakistan, with special emphasis on education and business. The project is documented on line ([www.charterforcompassion.org](http://www.charterforcompassion.org)) and further developed in *Twelve Steps to a Compassionate Life* (2010).
7. In 2013, I was awarded the inaugural British Academy Al-Rodhan Prize for improving transcultural understanding. In 2014, I received the Gandhi/M.L. King/Ikeda Community Builders Prize at Morehouse College, Atlanta, Georgia.

**Declaration and sources**

8. I am aware that I have a duty to the court as an expert witness to provide my own independent views and where relevant to draw the attention of parties and the court to material or views that are in conflict with my own.

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**PART I: GENERAL OBSERVATIONS**

**Overview**

9. In Section A below I reflect upon the foundations of the Muslim religion with a view to appreciating how those foundations influence alternative perspectives of Muslims on history, politics, war and (to some extent) even reason.
  
10. In Section B I focus upon the distinction between the Islamic concept of jihad and the secular law concepts of terrorism, reflecting the nuances in the Islamic concept, its long line of jurisprudence and that the Muslim concept of just war does not inevitably amount to terrorism, or indeed clash with other features of secular law or Western culture.

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**ISLAM -A RADICAL INTERPRETATION OF THE WORLD<sup>1</sup>**

**The Beginnings of Islam**

11. In about 610 CE, a forty year old merchant of the thriving commercial city of Mecca in the Arabian Hijaz began to receive revelations that he believed came from God. For the next 23 years he continued to receive these revelations and, in about 650, nearly 30 years after the prophet's death they were collected in the scripture known as the *Qur'an* (the Recitation).
12. This was an extraordinary and revolutionary movement. Orphaned early in life and of marginal status in Meccan society until he made an advantageous but deeply companionable marriage, Muhammad not only transformed his own society, but for the first time in its turbulent history brought peace to the whole of Arabia and changed the history of the world. This movement combined a profound spirituality with a quest for social justice in which all human beings regardless of their class, race, sex or wealth became brothers and sisters. Nothing like this had ever occurred in Arabia, which was a deeply tribal society, saw the blood-relationship as inviolable and sacred, and regarded non-kin as either worthless or potential enemies.
13. It is not surprising, therefore, that he incurred the wrath of the Meccan establishment, which was dominated by his own tribe of Quraysh, who persecuted the *ummah*, the small "community" of converts that had gathered around him. Eventually Mohammed, his Companions and their families were forced to make a migration (*hijrah*) to Medina some 250 miles to the north. Here the *ummah* became a "super-tribe" that transcended kinship and was based on a common ideology -something without precedent in Arabian society. Incensed by this defection, the Meccans vowed to exterminate the Muslim *ummah*. For six years Mohammed was obliged to fight a war of self-defence. During this time the Qur'an gives directives about the way Muslims should conduct themselves on the battlefield, but this is simply part of an integrated system, based on the premise that faith that does not distinguish between the internal or external, or between the political or the personal. In Islam the personal is political and the political is personal.
14. Muhammad did not believe that he was founding a new religion. He was simply bringing the old religion of the one God to the Arabs, who had never had their own scripture before. In the Qur'an, God commands Muslims to speak with great respect to the Jews and Christians, the "People of the Book": "Say to them; we believe what you believe; your God and our God is one and the same." (Qur'an 29:46). The Qur'an constantly emphasizes that Muhammad has not come to cancel out the revelations made to the prophets of the past; he is simply endorsing the message of Noah, Abraham, Moses, Jesus and all God's spokesmen. God "makes no distinction" between any of the prophets, all of whom had made an unconditional surrender of their lives to God, and preached the central message of justice (3:84).

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<sup>1</sup> The bulk of the account in this Part are dealt with in Karen Armstrong, *Muhammad, Prophet for our Time and Islam* (2006), and *Islam, A Short History* (2001 edition).

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15. The bedrock message of the Qur'an is simple: it is wrong to build a private fortune and good to share your wealth fairly with all members of your community; each Muslim must strive to build a just and decent society, where poor and vulnerable people are treated with respect. The Qur'an shows that those societies that obeyed this fundamental rule prospered, while those that were corrupt or oppressive fell into ruin. Only in a just society, where people enjoy the security that enables them to devote their attention to spiritual matters, is it possible to make the act of *islam*, the existential "surrender" of one's entire being to God that the Qur'an insists is the essence of all religion.

**The Qur'an and the other foundation texts**

16. There are no complicated doctrines or creeds in the Qur'an. A Muslim is obliged to observe five essential practices, known as the "pillars", which are all practical rather than theoretical. They must make the profession of faith known as the *shahadah*: "I bear witness that there is no God but Allah, and that Muhammad is his Prophet." This is not simply a doctrinal statement: Muslims vow that their entire lives will "bear witness" to the fact that they have no other "god" ~ no other priority, no other goal or ideology ~ but Allah; they must also pray five times daily, fast during the month of Ramadan, give alms, and, if their circumstances allow, make the Hajj pilgrimage to Mecca.
17. While the obligation of *jihad* (which means *striving, effort* and *endeavour*) does not appear as one of the pillars of Islam in the Qur'an, it is an imperative that cuts across the entirety of Muhammad's revelations, obliging all Muslims to "strive" or "struggle" to put God's will into practice in every detail of their lives. As we see below, jihad refers to an internal effort as well as an external struggle on all fronts ~ intellectual, social, economic, domestic ~ and this can include what the Qur'an usually refers to as "fighting" (*qital*). But jihad is part of a broader concept of serving Allah, which means that everything one does is informed by the struggle to implement God's will in a world that is all too often dominated by hatred, selfishness, greed, violence, injustice, and cruelty. I deal with jihad in detail in section B below, reflecting on the fact that the just war concept of jihad is conceptually quite different from the secular law concept of terrorism.
18. Like most scriptures at this time, the Qur'an was an oral text, designed not to be read silently, but to be listened to. The beauty of the Arabic, the dense poetry of the Qur'an, chanted by skilled reciters, still gives Muslims a profound religious experience. The Qur'an, the Word of God in human speech, fulfils much the same role as Jesus, God's incarnate Word, in Christianity. It is a symbol that bridges the divide between the human and the divine. So when Muslims contemplate the sacred words of the Qur'an, they encounter a transformative, spiritual dimension that non-Muslim may miss.
19. The Qur'an does not deal with every aspect of living, so where the Qur'an does not provide an answer, they developed mechanisms for cataloguing Muhammad's "sayings" (*hadith*) and recorded instances of his behaviour and "practice" (*sunnah*). To help them apply the divine message to their own constantly changing circumstances, they cultivated methods of exegesis (*tafsir*) and "independent reasoning." And because the Prophet's example was crucial to this

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endeavour, they wrote narrative accounts of his life (*sira*) which included his military campaigns (*maghazi*). I consider some of these matters below but a starting point is to understand that when Muslims study and follow their religion, the biography of Mohammed and the first community of Islam act as a profound compass. This is something beyond secular models of reason or history. Thus, people who volunteer to go to places where they believe that Muslims are genuinely under attack, unquestionably think of themselves as walking in the footsteps of Mohammed, who himself conducted military campaigns and insisted that to help those in need was a sacred imperative.

**The *sunnah***

20. Muslims do not revere Muhammad as a divine figure; he always insisted that he was an ordinary human being and warned the Muslims not to deify him in the way that the Christians had deified the Prophet Jesus. But Muslims do regard their Muhammad as a beloved and exceptional figure. His life has become what the Qur'an calls an ayah, a "sign" or "symbol" of God's benevolent activity in the world.
21. It is a core feature of the Muslim faith to dwell upon Muhammad as an exemplary figure, who shows Muslims how they should make their own surrender to God. Like the great symbols of art, the figure of the Prophet illuminates life and gives it new meaning by pointing to a dimension of reality beyond itself. Muslims have called Muhammad the "Perfect Man", because his career shows what a human being is capable of. His story is as familiar and important to them as the Gospel story to Christians. Muslims love to recall their favourite anecdotes about his struggle, his triumphs, and his friendships. The Prophet and his Companions are almost like family members; Muslims are intensely proud of Muhammad's achievements and try to emulate him in their daily lives.
22. Muslim law developed very gradually in the years after Muhammad's death and is based on the person of Muhammad. As summarised above, eyewitness traditions (*hadith*) were collected about the Prophet's teaching and behaviour, which were carefully sifted to ensure that Muslims had an authentic record of his sayings and practice (*sunnah*). In the old tribal days, each tribe had its own *sunnah* which expressed the group's special way of life and unique spirit, and, they believed, was superior to the *sunnah* of every other tribe. After Muhammad's death, Muslims turned their backs on this tribal chauvinism, and adopted the *sunnah* of the Prophet instead. Like *shari'ah*, the word *sunnah* originally referred to the well-trodden "path" to the watering hole on which the survival of the tribe depended. The *sunnah* of Muhammad became a spiritual lifeline for Muslims.
23. This *sunnah* was enshrined in the precepts of Islamic law, so that all over the world Muslims could imitate the way their Prophet spoke, ate, washed, loved and worshipped. They could, as it were, reproduce him ritually in the smallest details of daily life by adopting his manner of prostrating himself in prayer, greeting his friends, and his kindness to animals. By emulating him in these external ways, they hoped also to acquire his interior spirit of total submission to the divine. So Muslims have internalized Muhammad at a deep level; they feel that they are in a real but symbolic sense bringing him to life once more. Like any religious truth, the story of the

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Prophet's life is a summons to action. When they have faced difficulties, Muslims have asked themselves what Muhammad would have done in this situation.

24. In that context, it is worth mentioning the concept of *dawa* (calling). Like Christianity, Islam is a missionary religion and some Muslims feel it a duty to spread their faith. They also feel compelled to urge their fellow Muslims on to greater commitment. In doing this, they feel they are modelling themselves on the practices of the Prophet himself.

**The meaning and significance of *Hijrah***

25. Of all the facets of the biography of the Prophet and the first community that continue to resonate in a very real sense for Muslims was the migration (*hijrah*) from Mecca to Medina in 622. It was succeeded by the eight year "struggle" (*jihad*) with Mecca, a process that consisted of phases of both war and peace, and which culminated in his triumphant return to Mecca in 630; thence the Muslim faith was able to spread throughout the known world. Summarising the chronology in that way does not, however, do justice to the significance of the *Hijrah* in Muslim life or the extent to which it penetrates the writings of such thinkers as Abdullah Azzam. It might better be described as meta-narrative that gives meaning not only to the journey of each Muslim through life, but defines the crucial dynamic of the Muslim way of life; it also helps to define what kind of society a Muslim person is living in at any given time.

*Origins*

26. In 622, when life had become impossible for them in Mecca, the Muslims migrated to Medina, an agricultural settlement some 250 miles to the north, which was inhabited by the Arab tribes of Aws and Khasraj and about twenty Jewish tribes. It is significant that the Muslim era does not begin with the birth of the Prophet but dates from this migration (*hijrah*).
27. It is difficult to appreciate the immense trauma the *hijrah* involved. Muhammad was asking the Muslims to do something profoundly shocking, something that had no precedent in Arabia. The *hijrah* was not simply a change of address. The Muslims were about to abandon their tribe and kinsfolk, accept the protection of strangers, and take up permanent residence with them. In Arabia, where the tribe was the most sacred value of all, this amounted to blasphemy. A permanent alienation from one's own people was utterly inconceivable. The very word *hijrah* suggests a painful severance: *HJR* can be translated: "He cut himself off from friendly or loving communication or intercourse ... he ceased ... to associate with them." Muslim history thus begins with an audacious rejection of time-honoured tradition and an act of radical departure and dynamic innovation. Henceforth the Muslims would be called the *Muhajirun*, the Emigrants. This courageous dislocation was central to their new identity.
28. The *hijrah* to Medina enabled Muhammad for the first time to initiate his social and religious reforms. He had been invited there by some of the Medinese Arabs who had converted to Islam and hoped that Muhammad would heal the internecine tribal warfare which had become endemic in the settlement. It was here that Muhammad set up his "super-tribe," a community (*ummah*)



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- united by a common loyalty and ideology that transcended kinship. The “Constitution of Medina,” drawn up by Muhammad, stated that the Muslims from the three tribes of Quraysh, Aws and Khasraj formed a single *ummah*, and would come to each other’s aid in times of war. The pagan tribesmen and the twenty Jewish tribes of Medina were granted religious and cultural autonomy, on condition that they remained politically loyal to the *ummah*.
29. In Medina, the Muslim community was embattled. Muhammad had to fight a defensive war against Mecca, which had vowed to exterminate the *ummah*. He also had to contend with a dangerous alliance of some of the Medinese Arabs, who were unconvinced by the new religion and bitterly resented Muhammad’s growing political ascendancy. Three of the most powerful Jewish tribes, who had lucrative trade links with Mecca, were also opposed to the Prophet and became a serious security risk when the Meccans besieged Medina in 627 during the fateful Battle of the Trench. The Quraysh had powerful Bedouin allies, who fought alongside the Meccan army, and Muhammad also built up a confederacy of Bedouin tribes, who resented the power and hauteur of Mecca and were increasingly impressed by the discipline, courage and tenacity of the Muslims. But it was an ugly conflict and atrocities were committed by all the participants.
30. Finally in 628, when the tide seemed to have turned in his favour, Muhammad adopted a non-violent policy. Riding into Mecca ~ into enemy territory ~ as an unarmed pilgrim (during the Hajj any form of violence, together with the bearing of weapons, is strictly prohibited), he and the thousand pilgrims who accompanied him, were risking their lives. Indeed, the Meccan sent out the cavalry to kill them, but some friendly Bedouin helped them to enter the Sanctuary of Mecca, where all violence is forbidden. Muhammad then waited until the Quraysh sent envoys to him at the Well of Hudaibiyyah and was able to negotiate a truce. He accepted extremely disadvantageous terms, in the spirit of the Qur’an, which insists that as soon as the enemy asks for a cessation of hostilities, Muslims must lay down their arms and accept whatever conditions are offered, even if they suspect double-dealing, in the interests of peace (2:193~94; 8:62~63). To the extreme distress of many of his Companions, who felt that he was giving too much away, he signed an armistice (*sulh*) for ten years, abandoned the economic blockade on Mecca, promised to send all future converts who migrated to Medina back to Mecca, and released the Bedouin confederates from their sworn allegiances. Muhammad was playing a long game: he had no desire to destroy Mecca (which would have been an unbelievable catastrophe for Arabia) but hoped to win them over. The Qur’an praises the Peace of Hudaibiyyah as a “clear triumph.” (48.1). Even though at the time it seemed unpromising, it ultimately proved to be the turning point. Two years later Mecca opened its gates to the Muslims voluntarily. Nobody was obliged to enter Islam, but many of the Meccans were willing to do so as the old pagan gods had clearly failed them. Muhammad made peace with his enemies, showered them with gifts, and many of his former opponents achieved high office in the Muslim state.
31. Muhammad died in Medina in 632, having united the whole of Arabia, which had formerly been a bloody battleground, under his rule. It is not surprising that the word *islam* (“surrender”) is related etymologically to *salam* (“peace”)

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*Significance*

32. The *hijrah* illustrates the dynamism of the new faith. Muslims are not supposed to wait passively for divine aid. The Qur'an says: "Verily, God will not change the state of a people unless they change the state of their own selves." Muslims are supposed to find a solution to their problems, they must be ready to move beyond the conventional, and turn their backs on the securities and sanctities of the past. When Muslims attempt this today, they often call this new departure a *hijrah*.
33. Again, Muslims who are forced to emigrate from one of the poorer countries, such as Egypt, and work for a while in the West or the Gulf States, refer to this painful departure from their homeland as a *hijrah*. It involves self-sacrifice; they go to relieve the financial distress of their family and will send a large proportion of their wages home. Muslims who welcome new immigrants to their country often see themselves fulfilling the role of the Medinese *Ansar* ("the Helpers", who gave practical support to the first Muslim Emigrants in Medina. Another instance of the modern *hijrah* occurred (with some considerable regularity prior to the backlash against it after 9/11) when young men would leave their families and go abroad for military training so that they can come to the aid of their brothers and sisters in the *ummah* in different parts of the world. Again, this migration is made in a spirit of self-sacrifice and belief that they have a sacred responsibility to defend Muslim brothers and sisters who are in need.
34. The Pact of Hudaibiyyah is an extraordinary example of the capacity for compromise and diplomacy in Islam. It is a feature of the religion that is not appreciated in coverage of contemporary military conflicts such as the one that presently wages between Israel and Hamas. Muslim jurists developed an entire jurisprudence of "truce" (*sulh*) between warring factions; this contract is short of a final peace treaty, but is regarded as a means of working towards it. This is known to Muslims, but rarely touched upon in the secular coverage of the issue. As to final peace treaties, in *Defence of the Muslim Lands*, Abdullah Azzam devotes part of his analysis to the circumstances in which it would be permissible to sign a peace accord with the Soviet Union, just as it is now widely understood that talks are being conducted between the Taliban and representatives of the coalition forces in Afghanistan.

**The meaning and significance of the *Ummah***

*Origins*

35. Most religious traditions emphasize the importance of community, and the *ummah* is vital to Muslim spirituality. When the Muslims arrived in Medina, Muhammad set up a system of "brothering", whereby each of the Medinan Muslims adopted one of the Meccan immigrants as a "brother." This was an attempt to break down the old tribal barriers that were embedded in the pre-Islamic Arab psyche but had proved to be divisive and destructive, inflaming the tribal warfare. The *ummah* that Muhammad created in Medina was an astonishing innovation in seventh century Arabia, where people had always defined themselves first and foremost as tribesmen. Now the primary identity of the converts to Islam was to be *muslim*, a man or a woman who had

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“surrendered” to Allah. To break down the chauvinism of tribalism required a huge effort, and this made the *ummah* a crucial religious value in Islam.

*Significance*

36. Today Muslims believe that they are members of a world-wide Muslim community that transcends tribal, ethnic and national identities. They regard their fellow Muslims, wherever they are, as their “brothers” and “sisters” and consistently refer to them in this way.
37. This has led to the conviction that Muslims should always come to each other’s aid; they must defend and protect one another, in exactly the same way as they would rush to the defence of their own kinsfolk. In the Qur’an, God says: “As for the believers, men and women, they are protectors of one another. They enjoin what is just and forbid what is evil. They observe regular prayers, regularly give alms, and obey God and his Messenger.” (9:41). A common life style unites Muslims into a distinctive community whatever their nationality or geographic location. This is emphasized strongly in the hadith reports.
38. The concept of *ummah* was severely challenged when the Islamic world experienced the colonial invasion of the European powers. Starting with the British in Moghul India in the latter part of the 18th Century, through to the annexation of large parts of the Middle East and North Africa by the British and French in the 19th Century, the Muslim world was quickly and permanently dismembered, split up into different mandates and protectorates, and reduced to a dependent bloc by the European powers. The ideal of *ummah* helps to explain why nationalism, an essentially 19th century European idea, has no grass roots among many of the people and was experienced as foreign and alien. The new nation-states of the Islamic world were created by the colonialists in an arbitrary manner. Peoples, who had no natural allegiances and sometimes did not even share a common language, were lumped together in the new “nation.” Certain ethnic or religious groups were given hegemony over others. Rulers were appointed by the Europeans who had no real legitimacy among the people. All this was the source of the disruption, instability, and civil wars that have scarred the history of many of these countries ever since.
39. This explains why many Islamists insist today that Muslims should give their first allegiance to the *ummah* rather than to the nation state. It also explains why Muslims are so concerned about the plight of their brothers and sisters in other parts of the world: why they identified with the Afghan struggle against Soviet occupation (1979-89); why they were so distressed by the ethnic cleansing of Bosnian Muslims (1992-95) and of Kosovar Albanian Muslims in 1998-99. It explains why Muslims all over the world are so deeply troubled by the apparently hopeless situation of the Palestinians and now by the plight of the people in Syria and Afghanistan. Of course, each of these historical events has a complex set of causes, but the Islamic concept of the *ummah* provides for a particular way of interpreting the events and experiencing their consequences in Muslim suffering and loss of life. The Qur’an makes it clear that even though warfare is a “terrible evil” (2: 190) it is sometimes necessary to fight to defend fundamental human rights (22:26-40) We see clear examples of this Islamic commitment to justice and concern for the oppressed in the response of the Muslim world to these conflicts, but they

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particularly help to explain the will to defend Muslim life as part of a jihad in defence of Islam in ostensibly faraway places.

**The meaning and significance of martyrdom**

*Origins*

40. The Qur'anic word for "martyr" is *shahid* ("witness"), which comes from the same Arabic root as *shahadah*, the Muslim profession of faith: "I bear witness that there is no god but Allah and that Muhammad is his Prophet." As with the Qur'anic use of the term *jihad*, the reference to *shahid* in the Qur'an is not exclusively devoted to extolling the virtues of *qital* (fighting), but applies to a much broader theme of self-sacrifice for benefit of the *din* (religion, way of life, moral law, reckoning).
41. The verses that describe the rewards of the martyr who dies in battle were revealed to Muhammad after the battle of Uhud in 625 when the Meccan army of over 3000 men had attacked the *ummah* in Medina itself; the Muslims were greatly outnumbered and soundly defeated. They suffered heavy casualties and the Prophet himself was injured, and, for a time, believed to be dead. Again, the Muslims did not seek their death; the martyrs who had died in the battle for Islam had been fighting in self-defence. The psychological effects of Uhud were devastating and the Qur'an offers a message of consolation to the bereaved community: "If you are killed in the cause of God or you die, the forgiveness and mercy of God are better than all that you amass. And if you die or are killed, even so it is to God that you will return." (3:157-58). "Never think that those who are killed in the way of God are dead. They are alive with their Lord, well provided for." (3:169).
42. Later the *hadith* reports of the Prophet's sayings elaborated these simple statements, claiming that the martyrs' sacrifice rendered them free from sin, so that they were not subject to the post-mortem interrogation of the angels Nakir and Munkar; they would bypass "purgatory" and the "tortures of the grave", would not have to endure the long wait for the final Resurrection, but would proceed immediately to one of the highest locations in heaven near God's Throne.
43. Just as Muslims qualified the militant view of *jihad* by stressing the importance of peaceful forms of resistance, they also attempted to modify the romantic ideal of the martyr. Many hadiths also maintain that other forms of self-sacrifice are equally if not more valuable in the eyes of God, such as working to support your family, caring for the poor and disadvantaged, and being consistently truthful and patient. A man who commits his life to study and education is also *shahid*, because he is "witnessing" to the truth. The Prophet is quoted as saying: "The noblest of jihad is speaking out against an unjust ruler in his very presence".
44. A Muslim recites at least seventeen times a day in his *salat* (payer): "Show us the straight path, the way to those on whom you have bestowed your Grace" (1:6-7). Those on whom God has bestowed his grace belong to one of the categories listed in another Qur'anic verse, which says: "Those who obey God and the Messenger are in the company of those on whom is the Grace of

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God: the Prophets, the sincere [lovers of truth], the martyrs, and the righteous [who do good].  
How beautiful is their company.” (4:69)

*Significance*

45. Jews and Christians have also revered martyrs, who died heroically for their faith. Islam is not obsessed by martyrdom, but the foregoing establishes that the ideal of the *shahid* in all its variables is important. During the colonial period, the ideal of martyrdom became more prevalent. Soldiers who died fighting Europeans in the wars of independence were called martyrs and later those who died in wars and uprisings in Palestine, Iran, Egypt, Afghanistan, Bosnia, Lebanon, Azerbaijan, Chechnya, Kashmir and the Philippines were all praised as martyrs for their country.
46. Some of the post-Qur’anic martyr traditions may have been created by the court *ulema* (clerics) for the Muslim warrior aristocracy and would not originally have applied to the rank and file. However by reference to the Uhud model, those who died in the wars of independence against the superior military might of the colonial powers were often called martyrs. During the late twentieth century, Muslims have called all struggles in defence of Muslim territory *jihad* and those who have been killed in these conflicts have been honoured as “martyrs” because they died in defence of the faith and rights of the Muslim people. But these deaths were not suicidal; these martyrs were killed in a regular battle by the enemy army, without intentionally killing civilians and non-combatants. Commentators usually fail to note this important distinction.

**Islam in the contemporary world**

*The anthropological heritage of these core concepts*

47. Before turning to the detailed question of jihad it is important to reflect on how the above foundation principles of Islam resonate for Muslims in the contemporary world. These concepts are fundamental (often largely unconscious) to those who are born into the Muslim tradition. One would have to seek very actively to unlearn them. They are critical to the faith as it is lived by millions of Muslims and crucial to their Islamic identity. These concepts are not going to go away. Their significance may alter in the contemporary world depending on the perceived fortunes of Islam, but the core concepts will remain unchanged. When we move in the next Section to consider the concept of jihad, it is well to bear in mind that we are dealing with the essentials of a religion.
48. Its detractors sometimes describe Islam as a violent religion. That it is not. But the above description indicates that it is a radical one. It does not simply require individuals to behave in a just, devout and pious way, but provides a radical prescription for a just society and embodies an entire political philosophy.
49. Unlike Christianity, Islam is therefore a deeply political religion. The Qur’an gave Muslims a historical mission. Their duty was to create a just community in which all members were treated with absolute respect. State affairs, therefore, were not a distraction from spirituality but the stuff

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of faith itself. The political wellbeing of the Muslim *ummah* was a matter of supreme importance. If state institutions do not measure up to the Qur'anic ideal, if their political leaders are cruel, weak, corrupt or exploitative, or if the *ummah* is humiliated by seemingly irreligious and unscrupulous enemies, a Muslim can feel that his or her faith in life's ultimate purpose and value is in jeopardy.

50. Islam is a religion of success. Unlike Jesus, who was executed as a disgraced criminal, the Prophet Muhammad's political achievements were considerable and within decades after his death his successors were able to create the largest empire the world had yet seen. This triumph had religious consequences. The Qur'an says that if a society is run according to its norms, it will succeed because it will be in accordance with the fundamental rhythms of life. Consequently throughout their history Muslims have engaged in frequently anguished meditation on the political current events of Islamic society to see how they are measuring up. They are engaged in this process today.
51. This heritage throws light on some Muslim responses to events and developments in the modern world that can seem counter-intuitive to a person imbued with the Western, secular ethos. Some contemporary Muslims have adopted alternative perspectives on such issues as history, politics, war, religion, nationalism, secularism ~ and even on reason ~ that seem initially alien to Western modernity. Instead of dismissing such views out of hand, a social historian would be wise to consider some of the traumatic consequences of the colonial period and the subsequent domination of the western powers and western ideas in the modern world.

*Outrage against perceived injustice*

52. One of the ways in which this manifests in the concept of jihad is the extreme concern for wrongs done to the *ummah* and the sense in which Islam is felt to be under attack. This we see most clearly in footage of real life events of Muslims being killed, tortured, harried and bullied by their various enemies ~ Russians, Serbs, Hindus and Israelis. Muslims are taught by the Qur'an to feel an urgent responsibility for one another and are deeply ashamed if they are unable to come to the assistance of their suffering brothers and sisters. They feel disgraced by their leaders, who seem to acquiesce in this injustice and humiliation and appear shamefully subservient to the West ~ a theme which surfaces throughout these works.

*Caution in reading materials on jihad*

53. I emphasise these matters because the radical disposition of the modern Islamic response to modernity can give rise to misinterpretation. My main point as regards viewing any material on jihad is that to a Western outsider, the specificity of the Islamic heritage ~ what critical theorists sometimes call *Otherness* -can look irrational, perverse, fanatical and even immoral. The secular western perspective has long developed a habit of reading Islam that way; one could even say that a negative appraisal of Islam has been one of the "received ideas" of the Western world since the Crusades. This cultural bias has become even more engrained as a result of such events as 9/11 and suicide-bombings and terrorist attacks in major capital cities. The consequence of this is that

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advocacy based on core Islamic concepts risks being wrongly characterised as ‘propaganda’ and the hypothesised Muslim readership of this material is assumed to be so predisposed ~ even brainwashed ~ to digest it that, on being exposed to this “propaganda,” it will launch itself reflexively and uncritically into unlawful violence. This is a gross simplification. My strong concern is that commentators exhibit this form of reductionism in the way in which they view material on jihad.

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**PART B: JIHAD AND TERRORISM**

54. Jihad is also a core Islamic concept. The fact that someone like Osama bin Laden declared himself to be fighting a global jihad inevitably distorts the understanding of the concept in today's world for those who are not Muslim. Commentators frequently focus on the external form of jihad linked to fighting (*qital*). This runs the risk of wrongly concluding that all references to jihad refer to a singular and untrammelled notion of violence. Three matters are important to bring out. First, the concept of jihad is far more nuanced: it refers to a range of struggles that Muslims conduct simultaneously within themselves and with the exterior world. Second, while Islam is wrongly characterised in the world today as a violent religion, it is also not a pacifist one. Third, there is a jurisprudence of war in Islam derived from the Qur'an that was, inevitably, developed at times when Islam has been under threat and, specifically, in particular regions of the Muslim world that have been especially vulnerable to enemy attack. The major feature of that jurisprudence involves concepts of necessity, proportionality and distinction between combatants and non-combatants. Those concepts, although different in rhetoric, are not entirely dissimilar to the principles of the law of armed conflict that apply under Western secular law.
55. When one takes these matters together we see that there is generally a clear conceptual confusion in the understanding of the concept of jihad. This is because of the strong tendency to confuse the abstract idea of militant jihad with an abstract idea of terrorism. This does not mean that militant jihad cannot be waged in a manner that includes terrorist acts; but that is a question of the way in which the war is waged not the decision to go to war.

**The meaning and significance of *Jihad***

*Origins*

56. In the West, *jihad* is usually understood to mean simply "holy war" but in the Islamic world the significance of *jihad* is more nuanced. Its primary meaning is "effort" or "struggle." In the Qur'an, Muslims are required to exert themselves strenuously to implement the will of God, and this requires a great deal of courage and perseverance. Muslims are commanded to commit themselves to a *jihad* on all fronts: social, political, intellectual, moral and spiritual (22:78). The creation of a just society involves a constant struggle: Muslims must speak out against injustice, alleviate the distress of the poor, acquire knowledge and educate the *ummah*, work hard to support their families, and, above all, live a good religious life. It takes effort to rise at dawn every day to make the first prayer; the Ramadan fast is rigorous; almsgiving requires self-sacrifice, and like everybody else Muslims have to struggle constantly against the egotism, selfishness, material ambition, greed, envy and hatred that impede spiritual progress. This is the context for the hadith tradition that the greatest *jihad* is an interior struggle with oneself. But even if that hadith did not exist, the totality of the Islam experience, combines internal and external jihad. One requires the other. Warfare and social struggle require self-sacrifice, which is only possible if one has struggled interiorly with the ego. Hence the two coexist in the minds of Muslims; they are not separated in watertight, mental departments.



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*Jihad and fighting*

57. In the Qur’anic revelations that came to the Prophet while he was living in Mecca before the *hijrah*, the term *jihad* has no violent connotations. At this time, the Muslims were experiencing hardship and persecution and the Qur’an urges them to persevere in the faith, not to give up, to exercise forbearance, and to suffer patiently. The Prophet did not permit Muslims to retaliate violently during this early period. The word *jihad* referred solely to non-violent resistance (22:78). The primary injunction is therefore one of restraint and patience (*sabr*) in propagating the faith, inflicting punishment in accordance with injuries already suffered: “Call thou to the way of thy Lord with wisdom and good admonition, and dispute with them [your adversaries] in the better way...And if you chastise, chastise even as you have been chastised ...And be patient” (16:125 to 128). Thus, “True Servants of the Merciful are those who walk humbly on the earth and say: ‘Peace!’ ...who are neither extravagant nor niggardly, but keep to the golden mean; who invoke no other deity beside God, and do not kill except for a just cause (manslaughter is forbidden by Him)” (25-65 to 25 :67).
58. This changed after the *hijrah*. The conflict with Mecca meant that the Muslims had to defend themselves militarily. The Qur’an sees warfare as a great evil. Muslims must not initiate hostilities; aggression and the pre-emptive strike are forbidden. Like almost all social systems, Islam has developed a theory of justified violence. Its treatment in the Qur’an bears analogy with the concepts of justification and self-defence in civil law. The only possible justification for war is self-defence (2: 190). In those circumstances the Qur’an gives Muslims “permission to fight . . . to those whom war is being wrongfully waged” ~ this is a concession and one that many of them found repugnant (22:36: 2:216: “Fighting has been prescribed for you though you dislike it”). But the persecution they had endured was a form of violence that was worse than fighting (*qital*). (2:217). The Qur’an predicts that the Quraysh would continue to attack them until they had forced the Muslims abandon their faith (*ibid.*), so resistance was unavoidable.
59. Even in this militant context, the Qur’an did not abandon its pluralism: synagogues and churches as well as mosques must be protected. Indeed, in its justification of war, the Qur’an refers to the fact neither Judaism nor Christianity would have survived without it: “For if God had enabled people to defend themselves against one another, [all] monasteries and churches and synagogues and mosques -in [all of] which God’s name is abundantly extolled -would surely have been destroyed.” (22:36-40)
60. One of the reasons why it is misleading to translate *jihad* as “holy war” is that this implies a campaign to force people into a faith at sword-point. This is entirely alien to the Qur’an, which insists in extremely emphatic Arabic that there must be “No compulsion in matters of religion” (2:256). There was at this stage no thought of compelling the rest of humanity to enter the *ummah*. In the Qur’anic perspective, each of the traditions had its own *din*, its own special practices and insights, and this was God’s plan for the human race. “Unto every one of you we have appointed a different law and way of life (*din*),” God told Muhammad, “and if God had so willed, He could surely have made you all one single community: but he willed it otherwise”

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(5:48).

61. The Qur'an does not overlook the possibility of military conflict with Jews and Christians -the People of the Book. In Mohammad's lifetime, bitter and destructive wars were fought with three of the Jewish tribes in Medina; but this was a political rather than a religious conflict: as allies of Mecca, these tribes had become a dangerous security risk in beleaguered Medina during the war. But even in these desperate times, the Qur'an continued to insist on the importance of reconciliation and peacemaking: "But if they incline to peace, then incline to it also, and trust in God." (8:61) and urged Muslims to emphasize what the monotheistic religions had in common (29:46). After the war with Mecca, therefore, the remaining seventeen Jewish tribes continued for many years to live alongside the Muslim community in Medina. Later in the Islamic empires created after Muhammad's death, covenants were made with the People of the Book that enabled Jews, Christians and Zoroastrians (and, in the Moghul Empire, Buddhists and Hindus) to live as "protected minorities" (*dhimmis*) in Muslim lands, to enjoy peace and security, and to practise their faith freely, provided they paid a tax, known as the *jizya*.
62. The Qur'an insists on the importance of mercy and forgiveness, even in armed conflict (3:147~48; 8:16~17; 61:5). The moment the enemy sues for peace, Muslims must lay down their arms, even if they suspect double-dealing. And although it is important to fight persecution and oppression, the Qur'an constantly reminds Muslims that it is better to sit down and solve the problem by courteous discussion (8:62-63). True, God had permitted retaliation in the Torah -eye for eye, tooth for tooth ~ "but he who shall forgo it out of charity will atone better for some of his past sins."(5:45). Any retaliation must be strictly confined to those who had actually committed the offence, a great advance on the law of vendetta in pre-Islamic Arabia, which permitted revenge against any member of the killer's tribe (4:90). From the earliest times, it was forbidden to kill non-combatants as well as women and children and monks and rabbis, who were given immunity unless they took part in the fighting (see below).

*Medieval jurisprudence on jihad and the concept of necessity*

63. Jurists of the Classical period (c.800 -1400), when Muslims were frequently under attack, insisted that all able-bodied Muslims, male and female, must rush to defend Muslim victims of war. If they were too far from the fighting, they must assist in other ways, and if the rulers were unable to lead this *jihad*, others must assume this responsibility. At this time, of course, it was virtually impossible for a Muslim in Northern Iran to help Saladin fight the Crusaders in Palestine, but today modern transport has deprived Muslims of this excuse: hence the consequence of someone like Abdullah Azzam declaring the support of the Jihad in Afghanistan between 1979 and 1989 to be an individual obligation, Muslim volunteers traveling to Bosnia and Ibn Khattab establishing himself as a revered general in the Chechen war.
64. The important feature to understand from this classical theory of jihad is that principles of individual obligation underscored by the scholars [*fard ayn*] referred to a state of necessity. Ibn Taymiyya would describe the individual obligation of jihad as arising "in the defence of the religion, of things that are inviolable, and of lives" and therefore characterised it as "fighting out

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of necessity. Moreover, where the domain was capable of defending itself in any event, travel in defence of Muslim lands was not required. This description of *fard ayn* in the classical work finds expression in the writings of Ibn Taymiyya. Its more up to date expression was quintessentially associated with the writing of Abdullah Azzam during the Afghan jihad.

*Methods of fighting*

65. We have already considered some of the core statements in the Qur'an commanding restraint in fighting and a focus only on those who bring the fight to Islam. Other verses underscore that in war, non-combatants, are protected. The Qur'an insisted that Muslims must fight only those members of Quraysh who had personally injured the *ummah*; those who had remained neutral were not to be harmed in any way (4:90). Retaliation must be strictly proportional (2:294).
66. Not surprisingly the word 'civilians' does not appear in the Qur'an, but the numerous verses that refer to women, children and the elderly, in substance describe those category of persons who might not fight in the time of the Prophet. Islamic history confirms that certainly women did fight, but according to the ninth century jurists they were not under a duty to fight.
67. In pre-Islamic warfare in Arabia, no quarter was given to the vanquished. The bodies of the slain were regularly mutilated and prisoners were either killed or tortured. But after his first victory in the battle of Badr (624), Muhammad ordered his troops to stop killing their captives. Prisoners of war must either be released or ransomed (Qur'an 47:5). They must not be ill-treated in any way. If no ransom was forthcoming, the prisoner must be allowed to earn money to buy his freedom and his captor is urged to help him with the payments out of his own resources, since the freeing of captives is praised as a virtuous and charitable act. (23:34; 2:178) Later *hadith* insist that prisoners must be treated like members of the family: "You must feed them as you feed yourselves, and clothe them as you clothe yourselves, and if you should set them on a hard task, you must help them in it yourselves."
68. The *sunnah* and subsequent authority would develop the constraints on jihad, emphasising the protection of non-combatants and the places of worship of other religions, as well as attitudes to prisoners of war. These principles are not articulated in the language of contemporary secular law neither are they ad idem with it; although that is not surprising since the modern law of armed conflict only began to develop in the eighteenth and nineteenth century. That said, the medieval Muslim law of armed conflict would have been regarded for those who looked beyond criticism of it by Crusader writers as progressive. One gets the flavour of Islamic rules of engagement in a speech attributed to Abu Bakr during his period of rule as the first Caliph. The scholar Abu Jafr Muhammad Ibn Jarir Tabari (838-923) in his *Ta'rikh al Rusul wa al-Muluk* recounts:

"In a celebrated address to the first Syrian expedition Abu Bakr, the first Caliph, said: Stop, O' people, that I may give you ten rules to keep by heart! Do not commit treachery, nor depart from the right path. You must not mutilate, neither kill a child or aged man or woman. Do not destroy a palm tree, nor bum it with fire and do not cut any fruitful tree. You must not slay any of the flock or the herds or the camel, save for subsistence. You

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are likely to pass by people who have devoted their lives to monastic services; leave them to that to which they have devoted their lives. You are likely, likewise, to find people who will present you of meals of many kinds. You may eat; but do not forget to mention the name of Allah.<sup>2</sup>

69. Later Islamic law elaborated these principles. Muslim soldiers must avoid targeting women and children; some jurists included old men, peasants, monks, merchants and other males who were unfit for or excused from military service. They were allowed to use all types of weapons except those explicitly forbidden by the Prophet, such as killing by mutilation or torture, or burning individuals alive.
70. Today some groups ~ Al-Qaeda being one such example ~ do not recognize such limits. Al-Qaeda's views, exemplified by the terrorist attacks in the United States in September 2001, do not accord with the classical view that violence must be proportional and that innocent civilians should not be targeted. But Islamic scholars have issued strong fatwas against such abuses. The Islamic Research Council at Al-Azhar University in Egypt, one of the most prestigious authorities in the Muslim world, has declared: "Islam provides clear rules and ethical norms that forbid the killing of non-combatants, as well as women, children and the elderly and also forbids the pursuit of the enemy in defeat, the execution of those who surrender, the infliction of harm on prisoners of war, and the destruction of property that is not being used in hostilities."<sup>3</sup>

**Capacity to confuse jihad with terrorism at the definitional stage**

71. When one takes the above doctrine of proportionality in the waging of war and combines it with the principle of necessity that governed the obligation to go to war, it is not axiomatic that an Islamic approach to war inevitably collides with a contemporary secular one. Violence is justified under international law where it is borne out of necessity to save life or to defend occupied land. There are then rules of proportionality and distinction between combatants and non-combatants that govern the conduct of war. This leads us to the erroneous underlying assumption that jihad is terrorism *essentially by definition*.
72. I emphasise that this is an assumption at the *definitional* stage, because once a Muslim makes a decision to discharge his obligation of jihad his conduct may or may not amount to a terrorist offence. It is not the case that merely by discussing an obligation to fight, that a writer or theory can further be characterised as encouraging unlawful violence (or in this context 'terrorist offences').

*The erroneous underlying conceptual framework*

73. Commentators frequently mention the importance of propaganda as a systematic processing of information geared to promoting a particular goal and to eliciting support for the policies and

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<sup>2</sup> Quoted in Majid Khadduri, *War and Peace in the Law of Islam*, p. 102.

<sup>3</sup> *Al-Hayat*, 5 November 2001 quoted in John L. Esposito, *Unholy War, Terror in the Name of Islam* (2002), pp. 157-158.

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actions of the protagonist. The argument is that because it is addressed to the masses, propaganda tends to simplify complex issues, is biased in its presentation, seeks to inspire fear and undermine confidence in government. This argument appears to be that propaganda is essential to a terrorist movement as a means of recruitment and of educating the general public in the rationale that has inspired its violent programme.

74. Commentators argue that Muslims who engage in jihad are motivated by a (misguided) altruism and conviction of self-righteousness. Yet Muslims engaged in jihad present themselves as reluctant warriors, compelled to take up arms against a repressive state or an unresponsive international order. They usually claim that they are acting in self-defence against the repeated aggression of foreign invaders. Their sacred texts inspire terrorists with a deep sense of empowerment, a desire for vengeance, and a willingness to sacrifice their lives. Islam forbids suicide but these Muslims regard themselves as martyrs, who will achieve a heavenly reward in the next life. Their self-immolation is not suicide but a heroic and altruistic act of self-sacrifice in circumstances where death is required for the success of their terrorist campaign.
75. Commentators frequently trace the history and ideology of Al-Qaeda, to describe the attacks of September 11, 2001 and discuss their aftermath in the subsequent War on Terror. They argue that because a convicted terrorist had access to a particular article or video that concerns the subject of *jihad* (understood as a “holy war” against foreign occupation), this article or video has been responsible for persuading the convicted person to commit attacks on Western civilians.
76. There are, however, important lacunae in this analysis, most significantly that commentators deploy a concept of terrorism, that does not countenance the possibility that non-state actors could use violence in a legal manner. Of course, there are acts in the name of the jihad, such as the attacks on 9/11 or the attacks in London on 7 July 2005 that are terrorism, but it is a particular error to work back from events like that to suggest that literature on jihad inevitably endorses it. What concerns me in this conceptual framework is an assumption that the merger of the advocacy of self-defence with an ideology grounded in Islam will inevitably amount to terrorism.

*Violence as a defensive response to state terrorism*

77. This stance would appear to reflect an exclusive focus on terrorism as the conduct of non-state actors and deny the possibility that those actors may in fact be *not unlawfully* responding to state terror that raises the prospect of gross humanitarian violation or conquest of sovereignty territory. Muslims engaged in jihad believe that they are victims of state terrorism perpetrated by the Soviet Union, Israel, India or Serbia and that their activities are therefore defensive.
78. If that is their perception, many of the theatres of conflict and war have documented histories describing state terror. Perhaps in the forefront of Western academics on this issue is Noam Chomsky, who has referred to the United States as “a leading terrorist state”<sup>4</sup> and has focused on

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<sup>4</sup> N. Chomsky, *Power and Terror: Post 9/11 Talks and Interviews* (New York, 1003), p. 66.

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state or state-sanctioned violence rather than on non-state terrorism.<sup>5</sup> It is widely recognized that historically the largest-scale politically-directed terrorizing violence has been carried out by states, including most obviously those led by Hitler and Stalin. Indeed the origin of the term “terrorist” related to the use of state violence in 18th century France. It was horribly clear in the Algerian War of Independence, for example, that both France and its Front de Liberation Nationale opponents used violence that could be described as “terrorist.” These social histories account for why, although no state however undemocratic must endure terrorist violence, it does not enjoy immunity from responsive force in the terms identified in the paragraph above.

79. Commentators often fail to take this aspect of terrorism sufficiently into account. They do not appear to notice that Islamic teachings, which they claim advocate terrorism, make a point of forbidding the targeting of innocent civilians and are solely about more or less conventional defensive warfare. Because of this lack of a stringent working definition, commentators use the word “terrorism” to describe other kinds of violence. For example, Muslims who are engaged in guerrilla warfare are described as “terrorists” masquerading as regular soldiers. One man’s terrorist is frequently another man’s “freedom fighter”. Nobel Peace Laureates, such as Martin Luther King, Menachem Begin, Anwar al-Sadat, and Nelson Mandela, had previously been regarded as “terrorists” by their opponents. Terrorism often overlaps with guerrilla warfare (an irregular war carried on by small bodies of men acting independently) or with insurgent, revolutionary campaigns. Civilian bystanders, for example, can be killed in an attack on a military target during a guerrilla operation.
80. One of the chief problems of explaining and responding to terrorism is that it so often occurs as part of a wider political repertoire of other violent and complex actions. “It is grossly misleading,” claims one distinguished commentator, “to treat terrorism as a synonym for insurgency, guerrilla warfare, or political violence in general.”<sup>6</sup>

**Islam generalised and rendered irrational**

81. Commentators tend to treat some of the core concepts in Islam described in this report so far in a simplistic, generalised fashion. These concepts are assumed to be utilised for the justification of terrorism and an appreciation for their nuance and rationality is very limited.

*Jihad in the contemporary Islamic world*

82. I hope that the discussion of the meaning and significance of jihad in the paragraphs above demonstrates that *jihad* is considerably complex. Sometimes an article is condemned simply by listing quotations from it that include the word jihad, as though its use is proof positive of incitement to violence. Often these quotations have been taken from the Qur’an. For most Muslim readers the word jihad has a far wider range of connotations and does not simply mean “holy war”.

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<sup>5</sup> N. Chomsky, *The Culture of Terrorism* (London, 1989).

<sup>6</sup> P. Wilkinson, *Terrorism Versus Democracy: The Liberal State Response* (London, 2001), p. 1.

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83. It is worth considering available data on how jihad is actually understood in the contemporary *ummah*. As has been true throughout Islamic history, there is today no monolithic view shared by all Muslims, so potential readers will not respond to any of the books under discussion with a single, knee-jerk reaction. For the majority of Muslim readers, jihad has positive connotations that are unconnected with terrorist violence. A 2001 Gallup Poll asked 10,004 adults in nine predominantly Muslim countries what “jihad” meant to them. In Lebanon, Kuwait, Jordan and Morocco, the most frequent definitions were “duty to God” or “worship of God” with no reference to warfare. To others *jihad* meant “a commitment to hard work,” “struggling to achieve a noble cause”, “promoting peace, harmony, or cooperation”, “helping others,” or “living the principles of Islam.” Jihad also includes the right, indeed the duty, to defend Islam and the community from aggression. In three non-Arab countries, however, ~ Pakistan, Iran and Turkey ~ significant minorities mentioned “sacrificing one’s life for the sake of God” or “fighting the enemies of Islam.” But for the majority of Muslims, whether jihad means a struggle of the soul, the pen or the sword, it must *always* be just and ethical.<sup>7</sup>
84. All this is not to say that the concept of jihad cannot be applied to ends which are both terrorist in the secular sense, and which violate essential principles of Islam. The point is that such a conclusion is not axiomatic to a Muslim reader who considers the concept of militant jihad.

*Martyrdom in the contemporary Islamic world*

85. One further use of religious generalisation that requires care is the treatment of the praise of the “martyr” and “martyrdom.” It is not axiomatic that such praise amounts to an incitement to terrorism. Commentators tend automatically to regard martyrdom as an essentially aggressive and violent act. Suicide bombing and the suicidal terrorism of 9/11 have naturally brought this type of “martyrdom” to the forefront of any discussion of so-called “Islamic” based violence. But this is a modern aberration and is not the way these terms have been used in the Muslim tradition as a whole.
86. Islam is not alone in regarding the martyr as a hero of the faith. Jews and Christians revere martyrs who died as victims of persecution at the hands of a tyrannical state and regard their sacrifice as a supreme religious achievement. In the same way, Muslims who sacrifice their lives to establish or defend Islamic ideals hold an important place in Islam. Like the Greek *martyrs* (which gives us our English “martyr”), the Arabic *shahid* (“martyr”) means “witness.” I have noted above the correlation between the *shahadah*, the declaration of commitment to the sovereignty of God that is the first Pillar of Islam, and the concept of the *shahid*. Martyrdom is thus the ultimate act of *islam*, an existential “surrender” of one’s entire life to the divine. In giving his life for the faith, the Muslim martyr, like his Jewish and Christian counterparts, bears witness before the world that God is the supreme value in his life with which no other ambition, goal or ideology can compete. A traditional martyr, in Islamic as well as in Jewish and Christian history, is not a terrorist but a victim of tyranny and a champion of justice. These martyrs do not seek their own death; it is inflicted upon them. In Islam, as we have seen, the term is chiefly

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<sup>7</sup> John L. Esposito and Dalia Mogahed, *Who Speaks for Islam: What a Billion Muslim Really Think. Based on Gallup’s World Poll* (New York, 2007), pp. 20–21.

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applied to those who die in the service of God and the *ummah* in battles and defensive wars against the enemy.<sup>8</sup>

87. Two general observations can therefore be made. First, the virtues placed upon military sacrifice in defence of faith are not exclusive to Islam, and find strong parallels in other religions, particularly those that underpin Western secular law. Second, the huge value that Islam accords to those who battle on behalf of the Din, has parallels in the way in which modern secular states understandably idealise their war dead. It is readily accepted that soldiers “make the greatest possible sacrifice for their country”. The thousands of soldiers who during World War 1 were compelled to “go over the top” were “Lions led by Donkeys”. People today feel strong emotions of sympathy for the recent British and American war dead in Iraq and Afghanistan, even if they do not necessarily support the original reasons for going to war. None of these matters definitely speak to the question of whether the war in question is being waged legally or illegally.

*Suicide bombing or martyrdom operations*

88. Islam unequivocally condemns suicide, because only the God who bestows life can take it. There is only one Qur’anic mention of suicide: “Oh you who believe! Do not consume your wealth in the wrong way ~ rather only through trade mutually agreed to, and do not kill yourselves.” (4:29) But the hadith and Islamic law both prohibit suicide without qualification.
89. Sunni and Shi’i Muslims have consistently condemned the kind of “martyr” who takes other people with him. At the time of the Crusades, the small sect of Nizari Ismailis, usually called the “Assassins,” carried out murderous attacks against political leaders with the certain result that they would result in the attacker’s death, but they were reviled throughout the Muslim world as fanatics. Islamic law makes a sharp distinction between martyrdom and suicide. The martyr goes into battle knowing that he may die, but he intends to live. The intention of a suicide is to die. Even a warrior who takes his own life after suffering extreme and mortal wounds in battle is condemned.
90. In the late twentieth century, however, the suicide bomber has become a grim feature of modern warfare, especially as a methodology used by non-state actors against occupying forces. The study by the American scholar Robert Pape underscores some features of this phenomenon that can sometimes be missed. In his landmark research into 315 suicide attacks worldwide between 1980 and 2003 he emphasised the extent to which their use was not specific to Islam or indeed religious groups (e.g. Tamil Tigers in Sri Lanka which is Hindu/secular and the PKK in Turkey which is Muslim/secular).<sup>9</sup> He also underscores the extent to which the when used as a terrorist strategy, the decision to use the method is generally pragmatic and not fanatical based on its perceived utility.<sup>10</sup>

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<sup>8</sup> Bonner, *Jihad*, pp. 74-76.

<sup>9</sup> Robert A. Pape, *Dying to Win, The Strategic Logic of Suicide Terrorism*, p 15.

<sup>10</sup> *Ibid*, pp. 21-24.



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91. As to the use of suicide bombing in Islam it began with the attack of Hezbollah, a Shi'i group, on American forces in Lebanon in 1982. Thereafter it remained a feature of Lebanese and Iranian Shi'i strategy, but largely fell away in the 1980s. Hamas is apparently the first Sunni Islamic group to have adopted the technique, extending its use to non-combatants inside Israel and in the occupied Palestinian Territories. Hamas did not resort to the technique until the attack by Baruch Goldstein on Muslim worshipers in Ibrahimi mosque/ Cave of Maphelah, killing 29 of them, during Ramadan in February 1994. Hamas activists waited until after the forty-day mourning period and then a suicide bomber killed seven Israelis in Afula, not in the Occupied Territories but in Israel proper. Violence had bred new violence. Likewise, the technique began to be used by Chechen fighters after the start of the second Chechen war in 1999. The extent to which Al Qaeda and similar groups have used the technique in Western cities since 2001 is well known to all.
92. From the outside -however brutal-the question of whether this technique would contravene the secular law of war depends upon the circumstances of its use, and in particular, what it targets. In other words, if it is permissible to attack a military installation as part of a legitimate war aim, then the question of whether a party to a conflict uses a plane or a human being is not strictly relevant. Therefore, it is not axiomatic that the use of suicide/martyrdom operations in the context of a war against a belligerent foreign occupier would always be terrorism.
93. This is an important context for considering the debates about this issue that have been conducted inside Islamic circles. Some argue that the ban on suicide remains absolute and condemn suicide bombing on these grounds. Others, such as the late Sheikh Ahmad Yassin (founder of Hamas) and the influential Egyptian jurist Yusuf al-Qardawi have declared that suicide bombing is a legitimate means of self-defence in Israel-Palestine. Whether it appears from the outside to be illogical or not, it is the case Al-Qardawi (and indeed Yassin in his life) has condemned Islamically this type of terrorism in other parts of the world. Al-Qardawi argues that Israel is a special case, because it is a military society in which both men and women serve in the army as reserves. They are not, therefore, innocent bystanders. The sheer disparity between forces in the waging of the war in this region is sometimes also cited. Old people and children who die in such an attack are victims of involuntary killing. On the other side, Sheikh al-Sheikh, former Grand Mufti of Saudi Arabia, has condemned all suicide bombing as un-Islamic and a violation of Islamic law. Sheikh al-Tantawi, Grand Mufti of Egypt, is prepared to regard the suicide bombing of military targets as legitimate self-defence, but has consistently condemned the killing of non-combatants.
94. Inside Islam (as well as out) this debate, especially since the strategy first became associated with Sunni Islamic groups in the mid 1990s, has led to an extremely dynamic discussion about its rights and wrongs, and potential exceptions, and it is not surprising that Muslims who are aware of the extreme importance of this issue want to become acquainted with some of its complexities and ramifications. Indeed, responsible Muslims need to do be aware of these questions. The "martyr operations" have brought to light the difficulties of minority Muslim populations and the oppression in Palestine and Chechnya; they are a terrible "witness" to the fact that all is not well. They have led to a broad range of discussions as to whether these operations can be justified in

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Islamic terms.

95. The September 11 attacks were, of course, the most horrific example of a suicide operation. The nihilism of the action was horrifying. Its organizers and perpetrators speak of grand global projects, which are vaguely defined and postponed to the distant future. This lack of concern with clear political goals radically separates them from earlier Islamists. The violent destruction seems sufficient in itself. Most disturbing of all was the indiscriminate mass killing of innocent civilians, which violates Qur'anic principles about the conduct of war and also separates them from those like Qardawi and Tantawi, who defend suicide bombing in Palestine and Chechnya as legitimate self-defence.
96. For present purposes, I would emphasise it is vital to remember that the vast majority of Muslims resist the terrorist option. They may feel the same disgust, shame, outrage and fear as the extremists; they may even harbour a degree of admiration for Osama bin Laden's stance against the West; but they reject his methods. A Gallup Poll conducted between 2001 and 2007 in 35 Muslim countries sampling about 90 per cent of the global Muslim population, the most comprehensive study of contemporary Muslims, suggests this degree of ambivalence. Only 7 percent of those questioned believed that the atrocities of September 11, 2001 were justified, *but the reasons given were wholly secular*: they deplored, for example, American support for the State of Israel, which has inflicted great suffering on the Palestinians, American intervention in the domestic affairs of Muslim countries, and the American-led sanctions against Iraq, which were responsible for the deaths of innocent Iraqi children. The remaining 93 percent often had issues with American foreign policy but condemned the attack on religious grounds, many citing the Qur'anic verse "If anyone slays a human being ..., it is as though he had slain the whole world" (5 :32).<sup>11</sup>
97. Interestingly, however, the Poll also showed that Muslims and American are equally likely to reject attacks on civilians as morally unjustified.<sup>12</sup> This would militate against the point that Islamic concepts of jihad predispose one towards untrammelled violence. Islam and jihad do not seem to be the decisive factor here. Moreover, the percentage numbers who poll support for such attacks –comparatively small as they are -very clearly do not translate into candidates willing to do anything more than express their opinions. The numbers who go on to carry out terrorist attacks, particularly those who live outside theatres of armed conflict, such as Iraq, Afghanistan/Pakistan and Israel/Palestine, is absolutely minimal.

*Islamophobia*

98. Taking all of the above matters into account, there is still a risk that jihad will be improperly understood as synonymous with terrorism in all circumstances. The reason for that is that events like 9/11 have seriously distorted and aggravated non-Islamic perceptions about Islam to extremely negative ends. In Europe and in the United States there are commentators that have

<sup>11</sup> Esposito and Mogahed, *Who Speaks for Islam?* pp. 69-70.

<sup>12</sup> *Ibid.*, p. xi.

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sought to paint Islam in the worst possible light and encourage the public to accept that depiction. Muslims are one of the very few groups left in Western liberal society where it is acceptable to denigrate on the basis of stereotypes.

99. In the *Washington Times*, the American commentator Sam Harris insisted “We are absolutely at war with the vision of a life that is prescribed to all Muslims in the Koran”. In *FrontPage* magazine, Lawrence Auster has argued that the chief Western objective is “to weaken and contain Islam.” In a speech at a conference of the *Freedom from Religion Foundation* in October 2007, Christopher Hitchens called for the genocide of all Muslims.<sup>13</sup> Martin Peretz, the New Republic’s editor in chief, in his Blog in 2010, “Frankly, Muslim life is cheap, most notably to Muslims.” Peretz added: “I wonder whether I need honor these people and pretend that they are worthy of the privileges of the First Amendment which I have in my gut the sense they will abuse.”<sup>14</sup> Although Peretz apologized twice, he nevertheless defended his assertion that Muslim life is cheap. “This is a statement of fact, not value,” he said.<sup>15</sup> “The Muslim community will have to suffer till it gets its house in order” argued celebrated the British novelist Martin Amis, “Not letting them travel; deportation; further down the road: curtailing their freedoms, strip-searching people who look like they’re from the Middle East or Pakistan. Discriminatory stuff against the whole community and they start getting tough with their children.”<sup>16</sup> In an article in a tabloid newspaper, television presenter Robert Kilroy-Silk described all 200 million Arabs indiscriminately as “suicide bombers, limb-amputators, women repressors;” they were “loathsome,” “threatening,” “terrorists,” and “asylum seekers.” He denied that Muslims had made any contribution whatsoever to civilization.<sup>17</sup> When his show was suspended, the tabloids rallied to his defence; the *Sunday Express* claimed that 97 percent of the callers who phoned the paper about this incident (some 22,000 people) believed that the BBC had been too harsh with Kilroy Silk; and this incident also triggered a surge in Islamophobic protest on radio phone-ins and internet chat-shows, who were inundated with talk of “sand-niggers,” “towel-heads” and “camel jockeys.”<sup>18</sup>

100. This troubling trend demonstrates two relevant points. Firstly, it acts as a warning ~ even if we do not appreciate it in ourselves ~ that part of the Western response to terrorism is decidedly not neutral about Islam. When we read material on jihad we should legislate against the possibility that one way or another that lack of neutrality permeates the way in which we understand that material. A watered down version of this problem exists because commentators cannot assume that the use of force in accordance with Islamic law could ever be in accordance

<sup>13</sup> Justin Raimondo, “Christopher Hitchens and Genocide”, Antiwar.com, 17th October 2007; cf. Richard Seymour, “The Genocidal Imagination of Christopher Hitchens”, *Monthly Review*, 20 November 2005.

<sup>14</sup> Martin Peretz, “The New York Times Laments ‘A Sadly Wary Misunderstanding of Muslim-Americans.’ But Really Is It ‘Sadly Wary’ or a ‘Misunderstanding’ at All?” 4 September 2010, *New Republic*; Nicholas D. Kristof, “Is This America?” *New York Times*, 11 September 2010.

<sup>15</sup> Martin Peretz, “An Apology,” 13 September 2010, *New Republic*, <http://www.tnr.com/blog/the-spine/77607/martin-peretz-apology>

<sup>16</sup> Quoted in Peter Osborne, “The Fear of Islam, Britain’s New Enemy Within,” *The Independent*, 4 July 2008.

<sup>17</sup> *Sunday Express*, 4 January, 2004.

<sup>18</sup> William Dalrymple, “Islamophobia,” *The New Statesman*, 19 January, 2004.

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with their own.

101. Secondly, we should bear in mind the extent to which terrorism often provokes what Richard English describes as “ill-judged, extravagant and counter-productive responses.”<sup>19</sup> The invasion of Iraq, Guantanamo Bay and the resort to interrogation techniques that involve torture and other ill treatment are examples in point. In that way the above commentaries provide cover for policies that effectively treat Muslim life as different to our own. Muslims perceive this to be seriously askew. A common complaint is that the loss of civilian life is mourned in the West when it is caused as a result of terrorist attack by non-state Islamic actors. But far greater fatalities caused by Western State terrorism in the non-West against Islam hardly register. There are, of course all sorts of reasons as to why empathy and indifference generate in that way. However, in this climate, the Qur’an’s warning that “They will not cease to fight you until they have turned you away from your faith” resonates.

*Volunteer jihad in the defence of Muslim lands*

102. There is an emerging tradition within modern political Islam of volunteering to defend Muslim lands that are literally under attack. The tradition itself harks back to volunteers (*muttawiyi'a*), who travelled to the borders of Byzantium during the ninth century. These volunteers were not professional soldiers; some were notable scholars; others were ascetics; many were obscure people, who suffered and often died on the frontier. All had abandoned their customary roles in life, going literally far out of their way to serve God ~ going beyond what is required in their “striving” to answer the needs of the threatened *ummah*; some of these volunteers were marginal ~ even outsiders in their own society. Some were involved in mystical, scholarly, ascetic and other peaceful projects rather than fighting ~ though some undoubtedly did take part in military action. Most seem to have congregated in the theatres of war in a supportive, symbolic role, while the professional armies bore the brunt of the fighting. The *muttawwi'a* have been a constant element in the history of jihad and have reappeared in our own day.<sup>20</sup> This includes the writing of Abdullah Azzam on the Soviet occupation of Afghanistan (1979-1989) and videos on the war in Bosnia and the Russian occupation of Chechnya. Given the perception of life saving necessity upon which the obligation applies and the variety of occupations, many of them non-militant, performed by the traditional “volunteer”, it is difficult to conclude that the mere discussion of the obligation would constitute an encouragement of a terrorist offence.

<sup>19</sup> Richard English, *Terrorism: How to Respond* (2009), p. 119.

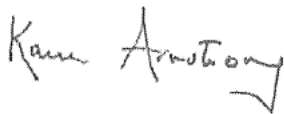
<sup>20</sup> Bonner, *Jihad*, pp. 97-117.

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GENERAL CONCLUSIONS

103. There appears to be very little empirical evidence that people make decisions to commit terrorist offences because of what they read. The bulk of the empirical evidence suggests that direct personal adverse experience of the power of the 'enemy' encourages the extreme unlawful response (for instance a wrongful arrest or ill-treatment in custody, the killing of a family member or friend). This is well documented from the studies of the Troubles in Northern Ireland.<sup>21</sup>
104. Finally, it would appear that the *ummah* wants to debate and progress in knowledge in a fashion that we in the West can well understand. That is to say Muslims around the world do not want to be treated in a categorically different fashion from everyone else. English suggests that it is important for any counter-terrorist approach "to avoid spectacularly unpopular policies and interventions, address underlying root problems and causes, avoid an over-militarized response, and maintain strong credibility in counter-terrorist argument."<sup>22</sup>
105. The last point is worth consideration. The strongest weapon in the war on terrorism is the moral integrity of the majority of the world's 1.3 billion Muslims, who have refused to adopt the terrorist solution. This is a battle for hearts and minds. The West has repeatedly presented itself as the purveyor of freedom ~ a claim that has been badly tarnished by events during the War on Terror. From time to time both Tony Blair and George W. Bush claimed that Muslims hated the freedom that is the hallmark of Western society. The Gallup Poll quoted earlier belies this. Substantial majorities surveyed (95% in Burkina Faso, 94 % in Egypt, 93 % in Iran; and 90 % in Indonesia) maintained that if they were drafting a constitution for a new country, they would guarantee freedom of speech, defined as "allowing all citizens to express their opinion on the political, social and economic issues of the day."<sup>23</sup> When asked what they most admired about the West, a significant majority of Muslims replied: political freedom and liberty, and freedom of speech.<sup>24</sup> Being selective about the freedom of speech would further alienate the support for Western institutions and ideals in the Muslim world, and convince more Muslims that the West has a double standard in the pursuit of its freedom. Most of all it would forgo an opportunity for greater clarity and restraint in relation to these complex, but important, issues.

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<sup>21</sup> Richard English, *Terrorism: How to Respond* (2009), pp. 56-88.

<sup>22</sup> Richard English, *Terrorism*, p. 143.

<sup>23</sup> Esposito and Mogahed, *Who Speaks for Islam?* p. 47.

<sup>24</sup> *Ibid.*, p. 34.

# **EXHIBIT B**

Expert Report on the Bosnian Jihad  
Prepared for *U.S. v. Babar Ahmad* and *U.S. v. Syed Talha Ahsan*

Darryl Li

1. My name is Darryl Li. I am currently a post-doctoral research scholar at Columbia University. I completed my PhD at Harvard University in Anthropology & Middle Eastern Studies in 2012 and received a concurrent JD from Yale Law School in 2009. I am a member of the New York Bar and have held a U.S. SECRET security clearance.
2. I am currently writing a book under contract with Stanford University Press on the jihad in Bosnia-Herzegovina (hereafter “Bosnia”), based on my doctoral dissertation. This project is a scholarly monograph based mostly on interviews with firsthand participants and primary source materials in the original languages. Due to the highly politicized nature of this topic, I have been careful to cross-check my claims against as many different types of sources as possible: oral and written, contemporaneous and more recent, from a variety of perspectives.
3. As part of the research for this project, I spent over a year in Bosnia conducting interviews with Arabs who fought in the 1992-1995 war as well as their Bosnian comrades and kin, plus various Bosnian and foreign analysts, journalists, and government officials. This research was conducted mostly in Sarajevo, Zenica, Bugojno, Travnik, and Tuzla.
4. I also reviewed hundreds of archival documents from the Bosnian military and civil authorities that were collected by the UN International Criminal Tribunal for ex-Yugoslavia (ICTY); reports by UN and EU officials during the war; and publications in Arabic, Bosnian/Croatian/Serbian, and Urdu by and about participants in the jihad.
5. Further, I supplemented this research with interviews in Egypt, France, Italy, Pakistan, Saudi Arabia, and Yemen, mostly with Arabs who were in Bosnia during the war as well as with Bosnian expatriates involved in pan-Islamist organizing.
6. I am fluent in the Levantine dialect of Arabic and can read, write, and speak literary Arabic. I also have reading and conversation competence in Bosnian/Croatian/Serbian and in Hindi/Urdu (both Devanagari and Persian scripts).
7. My CV is attached to this report as Appendix A.

The Bosnia Crisis: Background

8. The Socialist Federal Republic of Yugoslavia (hereafter “Yugoslavia”) was a country in southeast Europe that between 1945 and 1991 was composed of six constituent republics: Bosnia, Croatia, Macedonia, Montenegro, Serbia, and Slovenia. The country’s constitutional order was based on the principle of national representation, in which republics were designated as the official homelands of various constitutionally recognized national groups. No single national group comprised a majority of the country’s population, but some were majorities in various republics.

9. Three national groups in particular are important for the purposes of this report: Slavs of an Eastern Orthodox background are generally considered Serbs. Slavs of a Catholic background are generally considered Croats. Slavs of a Muslim background were officially recognized as a national group, simply called “Muslims,” under the 1971 constitution.<sup>1</sup> Since the 1990s, Slavs of a Muslim background in Bosnia have been increasingly called Bosniaks. In this report, the terms “Bosnian Muslim” and “Bosniak” will be used interchangeably. The term “Bosnian” will refer to citizens of the republic of Bosnia-Herzegovina, regardless of their national group or religious background (e.g., “Bosnian Serbs,” “Bosnian Croats”).
10. It is important to stress that the terms Croat, Serb, and Bosnian Muslim/Bosniak are political labels designating national groups. To be an ardent nationalist does not necessarily imply strict religious practice or vice versa. Moreover, many individuals of Catholic, Orthodox, or Muslim background reject such nationalist identifications or do not consider them to be particularly important to how they think of themselves. In Yugoslavia, intermarriage between individuals bearing different national labels was not uncommon.
11. Within the Yugoslav constitutional order, Croatia was considered the homeland for Croats throughout Yugoslavia and Serbia was homeland for Serbs. Bosnia, however, was not dominated by any single national group; Bosnian Muslims constituted a plurality but there were significant Serb and Croat minorities, with high degrees of geographical and social overlap. Hence, Bosnia was designated as a homeland for Muslims, Croats, and Serbs. According to the last census conducted in the country, on the eve of the war, 44% of the country’s 4.3 million people identified as Muslim, 31% as Serb, and 17% as Croat.
12. As socialist regimes across eastern Europe collapsed in the late 1980s and early 1990s, Yugoslavia began to dissolve under the pressure of nationalist political forces. Serbia, the most dominant of the six republics, came under the leadership of Serb nationalists led by Slobodan Milošević.
13. In June 1991, Slovenia and Croatia seceded; in April 1992, Bosnia-Herzegovina followed suit. The remaining parts of Yugoslavia, now controlled by Milošević and his allies, encouraged Serb nationalists in Croatia and Bosnia to secede in turn and link up with Serbia (Slovenia did not have a sizeable Serb population and quickly won its full independence). Newly independent Croatia also backed Croat irredentism within Bosnia.
14. In Bosnia, a three-way war therefore emerged between Croat nationalists, Serb nationalists, and the Bosnian government, which was dominated by Bosnian Muslim nationalists but nominally non-sectarian. Observers frequently pointed out that one of the top generals in the Bosnian army, Jovan Divjak, was a Serb.
15. The UN Security Council imposed an embargo on all of ex-Yugoslavia in September 1991. The embargo effectively locked into place the relative weakness of the Bosnian Muslim side,

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<sup>1</sup> Under the 1971 constitution, Muslims as a national group were labeled “Muslimani” in the local language, with a capital “M.” This was to distinguish them from “muslimani,” the general term for Muslims as adherents to Islam whatever their nationality or background.



handicapping their ability to defend themselves. Serb forces inherited the ordnance and materiel of the Yugoslav army, including artillery; Croatia was able to smuggle in arms using its long coastline.

16. Throughout the war, Serb nationalist forces engaged in violent mass expulsions of Muslims and Croats from northern, eastern, and western parts of Bosnia as part of a campaign to create majority-Serb areas that could one day be joined to Serbia. Serb nationalist forces also placed the capital, Sarajevo, under siege for nearly four years.
17. As a widely-cited UN report authored by former Polish prime minister Tadeusz Mazowiecki observed, “Massive violations of human rights and international humanitarian law are not simply features of the war in Bosnia and Herzegovina. They are being used deliberately to achieve ethnically homogenous areas.”<sup>2</sup> It was these atrocities that brought the term “ethnic cleansing” (in the local language, etničko čišćenje) into the global lexicon.
18. A series of reports by the U.S. State Department chronicled, often in graphic detail, the march of ethnic cleansing across ex-Yugoslavia, especially Bosnia. These reports are reproduced and collected in Appendix B.
19. The war in Bosnia also gained notoriety for the widespread use of rape as a form of torture and intimidation. In a landmark judgment, the ICTY convicted three Bosnian Serb officers of running a “rape camp” in the eastern Bosnian town of Foča:

The evidence showed that rape was used by members of the Bosnian Serb armed forces as an instrument of terror. An instrument they were given free rein to apply whenever and against whomsoever they wished.

The evidence also showed that it was possible for the Serb forces to set up and maintain detention centres for scores of Muslim women, such as Partizan Sports Hall, next to the municipal police building in Foča, from which women and young girls were taken away on a regular basis to other locations to be raped.

The evidence further demonstrated that the authorities who were meant to protect the victims, such as the local police force which had been taken over by the Serbs, turned a blind eye to their suffering. Instead, they helped guard the women, and even joined in their maltreatment when approached by them for help against their oppressors. The evidence showed how Muslim women and girls, mothers and daughters together, were robbed of the last vestiges of human dignity; how women and girls were treated like chattels, pieces of property at the arbitrary disposal of the Serb occupation forces, and more specifically, at the beck and call of the three accused.<sup>3</sup>

20. Although all three sides committed atrocities, experts generally agree that Bosnian Muslims bore the brunt of civilian casualties. The most notorious incident was the July 1995 massacre

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<sup>2</sup> See, e.g., Report on the Situation of Human Rights in the Territory of the Former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1992/S-1/1 of 14 August 1992, Feb. 10, 1993, available at <http://www.unhchr.ch/huridocda/huridoca.nsf/70ef163b25b2333fc1256991004de370/c0a6cfd5274508fd802567900036da9a?OpenDocument>.

<sup>3</sup> ICTY Case Information Sheet, “Foča” (IT-96-23 and 23/1), available at [http://www.icty.org/x/cases/kunarac/cis/en/cis\\_kunarac\\_al\\_en.pdf](http://www.icty.org/x/cases/kunarac/cis/en/cis_kunarac_al_en.pdf).

in the town of Srebrenica, where Serb forces massacred some 8,000 Muslim men and boys despite the presence of a battalion of UN Dutch peacekeepers. The Srebrenica massacre was labeled an act of genocide by the ICTY<sup>4</sup> and the International Court of Justice.<sup>5</sup>

21. In December 1995, the war was brought to an end by the General Framework Agreement for Peace, also known as the Dayton Accord. U.S.-led NATO peacekeepers deployed to the country shortly thereafter. The war left 100,000 people dead<sup>6</sup> and displaced over half of the country's 4.4 million inhabitants.

#### The Bosnia Crisis as a Pan-Islamist Cause

22. The Bosnia crisis dominated headlines in U.S. and European media. It also sparked great interest in Muslim communities worldwide. In both the West and the Muslim world, there was a "re-discovery" of this largely unknown country, leading to the publication of many books and other educational materials. I have identified over 45 books in the Arabic language alone about the Bosnia crisis (see Appendix C) published in various Arab countries; this list is far from comprehensive. Moreover, there are undoubtedly comparable numbers in Turkish, Farsi, Bahasa, Urdu, and other languages used in predominantly Muslim countries.
23. While it is important not to over-generalize, the vast majority of books in Arabic about the Bosnia crisis that I have reviewed contain three common elements: (1) a basic historical and geographical overview of Bosnia, in particular how it came to have a Muslim population; (2) descriptions, frequently accompanied by vivid photographs, of atrocities committed in the conflict; (3) a discussion of the International Community's response, often in negative terms.
24. Bosnia was covered extensively by media in the Muslim world, especially Islamist media. Although Arabic newspapers at that time lacked many of the resources that their western counterparts did, several sent correspondents to cover the war, who subsequently wrote firsthand about their experiences. *See, e.g.*, Appendix C, ¶¶ 18, 21, 30.
25. As a European country with a plurality of indigenous Muslims – neither converts nor immigrants – Bosnia aroused great interest in the Muslim world. Bosnians were seen by many Muslims as a sign that Islam transcends race and that Bosnia could be a potential bridge between western and Islamic civilizations. Some audiences in the West also saw Bosnia as a potential example of a tolerant, moderate, multicultural society that could be both Muslim and westernized.
26. At the same time, audiences in both the West and the Muslim world criticized the International Community's response to the Bosnia crisis. The UN arms embargo was widely

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<sup>4</sup> *See Prosecutor v. Radislav Krstić*, Case No. IT-98-33-T, Judgment, ¶¶ 539-99 (Aug. 2, 2001).

<sup>5</sup> *See Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosn. & Herz. v. Serb. & Mont.)*, 2007 I.C.J. 43 (Feb. 26).

<sup>6</sup> *See* Jan Zwierzchowski & Ewa Tabeau, *The 1992-1995 War in Bosnia-Herzegovina: Census-Based Multiple System Estimation of Casualties' Undercount*, Paper Given at International Research Workshop on "The Global Costs of Conflict" (Feb. 1, 2010), [http://www.icty.org/x/file/About/OTP/War\\_Demographics/en/bih\\_casualty\\_undercount\\_conf\\_paper\\_100201.pdf](http://www.icty.org/x/file/About/OTP/War_Demographics/en/bih_casualty_undercount_conf_paper_100201.pdf) (summarizing revised statistics compiled by the Demographic Unit of the ICTY Office of the Prosecutor).

blamed for preventing Bosnians from defending themselves in the face of better-armed foes see *supra*, ¶ 15 **Error! Reference source not found.**). Prominent western politicians, including U.S. Senate majority leader (and later presidential candidate) Bob Dole called for lifting the embargo and conducting air strikes on Serb nationalist forces (the so-called “lift and strike” policy). Critics also blamed the UN for not empowering peacekeepers to more effectively respond to and deter atrocities on the ground. Calls for more robust international action grew after the 1995 Srebrenica massacre (see *supra* ¶ 20).

27. In the Muslim world, there was also widespread dissatisfaction with the International Community’s response to the Bosnia crisis. There were important differences as to whether these failures could be blamed on incompetence, indifference, or a deliberate intent to harm Muslims. Some went as far as to speak of “conspiracies” or “plots” between the Western powers, Russia, and Serb nationalists to exterminate Bosnian Muslims. The common denominator in all these critiques was to accuse the International Community of double standards in swiftly responding to the Iraqi invasion of Kuwait while failing to stop mass atrocities in Bosnia.
28. Islamist writers in particular frequently compared Bosnia to two other sites that carry resonances of tragedy and loss in Muslim traditions: Andalusia, or Muslim Spain (conquered in 1492) and Palestine (conquered in 1948). The titles of several Arabic books about Bosnia include explicit comparisons to Andalusia and Palestine. See Appendix C, ¶¶ 10, 34, 41, 46.
29. In the Arab world, the Bosnia crisis also inspired literary endeavors. Poetry was an especially important medium for the expression of public sentiments about the war. Poems circulated through television, audio cassettes, and in magazines and newspapers. Several poetry collections dealing with Bosnia (or academic studies of such poetry) are listed in Appendix C, ¶¶ 4, 8, 32, 36, 45. I have also identified a romance novel about the Bosnian war. See *id.*, ¶ 22.

#### Pan-Islamic Solidarity Efforts on the Ground: Aid, Preaching, and Fighting

30. Muslims from around the world engaged in solidarity work on behalf of Bosnia, including donating to charitable organizations, holding protests and rallies, and in some cases traveling to the country to provide direct assistance. I estimate that several thousand pan-Islamic solidarity activists traveled to Bosnia during the war from Europe, the Middle East, and elsewhere.
31. Perhaps the most common form of solidarity was humanitarian aid and charity. This was facilitated by several organizations. The Kingdom of Saudi Arabia in particular donated \$313 million to Bosnia between 1993 and 2000.<sup>7</sup> Donations came from the government, members of the royal family, and the general population.

<sup>7</sup> See Declaration of Saud bin Mohammad al-Roshood at ¶¶ 11, 24, In re: Terrorist Attacks on September 11, 2001, No. 03-MDL-1750 (S.D.N.Y. June 25, 2004) (statement by executive director of the Saudi High Committee to Aid Bosnia-Herzegovina).

32. Saudi Arabia sought to channel assistance through a special organization, the Saudi High Committee to Aid Bosnia-Herzegovina (SHC). SHC eventually became the largest Islamic NGO in Bosnia, with five offices in the country as well as branches in Croatia and Austria. SHC eventually became the conduit for official assistance to the Bosnian government. It also conducted field operations, dispensing aid directly to the population. The SHC reflected an attempt to monopolize royal control over Saudi aid efforts, to the exclusion of other Saudi NGOs. The Saudi government reportedly banned all fundraising for Bosnia that did not go through the SHC, which caused frustration for supporters of the jihad.
33. Islamic NGOs in Bosnia such as SHC also engaged in religious education and proselytizing. These included building and refurbishing mosques (at times destroying architectural features deemed “un-Islamic”), conducting courses in Islamic education, and distributing Qurans and other religious literature.
34. Islamic education and proselytizing efforts were intensely controversial among Bosnian Muslims, especially some segments of the country’s official Islamic authorities. Although encounters between Arabs and Bosnians ranged from positive to negative, there is a widespread perception in Bosnia that activists from the Gulf countries in particular were seeking to “impose” versions of Islam deemed radical or at the very least alien to forms of religious practice prevalent among Bosnian Muslims. Stories abound of Arabs accosting Bosnians about the use of alcohol, smoking, or socializing between unrelated men and women.
35. Finally, there were foreign Muslims who participated in combat and did so as part of a jihad, *i.e.*, they considered this fighting to be enjoined by Islam and sought to conduct war in accordance with its strictures. The vast majority of Bosnian Muslims use the term “war” (“rat”) to refer to the violence in the country; some occasionally used the term “jihad” (džihad) to indicate that their fighting was legitimate in Islamic terms. In contrast, these foreign activists and some Bosnian Islamists used the term jihad to indicate not simply Islamic *legitimacy* for the war, but that fighting should be conducted according to Islamic *means* as well, grounded in notions of Muslim piety such as regular prayer. Those who engaged in jihad, be they Bosnian or non-Bosnian Muslims, were known as mujahids.
36. In the early months of the war, several dozen Arabs were engaged in combat in different parts of Bosnia. They appear to have operated separately from one another, in very different configurations. It is crucial to bear in mind that the Bosnian army was not a tightly organized, coherent body in 1992; rather, it was a patchwork of various local militias, ex-Yugoslav army personnel, and criminal gangs that took several years to establish a clear chain of command.
37. The first type of formation involved small numbers of Arabs operating independently. The best-known group was led by Badr ‘Abd al-Karīm al-Sudayrī, aka Abū al-Zubayr al-Ḥā’ ilī, a Saudi veteran of the fighting in Afghanistan. This group was active in northern Bosnia, especially around the town of Tešanj. It continued to operate largely outside of Bosnian army control throughout the war and never numbered more than a few dozen men. They lived with Bosnian families and would be mobilized only for combat.

38. The second type of formation involved individual Arabs integrated into Bosnian army units, especially those that deemed themselves “Islamic.” Several Bosnian army units enforced rules of Islamic piety, such as requiring adherence to the five daily prayers and banning alcohol and pork. The best-known was the 4<sup>th</sup> Muslim Light Brigade in Konjic. The commanders of these units – often local Muslim clergy – would sometimes retain a handful of Arab volunteers in their ranks as symbols of support from the outside Muslim world.
39. The third type of formation was more mixed, in which Bosnians and foreign Muslims cooperated on a roughly 50-50 basis, although often with Arabs taking a leadership role on the basis of superior Islamic education. The best-known involved a group of several dozen Arab fighters under the leadership of Maḥmūd Bāḥādhiq (Abū ‘Abd al-‘Azīz, nicknamed in some western accounts as “Barbaros”<sup>8</sup>), a Saudi veteran of the Afghan jihad. Abū ‘Abd al-‘Azīz collaborated with the Muslim Forces, a militia in the Travnik area led by Bosnian imams, to combine religious education for Bosnian fighters with combat operations.
40. Abū ‘Abd al-‘Azīz granted multiple interviews while in Bosnia, in which he consistently framed the aims of the jihad solely in terms of defense of Bosnian Muslims and disclaimed any attempt to set up an Islamic state. He told Croatian journalists that “if the Bosnian authorities at any point request that I leave the country, I will do so. I didn’t come here to force people to accept me. ... We have no intention to participate in the future political life of this state. Our aim is jihad and when it is finished, we will leave.”<sup>9</sup> In an interview with the *Sunday Times* of London, he claimed “we do not have the idea that this country should be Islamic. It is up to the Bosnian people to decide. Any time the government here feels that there is no longer any need for our help, then we will stop and leave.”<sup>10</sup>
41. Abū ‘Abd al-‘Azīz left Bosnia in late 1992 and embarked on a speaking tour in the Arab world and the West to raise funds and awareness about Bosnia. His interviews with Islamist organizations were consistent with those he gave to non-Muslim media while in Bosnia. In an interview with an American Muslim magazine, he expressed hope that the war would result in a government “for Muslims through any means or any regime, but we didn’t go there to set up government cadres.”<sup>11</sup> Speaking to one of the most influential Islamist publications in the Arab world, *al-Mujtama’* magazine, Abū ‘Abd al-‘Azīz proclaimed: “If

<sup>8</sup> Some clarification is in order here, since one of government’s expert witnesses discusses Abū ‘Abd al-‘Azīz in his report. See Government’s Expert Report I (hereafter: “Kohlmann Report”) at 18-9. The government’s witness has elsewhere mistakenly identified Abū ‘Abd al-‘Azīz as one Abdulrahman al-Dosari and alleged Mr. al-Dosari was an al-Qa’ida operative. See EVAN KOHLMANN, AL-QAIDA’S JIHAD IN EUROPE: THE AFGHAN-BOSNIAN NETWORK 16-9 (2004). In fact, Mr. al-Dosari was a Saudi dissident cleric who died in 1979. See, e.g., STÉPHANE LACROIX, AWAKENING ISLAM: THE POLITICS OF RELIGIOUS DISSIDENT IN CONTEMPORARY SAUDI ARABIA (George Holoch trans., 2011) 56-8. The origin of this error is unclear: a thorough internet search in Arabic and English reveals no sources claiming that Abū ‘Abd al-‘Azīz is Abdulrahman al-Dosari, except texts that rely on Kohlmann’s writings.

<sup>9</sup> See Roman Majetić & Marko Franjić, “The Quran is My Sole Military Rule” [Kur’an je moje jedino vojno pravilo], *Globus*, Oct. 16, 1992, 5, at 6.

<sup>10</sup> Andrew Hogg, “Arabs Join in Bosnia Battle,” *Sunday Times*, Aug. 30, 1992.

<sup>11</sup> Ṭabīb Tawfiq, “*al-Širāṭ al-Mustaqīm* [Magazine] Interviews the Mujahid Abū ‘Abd al-‘Azīz” [Al-Širāṭ al-Mustaqīm Tuḥāwir al-Mujāhid Abū ‘Abd al-‘Azīz], *Al-Širāṭ al-Mustaqīm*, July 1994, 8, at 10. This interview is cited in the Kohlmann Report at fn69.

they are victorious in Bosnia as the mujahid brothers were in Afghanistan then we will leave this country ... We have no other goal.”<sup>12</sup>

42. It is important to bear in mind that both charitable organizations and fighting units were not very strongly institutionalized, especially in the early years of the war. Bosnians frequently moved between different army units that were themselves essentially local militias or criminal gangs. Similarly, it was relatively easy for foreigners, especially Arabs, to move between different aid organizations if they were dissatisfied with the conditions of employment, as well as between different fighting units due to interpersonal disputes.
43. As a result, it was not uncommon for the same individuals to engage in both aid work and armed jihad, since both were seen as religiously justified forms of assistance. Some aid workers were “weekend warriors,” showing up to the front line on occasion as sort of jihad tourists (and were often ridiculed as such by fulltime fighters). Some commentators have characterized this as aid organizations providing “cover” for jihad as part of a pre-planned conspiracy; it would be more accurate to say that in a confusing wartime situation, the lines between aid work and combat became blurred for a variety of local and individual factors.

#### The Mujahids’ Battalion

44. Whether engaged in aid work, proselytizing, or jihad, foreign Islamist volunteers developed a mixed reputation during the war. On the one hand, many Bosnian Muslims appreciated their solidarity and sacrifices, especially in light of the International Community’s perceived failure to end mass atrocities. On the other hand, they were also accused of attempting to impose strict forms of Islamic practice on Bosnian Muslims, of marrying and then summarily divorcing vulnerable Bosnian girls, and of sullyng the image of Bosnia in the eyes of the West. Moreover, they were alleged to have committed war crimes, especially the killing of Serb prisoners.
45. As the Bosnian army became more organized over the course of the war, it attempted to consolidate foreign Islamist volunteers into a single unit in the chain of command, a “Mujahids’ Battalion” [Arabic: *Katibat al-mujahidin*; B/C/S: *Odred Elmudžahedin*] in the summer of 1993. The Battalion was part of the Bosnian army’s Third Corps and acted under its strategic direction. But it selected its own leaders, had its own funding, and established its own internal procedures.
46. The unit had a slight majority of Bosnians but its leadership was dominated by Arabs; its maximum strength was around 1,000 men. Most of the recruits joined after the 1994 Washington Agreement ended fighting between the Bosnian government and Croat nationalist forces, thus easing movement between landlocked Bosnia and Croatia, whose airports and coastline were open to the outside world.

<sup>12</sup> Muḥammad al-Rāshid, “Leader of the Arab and Muslim Volunteers in Bosnia-Herzegovina in Dialogue with *al-Mujtama’* [magazine]” [*Mas’ūl al-mutaṭawwi’ in al-‘arab wal-muslimīn fil-Būsna wal-Harsak fī ḥiwār ma’a al-Mujtama’*], *al-Mujtama’*, Oct. 6, 1992, 26, at 27.

47. Not all foreign mujahids in Bosnia joined the Mujahids' Battalion. The group led by Abū al-Zubayr (see *supra* ¶ 37) refused to disband and individual Arab mujahids continued to serve in other Bosnian army units, especially “weekend warriors” who were primarily engaged in aid work.<sup>13</sup>
48. The creation of the Mujahids' Battalion served multiple purposes. For the Bosnian government, recognition of the Battalion was partially an attempt to improving tracking of foreign volunteers. Moreover, segregating Islamists from other Bosnian army units would contain their potential influence as well as alleviate tensions with regular soldiers. The Bosnian army's Military Security Service (Služba Vojne Bezbednosti, SVB), the body responsible for internal security matters, closely monitored the Mujahids' Battalion, regularly tapping its phones and faxes and attempting to penetrate it with human agents.
49. For foreign volunteers, establishing a recognized army unit presented an opportunity to gain some form of legal status in the country. Leaders in the jihad were particularly concerned to segregate newly arrived fighters from the local population to minimize friction and forestall incidents that would harm their reputation (see *supra* ¶ 34). In particular, if “freelance” mujahids committed crimes or infractions, the unit could disclaim responsibility. In an interview with a Bosnian Islamist magazine, the unit's former commander, Abū al-Ma'ālī, explained: “our stay and work in Bosnia should be legal and legitimate. We did not want to become a cause for our enemies to portray us as paramilitaries and outlaws. We also wanted to control some volunteers who tarnished the image of the mujahids.”<sup>14</sup>
50. Finally, Bosnian Muslims who became mujahids often had abandoned other army units to join the Arabs and were at risk of punishment for desertion; recognition of a mujahids' battalion would legitimize their status within the army.
51. Members of the Mujahids' Battalion spoke of the experience of Arab fighters in the Afghan jihad against the Soviet Union as a source of inspiration. At the same time, they were explicit about the desire not to repeat the perceived mistakes of the Afghan experience, especially the turn to infighting after the Soviet withdrawal. In Afghanistan, Arab volunteers had become “embedded” with different Afghan guerrilla factions that were themselves often at odds with one another. As Abū 'Abd al-'Azīz explained in an interview to an Islamist magazine, “There is in my view a big difference between [Bosnia and Afghanistan] ... everyone in Bosnia fights under one regime, the regime of the army and the general command of the armed forces, and there is only one government.”<sup>15</sup> In my interviews, veterans of the Mujahids' Battalion often used the word “Peshawar” (a border city in Pakistan where many Afghan armed groups were based) as a shorthand for this mentality of short-sightedness and gratuitous violence, as in the “Peshawar mentality” or “the problems of Peshawar.”

<sup>13</sup> See, e.g., Prosecutor v. Šefik Alić, case no. X-KRŽ-06/294, State Court of Bosnia-Herzegovina Appellate Division (Jan. 20, 2011) (war crimes case involving acts by a Saudi irregular fighter attached to the 505<sup>th</sup> Brigade of the Bosnian army).

<sup>14</sup> Ezher Beganović & Kemal Baković, “We Did Not Commit War Crimes!” [Nismo činili ratne zločine!], *SAFF*, July 8, 2005, 20, at 21. Also cited in Kohlmann Report, fn78.

<sup>15</sup> Tawfiq, “*al-Širāṭ al-Mustaqīm* [Magazine] Interviews the Mujahid Abū 'Abd al-'Azīz,” *supra* note 11, at 10.

52. The foreigners in the battalion were mostly Arabs from a variety of countries. Although some had combat experience in Afghanistan – especially three Egyptians who served as military commanders of the unit during the war – it appears that a great many had never participated in jihad before or traveled to Afghanistan. The Battalion’s leading authorities had no previous known jihad experience: Yūsuf ‘Abd al-Wahhāb (aka Abū al-Hārith al-Lībī), ‘Abd al-Qādir al-Mukhtārī (aka Abū al-Ma‘ālī), and Anwar Sha‘bān.
53. Many recruits were North African migrant workers living in Italy and other parts of Western Europe, hailing from governments that harshly repressed Islamist and other forms of dissent such as Tunisia, Algeria, and Morocco.
54. Volunteers from the Gulf countries and Saudi Arabia could come and go more easily: they were generally wealthier and had less reason to fear repression upon returning home (although the Saudi government did arrest some former mujahids from the Bosnia conflict in the 1990s, including Abū ‘Abd al-‘Azīz).
55. Finally, a relatively small number of Muslims raised in the West, especially the UK and U.S., also participated in the jihad.
56. Aside from the prevalence of foreign volunteers, what distinguished the Mujahids’ Battalion from other units in the Bosnian army was its commitment to Islamic education according to the Salafī school of thought. New Bosnian recruits were required to undergo 40 days of training in Islamic topics before engaging in military activities. Like other “Islamic” units in the Bosnian army (*see supra* ¶ 38), regular prayer was expected, as well as abstention from alcohol, pork, fornication, and swearing. The Mujahids’ Battalion was further distinguished from these units, however, by a smoking ban.
57. It is important to stress that despite its religious orientation, the Mujahids’ Battalion functioned mostly as a regular military unit. The Bosnian war, after all, was about establishing state authority over territory, which entailed the need to maintain front lines rather than guerrilla raids. There are no known cases of suicide attacks, which make little sense in situations of conventional warfare. References to “martyrdom” in the Mujahids’ Battalion’s publicity materials are glorifications of battlefield sacrifice, not euphemisms for suicide operations.
58. While the Mujahids’ Battalion played a relatively small part in the overall war effort, it was credited by Bosnian army officers with being an effective fighting force. One former Bosnian general described their operational planning as “long-term and solid” and that they “demonstrated great courage in carrying out combat operations.”<sup>16</sup> In the final year of the war, the Bosnian army subordinated several of its regular units under the Mujahids’ Battalion as part of the offensives in the northeast.<sup>17</sup> Tensions also persisted, however, with some

<sup>16</sup> Hasan Efendić, *Mujahids in Bosnia-Herzegovina: Fighters or Terrorists [Mudžahidi u Bosni i Hercegovini – borci ili teroristi]*, Sarajevo: Udruženje za zaštitu tekovina borbe za Bosnu i Hercegovinu, 2007, at 163-4.

<sup>17</sup> *See Prosecutor v. Rasim Delić*, Case No. IT-04-83-T, Judgment, ¶¶ 416-7 (Sept. 15, 2008).



Bosnian army units due to the mujahids' unwelcome proselytizing, reluctance to obey certain orders, or harassment of non-Muslims in the army.<sup>18</sup>

59. Bosnian authorities were aware of the Arabs' fearsome reputation and were more than willing to use it to intimidate the enemy. At the same time, there were some tensions between the Mujahids' Battalion and the army command, especially when the Arabs felt that they were being used as cannon fodder and pushed to undertake operations they deemed reckless.
60. In particular, the ICTY found that the Mujahids' Battalion resisted prodding from the Bosnian army to engage in risky operations to retake Serb positions in the mountains near Ozren, in northeast Bosnia.<sup>19</sup> The Mujahids' Battalion delayed the offensive until conditions were favorable and in the meantime built secondary roads to ensure that they could evacuate the wounded. The preparation of medical evacuation routes was featured prominently in their publicity videos.<sup>20</sup>
61. At the end of the war, the Bosnian army dissolved the Mujahids' Battalion, in accordance with a demand from the United States. The U.S., Bosnian, and Croatian authorities coordinated the evacuation of most of the foreign fighters to Croatia, whence they flew home or to countries in Europe. Several dozen stayed in the country, married local women, and became Bosnian citizens. The Bosnian members of the unit also demobilized and returned to civilian life.
62. After the war, several dozen veterans of the Mujahids' Battalion settled with their families in Bočinja, a former Serb village in northeast Bosnia. There, they established a commune in accordance with their version of Islam. Notwithstanding media speculation about the village's possible use as a training camp for armed activities, it was regularly patrolled by NATO peacekeepers. Bočinja was a site of tension due to nationalist tensions arising from property disputes with the Serb homeowners, but not because of an active threat to launch attacks elsewhere. The Deputy Chief of NATO operations in Bosnia told journalists that the ex-mujahids in Bočinja "are not engaged in overt acts of terrorism, nor do we have evidence of them sitting around and indoctrinating people. We investigate and carry out surveillance, and there is no evidence of ... ranges [for weapons or military training] of the kind most people have in mind."<sup>21</sup> As a result of the property disputes, most of the ex-mujahids were evicted in 2001 without incident.

Alleged Links to al-Qa'ida and Other Armed Islamist Groups: Assessing the Evidence

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<sup>18</sup> See *id.*, ¶¶ 431-6.

<sup>19</sup> See *id.*, ¶ 383 ("When it deemed that the preconditions were not met, the [Mujahids' Battalion] would decline to take part in a given [Bosnian army] operation, or would postpone the time of its participation").

<sup>20</sup> See "Podsjelovo/Fethul mubin," Video Produced by the Mujahids' Battalion, at 08:50-10:44.

<sup>21</sup> R. Jeffrey Smith, *A Bosnian Village's Terrorist Ties*, WASH. POST, Mar. 11, 2000, at A1.

63. According to the Mujahids' Battalion's statements and my interviews with its members, mujahids were not allowed to maintain any relationships without outside political parties or Islamic organizations while engaged in jihad.<sup>22</sup>
64. This policy was intended to prevent infighting based on differences between such groups, and was especially important for a unit composed of volunteers with very different backgrounds. Infighting had plagued the Afghan mujahid factions as well as their Arab allies (see *supra* ¶ 51), and the leadership in Bosnia was keen to avoid this scenario. In multiple interviews, Abu Hamza al-Masri, the UK-based Egyptian preacher, was repeatedly cited as one such individual who stirred up divisions and was essentially pushed out of the unit.<sup>23</sup> The need to prevent polarization was also acutely felt due to concerns over potential infiltration by provocateurs from Western or Arab intelligence agencies.
65. Based on my interviews, mujahids had a variety of backgrounds. Many had no history of Islamist activism before joining the jihad, and some were not even practicing Muslims. Of those who had been involved with Islamist groups, most were oriented toward the Muslim Brothers (especially of the Tunisian and Syrian varieties), a movement that did not endorse jihad against Muslim regimes or the United States. Others had a more Salafi background, and often followed the opinions of leading Salafi scholars in Saudi Arabia and the Gulf countries who are allied with those regimes and also have not endorsed jihad against the United States (though they may be deeply critical of U.S. foreign policy).
66. I have thoroughly investigated alleged links between the Bosnian jihad and al-Qa'ida. I have identified a handful of individuals who fought in Bosnia and later joined al-Qa'ida. The best-known is Nāṣir al-Baḥrī (aka Abū Jandal), who was in Bosnia and later became chief bodyguard to Osama bin Laden, only to subsequently leave al-Qa'ida. Mr. al-Baḥrī's memoirs make clear that his affiliation with al-Qa'ida was subsequent to and distinct from his involvement in the Bosnian war.<sup>24</sup>
67. It has been alleged that two of the 9/11 hijackers, Khalid al-Mihdhar and Nawaf al Hazmi, fought in Bosnia in 1995. This claim appears in the 9/11 Commission report and is sourced to the interrogation report of an unnamed "Saudi al Qaeda member."<sup>25</sup> It is impossible to evaluate the credibility of this claim, but it is worth noting that the Report relies extensively on secondhand reports obtained from detainees subjected to waterboarding and other coercive techniques. Even if the claim is true, the report does not specify whether these two men were affiliated with al-Qa'ida during their alleged time in Bosnia or if the connection developed later.

<sup>22</sup> See also Fax from Abū al-Ma'ālī, Mar. 7, 1995 ("There hasn't been teaching or publishing of anything of a group or party and no tapes or books have been mentioned inviting membership to a party or group [jamā'a] since the founding of the Battalion").

<sup>23</sup> For his part, Abu Hamza al-Masri claims that the leadership of the Mujahids' Battalion hounded him out of Bosnia because he opposed the decision to disband the unit at the end of the war. See Camille Tawil, *Abu Hamza al-Masri Tells al-Ḥayāt the Story of Moving to Britain and "Repentance"* ["Abū Ḥamza al-Miṣrī" *Yarwī lil-Ḥayāt Qiṣṣat al-Intiqāl ilā Brīṭānyā wal-"Tawba"*], AL-ḤAYĀT (London), Dec. 2, 2001.

<sup>24</sup> See, e.g., NASSER AL-BAHRI, *GUARDING BIN LADEN: MY LIFE IN AL-QAEDA* (Susan de Muth trans., 2013).

<sup>25</sup> The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States, 492.

68. In none of the publicity materials or archival documents from the Bosnian jihad I have reviewed is there any mention of al-Qa'ida or a programmatic statement about attacking the United States. This is unsurprising, since bin Laden himself did not declare jihad against the United States until several years after the Bosnian war. It is also notable that neither Osama bin Laden nor Ayman al-Zawahiri have claimed involvement in Bosnia in their public statements, even though they have been eager to claim credit for attacks on U.S. soldiers in Somalia in the same time period.
69. It is also worth noting that the Mujahids' Battalion was keen to seek legal sanction from major Salafi scholars such as 'Abd al-'Aziz bin Bāz, the longtime chief mufti of Saudi Arabia.<sup>26</sup> Yet in the same time period, bin Laden was publicly criticizing bin Bāz for his closeness to the Saudi ruling establishment.<sup>27</sup>
70. I have uncovered one internal document from the Mujahids' Battalion which includes a list of names and fax numbers of potential donors to be kept apprised of the Bosnian jihad. Bin Laden's name is on that list, along with a UK telephone number.<sup>28</sup> I have found no record of any response or other communication from bin Laden.
71. In 2005, Abū al-Ma'ālī, the former commander of the battalion, told a Bosnian Islamist magazine that the unit "had no relationship with al-Qa'ida. Any serious analyst will see how politically and militarily different we are from al-Qa'ida. I disagree with them in vision, way of thinking, and practice. I am even sorry for what has happened in the Islamic world after their actions."<sup>29</sup>
72. Although al-Qa'ida was not a general topic of discussion at the time, the Mujahids' Battalion did have to face accusations of being dominated by a different notorious Islamist group, called al-Gemaa al-Islamiyya (GI). At the time, GI had declared jihad on the Egyptian government and was blamed for attacks on state officials and western tourists (it renounced anti-state violence in the late 1990s and today is a fervent supporter of Egypt's military government against the Muslim Brothers). It appears that several of the most influential Egyptians in the battalion, especially Anwar Sha'bān, were either members or sympathizers of GI.
73. The existence of links between individual members of the Mujahids' Battalion and outside organizations does not necessarily transform their actions in Bosnia into something more far-reaching. It is notable, for example, that there are no recorded attempts on behalf of the Mujahids' Battalion to attack the several hundred Egyptian soldiers serving in the UN peacekeeping force in Sarajevo. Yet there was intense fighting at the time between GI and

<sup>26</sup> See, e.g., Tawfīq, "al-*Širāṭ al-Mustaqīm* [Magazine] Interviews the Mujahid Abū 'Abd al-'Azīz," *supra* note 11, at 9 (describing visit to bin Bāz seeking his sanction for the Bosnian jihad); Fax from Abū al-Ma'ālī, *supra* note 22 ("On the front, the head of administration is ... a student of Bin Bāz").

<sup>27</sup> See OSAMA BIN LADEN, MESSAGES TO THE WORLD: THE STATEMENTS OF OSAMA BIN LADEN 3-14 (Bruce Lawrence ed., 2005) (1994 open letter from bin Laden criticizing bin Bāz).

<sup>28</sup> See Report by Col. Agan Haseljić, General Staff SVB, 03/1-174-265-1 (Oct. 31, 1995) (Bosnian army translation of fax intercepted from the Mujahids' Battalion).

<sup>29</sup> Beganović & Baković, "We Did Not Commit War Crimes!," *supra* note 14, at 23.

Egyptian security forces, including attacks on the Egyptian embassy in Pakistan and an assassination attempt on Mubarak himself in Ethiopia.

74. Another major constraint on potential “extracurricular” activities by individuals in the Mujahids’ Battalion was the unit’s donor base. In 1995, Salafi donors in Kuwait ceased financial contributions to the Mujahids’ Battalion in part because of suspicions that it was under the influence of GI. Salafis in Kuwait did not subscribe to armed revolt against Muslim governments as a form of “jihad” and were generally pro-Mubarak due to Egypt’s role in fighting Iraq during the 1991 Gulf War. In response, Anwar Sha’bān sent an urgent fax to a Salafi leader in Kuwait distancing himself from GI’s activities and assuring him that the Mujahids’ Battalion was independent of all other Islamist groups.<sup>30</sup>
75. Given the policies of the Mujahids’ Battalion and the background of individuals I have studied, it is my opinion that participation in the Bosnian jihad does not by itself establish membership in, affiliation with, or even sympathy toward al-Qa’ida or any other specific organization.

#### Profiling Foreign Muslims in Bosnia

76. The profiling of foreign Muslims in Bosnia as potential “terrorists” has been a persistent problem since the war.
77. During the war, Croat authorities in particular subjected Arab aid workers to harassment, including beatings and imprisonment, even during the period when Bosnian Croat forces and the Bosnian government were allies.<sup>31</sup>
78. The best-known case around the time of the war involved several Arabs who were detained by Bosnian Croat authorities and paraded before journalists as “captured mujahids.” The men were beaten and held for over a year before their release in a prisoner exchange. The Human Rights Chamber of Bosnia-Herzegovina, a hybrid international-local court, found that the detention was baseless and ordered that they be paid compensation.<sup>32</sup>
79. After the war, foreign Muslims (especially Arabs) continued to be an object of suspicion. Local media frequently published unsubstantiated allegations about potential terrorist activity, which were then recycled and legitimized by some western journalists and analysts.
80. After the 9/11 attacks, the United States leaned heavily on Bosnia to allow the expulsion of Arabs deemed to be security threats. In many of these cases the allegations were later shown to be unfounded.

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<sup>30</sup> See Fax from Anwar Sha’bān to Tāriq ‘Īsā, Mar. 15, 1995 (Italian security police translation of fax intercept).

<sup>31</sup> See, e.g., Report from Ramiz Dugalić, 3<sup>rd</sup> Corps SVB, 03/1-272-30, Oct. 1, 1994 (compiling information on “detention and mistreatment” of Arab nationals, including army personnel).

<sup>32</sup> See *Samy Hermas v. FBiH*, CH/97/45 (Bosn. & Herz. Human Rights Chamber 1998); *H.R. and Mohamed Momani v. FBiH*, CH/98/946 (Bosn. & Herz. Human Rights Chamber 1999).

81. The best-known case involved six Algerians who were arrested by Bosnian police at the behest of the United States. After three months in detention, Bosnian courts ordered the men released due to lack of evidence. Under heavy diplomatic pressure from the United States, authorities in Sarajevo then transferred these men to the custody of U.S. forces, which then took them to Guantánamo Bay. The decision to send the men to Guantánamo was applauded by various commentators warning of a “terrorist threat” in Bosnia.
82. Subsequent investigations by the Bosnian government exonerated the Algerians of any wrongdoing. They pursued their case through U.S. courts and one of them is the eponymous plaintiff in the landmark Supreme Court case, *Boumediene v. Bush*, 128 S.Ct. 2229 (2008). Five of the men prevailed in a subsequent habeas hearing, while the sixth won a remand on appeal.<sup>33</sup> All six men have since been released.

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<sup>33</sup> See *Boumediene v. Bush*, 579 F.Supp. 2d 191 (D.D.C. 2008); *Bensayah v. Obama*, 610 F.3d 718 (D.C. Cir. 2010).

## **APPENDIX A**

Darryl Li – CV  
April 15, 2014

**DARRYL LI**

Committee on Global Thought · Columbia University ·  
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**EDUCATION**

2012 Harvard University, PhD, Anthropology & Middle Eastern Studies  
2009 Yale Law School, JD  
2005 Sanaa Institute for Arabic Language, Yemen, Advanced Arabic Certificate  
2003 Cambridge University, MPhil high performance, International Studies  
2001 Harvard College, BA magna cum laude, Social Studies

**ACADEMIC APPOINTMENTS**

2014-2015 Associate Research Scholar, Yale Law School  
2013 Lecturer-in-Law, Columbia Law School (spring semester)  
2012-2014 Postdoctoral Fellow, Committee on Global Thought, Columbia University

**ACADEMIC PUBLICATIONS**

In preparation

*Jihad as Universalism: Arab-Bosnian Encounters in the U.S. World Order*. Under contract with Stanford University Press.

“From Exception to Empire: Sovereignty, Carceral Circulation, and the ‘Global War on Terror.’” In *Ethnographies of U.S. Empire*, eds. Carole McGranahan & John Collins [in preparation for Duke University Press].

Academic articles & book chapters

“Offshoring the Army: Migrant Workers and the U.S. Military.” *UCLA Law Review* 62(1) [forthcoming].

“Capital, Migration, Intervention: Rethinking Gulf Islamic Charities.” In *Gulf Charities and Islamic Philanthropy in the “Age of Terror” and Beyond*, eds. Robert Lacey & Jonathan Benthall, 2014.

“Taking the Place of Martyrs: Afghans and Arabs Under the Banner of Islam.” *Arab Studies Journal* 20(1), Spring 2012, pp. 12-39.

“A Universal Enemy?: ‘Foreign Fighters’ and Legal Regimes of Exclusion and Exemption Under the ‘Global War on Terror.’” *Columbia Human Rights Law Review* 41(2), Winter 2010, pp. 355-428.

“The Gaza Strip as Laboratory: Notes in the Wake of Disengagement.” *Journal of Palestine Studies* 35(2), Winter 2006, pp. 38-55.

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April 15, 2014

“Echoes of Violence: Considerations on Radio and Genocide in Rwanda.” *Journal of Genocide Research* 6(1), March 2004, pp. 9-27. Reprinted in *The Media and the Rwandan Genocide*, ed. Allan Thompson (London: Pluto Press, 2007).

#### **FELLOWSHIPS & AWARDS**

- 2013 SSRC/Mellon Post-doctoral Fellowship for Transregional Research (Inter-Asia Program)
- 2011 Presidential Dissertation Completion fellowship, Harvard University
- 2009 Khosla Memorial Fund for Human Dignity Prize, Yale Law School
- 2008 Wenner-Gren Foundation for Anthropological Research, Dissertation Fieldwork Grant
- 2008 Summer research grant, Harvard University Center for Middle Eastern Studies
- 2007 Krupp Foundation grant, Harvard Center for European Studies
- 2007 Teschmacher Fund grant, Harvard University Anthropology Department
- 2006 American Institute for Yemeni Studies, Arabic Language Study Grant
- 2006 Ezra Vogel Travel Fund grant, Harvard University Asia Center
- 2006 Pre-Dissertation Fellowship, Harvard Graduate School of Arts and Sciences
- 2006 Pre-Dissertation Research Grant, Harvard Weatherhead Center for International Affairs
- 2006 Paul & Daisy Soros Fellowship
- 2004 Presidential Scholarship, Harvard University
- 2002 Paul Williams Scholarship, Emmanuel College, Cambridge University
- 2001 Tocqueville Prize for theses of distinction in Social Studies, Harvard College
- 2001 Thomas Hoopes Prize for excellence in undergraduate theses, Harvard College
- 2000 Undergraduate Associate, Harvard Weatherhead Center for International Affairs
- 2000 Dunwalke Fellowship for International Research, Harvard College
- 2000 Summer Research Grant, Harvard Committee on African Studies
- 1999 Weissman International Fellowship, Harvard College

#### **TEACHING**

- 2014 Columbia University Anthropology Department, Lecturer. Seminar: “Carcerality: Prisons, Camps, and Other Spaces of Confinement” (spring).
- 2013 Columbia Law School, Lecturer. Seminar: “International Law & Its Others: Race, Religion, and the Question of ‘Civilization’” (spring).
- 2008 Yale University Department of Near Eastern Languages, Conversation section instructor, Second-year Arabic language (full-year).
- 2008 Yale University Department of Near Eastern Languages, Course Assistant, First-year Arabic language (full-year).
- 2006 Lahore University of Management Sciences, Pakistan, Visiting Lecturer in Law. “Laws of War and Wars on Terror” (summer).
- 2006 Harvard University Anthropology Department, Teaching Fellow. “Anthropology & Human Rights” (spring).

#### **LECTURES & PRESENTATIONS (SELECTED)**

##### Invited Lectures & Presentations

- 2014 NYU Kevorkian Center for Near East Studies. Title TBD, September 15.



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- 2014 “Jihad in Translation: Salafi texts in the Bosnian War.” Princeton University Near Eastern Studies Department, April 21.
- 2014 “Jihad and Universalism in Bosnia-Herzegovina.” Columbia University Anthropology Department Boas Seminar, January 30.
- 2013 “Universalism, Difference, and Law in Bosnia-Herzegovina.” University of Michigan Anthropology Department, November 18.
- 2013 “Rethinking Intervention: Jihad, International Law, and the Bosnia Crisis, 1992-1995.” NYU Law School Legal History Colloquium, November 13.
- 2013 “We, Mercenaries: Migrants and Militaries Across the Indian Ocean.” SSRC Inter-Asia Fellows’ Workshop, Istanbul, October 7.
- 2013 “Short-Circuiting Democracy? ‘Third Country’ Workers and Prisoners on U.S. Military Bases.” Yale Law School Human Rights Workshop, September 26.
- 2011 “Global Civil War and Post-Colonial Citizenship.” Latina & Latino Critical Legal Theory conference, San Diego, CA, October 7 (plenary).
- 2011 “Under the Banner of Faith, in the Shadow of Empire: Jihad as Universalist Project in Bosnia-Herzegovina.” Cornell University Comparative Muslim Societies Program, October 5.
- 2011 “The Gaza Strip: Spatial Control Tactics in Political Context.” U.S. Naval Academy (Annapolis) Faculty Workshop, September 30.
- 2011 “The Mujahids’ Two Flags: A Case Study in Transnational Armed Groups and the Laws of War.” Cornell Law School International Law & International Relations Colloquium, September 26.
- 2011 “Al-qānūn al-duwwalī wal-ṣirā’ al-filasṭīnī al-isrā’īlī: al-masā’il al-rāhina” [“International Law and the Israel/Palestine Conflict: Emerging Issues”]. University of Palestine Faculty of Law, Gaza City, July 2 (delivered in Arabic).
- 2011 “Hunting the ‘Out-of-place Muslim’: Sketching the Juridical Architecture of America’s ‘War on Terror.’” UCLA Law School International Human Rights Program, March 3.
- 2011 “Exchanging Arabs: Rethinking Nationalism and Globalization in the Bosnian War.” UCLA Anthropology Department, March 3.
- 2010 “Hunting the ‘Out-of-Place’ Muslim: Human rights in ‘Dayton-stan’ in global context.” Nahla Women’s Education Center, Sarajevo, June 10.

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- 2009 “‘Foreign Fighters’ and ‘Muslims Out of Place’: Towards an Anthropology of Global Civil War.” Yale University Anthropology Department Ethnography & Social Theory Colloquium, September 14.
- 2006 “Representations of the ‘Afghan Arab’: The Unfinished *Road to Kabul* as Cultural Event.” Yale Law School, November 30.

Conference & Workshop Papers

- 2014 “Contracting Around Democracy: Migrant Workers and the U.S. Military.” Law & Society Association.
- 2014 NYU Islamic Law in Society workshop. Title TBD, May 15.
- 2014 “Negotiating Carcerality: U.S. Detention Practices in Afghanistan, 2001-.” Brown University Costs of War project, February 8.
- 2013 “A Bride on a Tank and Other Jihad Stories: Notes on Violence and the Anthropology of Islam.” American Anthropological Association, November 20 (panel co-organizer).
- 2013 “Jihad, Intervention, and Gender in the Bosnian War.” Middle East Studies Association, October 13.
- 2013 “Caravans, Not Camps: On Miracles and the Political Theology of Jihad.” Centre for Research in the Arts, Social Sciences and Humanities (CRASSH), Cambridge University, June 8.
- 2013 “Jihad and Intervention: Pan-Islamism and International Law in the Bosnia Crisis.” Law & Society Association, June 2 (panel organizer).
- 2012 “Arab Fighters and Aid Workers in the Bosnian War: Labor, Mobility, and Value.” University of Cambridge Third Annual Gulf Research Meeting, July 14.
- 2011 “A Hyderabad Yemeni in President Alija Izetbegović’s Court: Notes on Rethinking Regions.” Middle East Studies Association, December 2.
- 2011 “Redaction *ad absurdum*: Guantánamo, Open Secrets, and Re-Partitioning the Sensible.” American Anthropological Association, November 18 (invited session; panel co-organizer).
- 2011 “Global Civil War and American Power.” Law & Society Association, June 2 (delivered in absentia).
- 2011 “Taking the Place of Martyrs: Afghans and Arabs Under the Sign of Islam.” George Mason University Center for Global Islamic Studies, May 6.

*Darryl Li – CV*  
*April 15, 2014*

- 2011 “Mujahid Masculinities: Virtue and Intimacy in the Bosnian Jihad.” Harvard University Humanities Center, April 22 (delivered in absentia).
- 2010 “From Fellow Muslims to Foreign Arabs: Islam, Difference, and Global Civil War in Bosnia-Herzegovina.” Oxford University, June 18.
- 2009 “A Universal Enemy?: The ‘Foreign Fighter’ as ‘Muslim out of Place.’” Duke University, February 28.

**EDITORIAL SERVICE**

Editorial committee, *Middle East Report* (2011-)

Article reviewer: *Law & Social Inquiry*, *Journal of Palestine Studies*, *Geopolitics*

Manuscript reviewer: Palgrave Macmillan

**LANGUAGES**

Arabic (Modern Standard & Levantine dialect): Fluent

French: Advanced proficiency

Hindi/Urdu (Devanagari & Persian scripts): Proficient reading, conversation, basic writing

Bosnian/Croatian/Serbian (Cyrillic & Latin scripts): Proficient reading, conversation, basic writing

**PROFESSIONAL MEMBERSHIPS & QUALIFICATIONS**

New York Bar

American Anthropological Association

Law & Society Association

Middle East Studies Association

Islam in South East Europe Forum

## **APPENDIX B**

Former Yugoslavia

## War Crimes in the Former Yugoslavia

### Department Statement, US Report to the UN Security Council

#### Department Statement

*Statement by Department Spokesman  
Richard Boucher, New York City,  
September 22, 1992.*

The United States today transmitted to the UN Secretary General its initial report on information concerning violations of humanitarian law and grave breaches of the Geneva Conventions on the territory of the former Yugoslavia. We are taking this step pursuant to UN Security Council Resolution 771 which requests member states to collect such information and provide it to the United Nations.

The report details allegations of willful killing, torture of prisoners, abuse of civilians in detention centers, deliberate attacks on non-combatants, wanton devastation and destruction of property, and others including mass forcible expulsion and deportation of civilians (ethnic cleansing).

We are working actively with others on a resolution to create a UN commission to look into these charges, to establish the facts, and to prepare for possible prosecution of individuals found guilty of those crimes.

#### US Report to the UN Security Council

*"Submission of Information to the  
United Nations Security Council in  
Accordance With Paragraph 5 of  
Resolution 771 (1992)," Septem-  
ber 22, 1992.*

#### Introduction

In paragraph 5 of Resolution 771 (1992), the United Nations Security Council called upon States and international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to the violations of humanitarian law, including grave breaches of the

Geneva Conventions, being committed in the territory of the former Yugoslavia and to make this information available to the Council. This report is in response to that request.

Paragraph 1 of Resolution 771 reaffirms that all parties to the conflict in the territory of former Yugoslavia are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches.

Paragraph 2 of the Resolution strongly condemns any violations of international humanitarian law, including those involved in the practice of "ethnic cleansing." The third preambular paragraph of the resolution lists some of the violations of international humanitarian law in the territory of the former Yugoslavia that have been reported:

... mass forcible expulsion and deportation of civilians, imprisonment and abuse of civilians in detention centres, deliberate attacks on non-combatants, hospitals and ambulances, impeding the delivery of food and medical supplies to the civilian population, and wanton devastation and destruction of property.

In collating substantiated information on violations of humanitarian law pursuant to paragraph 5 of Resolution 771, the United States has focused on the violations identified in the Resolution and other grave breaches as defined in Article 147 of the Fourth Geneva Convention (Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949). Consequently the information contained in this report is categorized in accordance with the list

of reported violations contained in Resolution 771 as quoted above and the other grave breaches listed in Article 147 of the Fourth Geneva Convention that do not correspond to those mentioned in Resolution 771 (i.e., willful killing; torture or inhuman treatment; compelling a civilian or prisoner of war to serve in the forces of a hostile power; willfully depriving a civilian or prisoner of war [of] the rights of fair and regular trial; and hostage taking).

The discrete incidents reported herein contain indications that they are part of a systematic campaign toward a single objective—the creation of an ethnically "pure" state. We have not identified "ethnic cleansing," which is condemned in paragraph 2 of Resolution 771, as a separate category of violations. Nevertheless, the rubric of ethnic cleansing may unite events that appear unconnected and may therefore prove useful in identifying persons and institutions that may be responsible for violations of established international humanitarian law.

The United States has obtained the information in our report from a variety of sources, including eyewitness accounts reported to the United States. Because Resolution 771 calls upon international humanitarian organizations also to submit the substantiated information in their possession to the Council, the United States has mentioned but has not summarized the reports it has received from such organizations. Because press reports are [a] matter of public knowledge and often are hearsay, the United States has described only such media reports in which the reporter stated that he/she personally witnessed violations of international humanitarian law. The United States has provided the most reliable information available to us and has relied to the extent possible on eyewitness accounts. Dates at the left margin of the attached report refer to approximate dates of incidents.

For the convenience of the Security Council, we have attached several relevant reports of the situation in the former Yugoslavia. The United States will, as appropriate, submit supplemental reports when additional information comes into its possession.

## Former Yugoslavia

**Former Yugoslavia:  
Grave Breaches of the  
Fourth Geneva Convention**
**Willful Killing**

- 25 August:** At Manjaca prison camp, south of Banja Luka, 25 bodies of emaciated men, believed to be prisoners, were discovered with their throats cut. The camp was operated by the Serbian Army of Bosnia-Herzegovina under General Ratho Mladic. (Department of State)
- 24 August:** A resident of Pososje, Bosnia saw 24 men, 2 women, and 2 boys machine-gunned by Serbs in her neighbor's garden. (Reuters)
- 24 July:** A former inmate of the Serb-run Keraterm camp in Prijedor, in northwestern Bosnia, said that more than 100 prisoners died, due to riots after prisoners were denied water for an unspecified time; most suffocated in a crowd of prisoners trying to escape through a window, others were shot while escaping or summarily executed for participating in the riots. (Department of State)
- 8 July:** Several hundred Muslim men were taken prisoner by Serb paramilitaries during a forced evacuation of Gacko, and 36 were murdered. (Department of State)
- July:** A man interned at the Djakovo Refugee camp witnessed the murder of an acquaintance with the handle of an axe or pick. "He was over 55, and I saw him beaten . . . with my own eyes." The guards in the camp wore fatigues and hats with Chetnik symbols. (Congress)
- 17 June:** A 37-year-old male from Doboje, the village of Pridjel Gornji, described the killing of seven people and the destruction of the mosque by the Chetniks. "Some wore white bands; some wore red caps; some wore JNA [Yugoslav National Army] uniforms. They beat us with rifle butts." (Congress)
- June:** The Citizens Council of Kozarac appealed for international observers about June 6 claiming that a large-scale massacre had occurred in Kozarac and that truckloads of bodies had been taken away to cover up the crimes committed there. (Department of State)
- 27 May:** A 55-year-old woman from Kozarac was brought to camp in Trnopolje on May 27 where she and a group of 300-400 witnessed the killing by machine gun of Besic Jusuf (50), Karabasic Ismet (35), Ekrem Karabasic (25), Sejdo Karabasic (21), and Meho Vukanovic (25). "They (Chetniks and Serbs) killed them because they had haircuts that made them think they were Ustashi." (Congress)
- 26 May:** About 200 Muslim refugees from Visegrad heading for Macedonia were turned back at the Mokra Gora border crossing into Serbia on May 26. An employee of the bus company that was transporting the refugees said that the group was stopped outside Bosanska Jagodina later that day by a group of armed men, and that he saw 17 male refugees taken from the buses and "liquidated." The killers were members of two Serbian "volunteer" groups operating in the local Serb "territorial defense" formation, which had been systematically abducting and murdering Muslims in the region. (Department of State)
- 2-22 May:** A man reliably believed to be a former inmate of the Serb-run Luka camp in Brcko described evidence of violence in the camp, including bloodstains. According to other inmates, he said, as many as 1,000 killings took place at Luka camp between May 2-22, after which the bodies were buried in a mass grave near a livestock farm called Bimex-Brcko. (Department of State)
- 21 May:** A 29-year-old woman from Kabljani, in the vicinity of Prijedor, on May 21 witnessed the killing of five or six policemen. "They also killed some men who possessed tractors." (Congress)
- 18 May:** "I saw my father and mother being killed," said a resident of Kozarac. "Both were 67 years old." The killer was a 21-year-old neighbor. "He probably slaughtered 30 elderly people that day." (Congress)
- 16 May-14 July:** A Muslim man, taken to Prnjavor camp in Bosnian Serb Krajina, described beatings by Serbian military police. He saw one man die during a beating on May 17 and another died on June 6. The alleged killers were members of groups called White Eagles or White Wolves. (Congress)
- 7 May:** A private citizen reported that he had visited a cattle slaughterhouse near Brcko, near the Luka camp. He heard screams and shots. He spoke with a survivor of the facility, who said that 100-300 persons were killed each day from May 7-14. (Department of State)
- 7 May:** A resident of Brcko told of mass killings during the first week of May when Brcko surrendered to Serb forces with little resistance. (Department of State)
- 2 May:** A 38-year-old inmate at the Djakovo Refugee camp in Croatia said that she was taken on May 9 to Luka camp near Brcko, where she saw 10 people being killed every day with rifle butts and bottles.
- Two prisoners were required to slap each other. The one who didn't slap as hard was killed. One time, I saw them cut off the ears of the weak slapper, then cut off his nose and then kill him by cutting his throat.
- (Congress)
- May:** Four relatives of a Bosnian refugee were chopped up by Chetniks and burned, according to May 21 testimony given to the Carinthian provincial government of Austria. During the same testimony, the refugee described how the Chetniks had cut his cousin with razor blades and pulled off his skin with pliers. (Department of State)
- May:** An American citizen, in the custody of Serbian forces after serving in the Croatian army, said that he saw Serbian soldiers torture a Croatian soldier to death in a camp near Bileca, Bosnia. He saw the same soldiers torture another group of Croatian prisoners. He saw one die being carried away. (Department of State)
- 10 April:** A Serb who had been married to a Bosnian Muslim told US Embassy officers in Budapest on September 9 that several Yugoslav army tanks had come in to Zvornik on April 10. About 30 masked irregulars, who she claimed belonged to a unit under "Arkan," conducted a house-to-house search for Muslim men by checking identity

## Former Yugoslavia

cards. The Serbs then allegedly cut off the heads, hands, and feet of their victims. (Department of State)

**Torture of Prisoners**

**6 August:** ITN [a UK television network] and *The Guardian* reported on a visit by journalists to Trnopolje, in northeastern Bosnia, where the journalists witnessed emaciated prisoners and were given smuggled pictures of men with terrible injuries from beatings allegedly inflicted by Serb soldiers at Omarska and other camps. (London Press Association)

**July:** A 62-year-old inmate described his 18-day ordeal at the Djakovo Refugee camp in Croatia.

There were 199 of us in the camp. I know the number because I counted the pieces of bread that were given out. While in the camp, I was hit and beaten up. My legs were swollen, I had bruises on my face, and my eyes were swollen. They would pour water on me and continue beating me.

(Congress)

**June-July:** A 60-year-old man signed in as prisoner number 519 in the Bosanski Samac camp.

They hit me with a stick and burned me with cigarettes. They would throw water on me to wake me up so they could continue the beatings. I got pneumonia because of the cold water.

On the day he was released, he was beaten in the stomach. A certificate from Slavanski Brod Medical Center showed that he was treated July 5-17 for contusions, fractured ribs, and psychotic depression. He had burn marks on his left arm and a large scar on the top of his head. (Congress)

**March-May:** Two American citizens who enlisted and served in the Croatian army were incarcerated from March to May in three separate POW camps during which time they were beaten daily with gun stocks. They also witnessed daily beatings of other prisoners. The prisoners were subjected to electric shock treatment, use of a "stun gun," and

sexual assaults. Scars and bruises were still evident on at least one of the Americans when he was turned over to the US ambassador in Belgrade. (Department of State)

**Abuse of Civilians in Detention Centers**

**1 September:** Congressman Frank Wolf visited a prison camp, operated by paramilitaries of the Serbian Democratic party (SDS) at Batkovic. Reportedly 1,280 men were held in two grossly overcrowded sheds where they slept on straw. Most of the prisoners were apparently being held for no reason other than their ethnic identity. (Department of State)

**30-31 August:** CSCE [Conference on Security and Cooperation in Europe] mission member John Zerolis, a US Foreign Service Officer assigned to the US Embassy in Zagreb, inspected the Serb-run prison camp of Manjaca in northwest Bosnia. He observed several thousand prisoners, none of whom was wearing any form of uniform. At that time his group was told by prisoners that they were non-combatants, that they had been summoned from their homes or simply called to the door, and that they were then arrested. Asked about attempted escapes from Manjaca, camp commander Lt. Col. Popovic said there had never been any, and there "never would be any." (Department of State)

**14 August:** "Tens—possibly scores" of women were confined uncomfortably in an overheated metal shed that appeared to be a former munitions warehouse in a disused Yugoslav Army barracks outside Capljina run by Major Miro Hrstic of the Croatian Defense Association of HOS. In response to questions from journalists about the shed, Hrstic said, "Let that remain a secret." (London, *The Guardian*)

**August:** Serbian civilian inmates, including a pregnant woman and elderly people, are subjected to beatings at the former JNA Victor Bubanj barracks in Sarajevo, a camp run by Bosnian Muslims. (Belgrade's opposition weekly, *Vreme*)

**August:** Women inmates were raped while being held at the Croat-run Odzak camp, according to a Western reporter who interviewed Serb refugees. (Department of State)

**15 July:** A Serbian artillery attack on Bosanski Brod killed 9 and wounded over 30 at a nearby refugee center. (Department of State)

**26 May-26 June:** A 43-year-old woman who was interviewed on August 10 at the Spnsko Water Facility near Zagreb had been taken on May 26 to Prijedor to the Trnoplje Camp. During her 30-day captivity, "drunk soldiers came into the room to get women and girls as young as 12 and 13 . . . the girls said they had been raped. Some of the girls didn't return." (Congress)

**Deliberate Attacks on Non-Combatants**

**August-8 September:** Rexhep Osmani, president of the Naim Frasheri Teachers' Association in Kosovo, has been in jail since mid-August facing undefined charges. Forty-one school administrators and teachers were "brutally treated" during the week of September 1 by Serb authorities. Serbian police "opened fire" against high school students in early September at the PEC Technical School Shaben Spahija, according to Kosova education officials. (Department of State)

**6 September:** A convoy of UN trucks carrying aid supplies to Bosnian civilians was mortared on September 6. Snipers fired all day at UN personnel as they distributed food to people in Sarajevo. (Hamburg DPA)

**5 September:** Serb militia—who control the main water reservoir outside of Sarajevo—were reducing water supplies to the city in "another attack on civilians," according to the deputy commander of the Bosnian forces. (API)

**3 September:** Marco Betti, Cesare Buttagliari, Giuliano Velardi, and Marco Rigliaco were killed on September 3 when their G-222 aircraft—which was carrying five

tons of blankets to Sarajevo on a UN relief mission—was shot down by up to three ground-to-air missiles. (Rome, ANSA; London, *The Independent*)

### **Wanton Devastation and Destruction of Property**

- 4 September:** Destruction and damage to homes is occurring at the rate of hundreds each day, making them unsuitable for habitation during the winter, according to UNHCR [UN High Commissioner for Refugees] Zagreb program coordinator Anthony Land. (Department of State)
- August:** The Chetniks burned down houses, threw grenades, and planted bombs in Montenegro, according to refugee Ms. Medina, who was recorded on May 21 by the Carinthian provincial government of Austria. (Department of State)
- June:** Yugoslav military aircraft bombed a tobacco factory in the Bosnian town of Grude to stunt the struggling economy, according to the US Senate staff report. (Congress)
- 26 May:** On May 26, the 200-year-old mosque of Prijedor was destroyed. (MAGYAR SZO)
- April:** In a letter to the US Secretary of State dated May 1, Professor Muhamed Dresevljakovic—the mayor of Sarajevo—wrote that militant parts of the Serbian Democratic party had destroyed . . . civil sections, vital economy and communal buildings, schools and nursery schools, monuments of culture, boards of health, sacred monuments.
- The mayor begged, “Don’t let Sarajevo become a second Vukovar, Bosanski Brod, or Foca—cities vanished from the face of the earth.” (Department of State)
- March-July:** The Croatian city of Slavonski Brod has been hit by over 10,000 artillery rounds, bombs, mortars, and ground-to-ground rockets since March. As of July 16, over 70 civilians had been killed, including 18 children, and over 200 wounded. The 3,000 buildings that

had been damaged included 15% of the local residential housing. (Department of State)

### **Other, Including Mass Forcible Expulsion and Deportation of Civilians**

- 3 September:** Almost 200 judges were dismissed from positions in Kosovo because of their Albanian ethnic identity. (Department of State)
- 1 September:** Inmates in the Manjaca camp, south of Banja Luka and operated by the Bosnian Serb army, are civilians arrested because of their ethnic identity, according to US Embassy sources in Banja Luka. (Department of State)
- 24 August:** A resident of Pososje was taken by Serbs and, with other persons, robbed and turned loose near Muslim lines at Travnik. (Reuters)
- 20 August:** More than 1,500 primarily Muslim refugees were forced to leave the northwestern Bosnian town of Sanski Most and travel through the night—many by foot—to Travnik. Along the way, more than 40 of their vehicles were stolen. (AFI)
- 4 August:** Serbian Democratic party (SDS) strategy is to expel Muslim Slavs from most of Bosnia, according to the US Embassy in Belgrade. The SDS campaign of ethnic cleansing is causing misery and death for large numbers of Bosnian Muslims. (Department of State)
- 2 August:** Albanian leaders described the Serbian intention of changing the ethnic balance in Kosovo. Since 1989, over 100,000 Albanians have been deprived of their jobs. This fall, 64,000 Albanian secondary school students may boycott classes, refusing a required Serbian curriculum. (Department of State)
- 8 July:** Ethnic Muslims were forced from the district of Gacko, on the southern border with Montenegro. (Department of State)
- 24 June:** SDS/JNA forces drove non-Serbs—as well as Serbs married to Muslims or Croats, and Serbs who were “disloyal”—out of their homes. Those expelled were given as little as 30 minutes to gather their belongings. (Department of State)
- 9 June:** Serb paramilitaries who had taken control of the Muslim-majority districts of Zvornik, Srebrenica, Bratunac, and Vlasenica were systematically expelling Muslims. Muslims in the settlement of Grobnica, near Zvornik, were given a 24-hour ultimatum to leave, and were not being allowed to carry any possessions with them. The nearby town of Kozluk, whose population of 6,000 was predominantly Muslim, was under SDS occupation and “cleansed” as well. (Department of State)
- 4 June:** The “war presidency” has been established following the Serb paramilitary occupation of Visegrad. Much of the district’s Muslim population has fled and the Serbs have been confiscating the property of “all those citizens whose return to the territory of the Visegrad district has been forbidden.” The “war presidency” has been inviting “Serb refugees from other areas” to move into vacant homes in Visegrad. (Department of State)
- 2 June:** Serb paramilitaries have destroyed neighborhoods with large Muslim populations and killed some people in the towns of Sanski Most and Prijedor, in northwestern Bosnia. An office of emigration was established in Banja Luka to “facilitate” population transfers, since “more and more citizens of all nationalities want to change their place and area of residence.” (Department of State)
- 17 March:** A source close to Bosnian President Izetbegovic suggested that the upsurge of violence in Bosnia-Herzegovina was coordinated by the Serbian Democratic party (SDS) and others, perhaps including the Croatian Democratic Union (HDZ), and the army. The army reportedly had provided arms to the Serb militants in Bosanski Brod, Zenica, Kalinovik, and near Sarajevo. (Department of State) ■



Former Yugoslavia

## Supplemental Report on War Crimes In the Former Yugoslavia

Following is the text of the "Supplemental United States Submission of Information to the United Nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 780 (1992)," released on October 22, 1992. Also, see "War Crimes in the Former Yugoslavia," Dispatch, Volume 3, No. 39, page 732. For text of Resolution 771, see Dispatch Supplement, Vol. 3, No. 7, page 44. For text of Resolution 780, see Dispatch, Vol. 3, No. 41, page 769.

*Editor's note: The following contains some graphic descriptions.*

### Introduction

This report supplements the previous United States Submission of information pursuant to paragraph 5 of Security Council Resolution 771 (1992) relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia. We have tried not to duplicate information provided to us from other countries, which we expect will be submitting their own reports by the November 6 deadline in Resolution 780.

Recent reports out of the former Yugoslavia reaffirm the need for further investigative work, such as that to be done by the newly established UN War Crimes Commission. For example, reporters have been unable to locate any former prisoners of the camp at Omarska; this raises concerns for the prisoners' safety. In addition, the United States is continuing to receive reports of forced deportations. We strongly believe that these reports require expeditious investigation, so that substantiated information can be obtained about the persons responsible. While interviews with refugees once they have left the territory of the former Yugoslavia do provide valuable information, the international community needs to conduct investigations within the territory of the former

Yugoslavia to assemble a more complete picture. Further, there is a need for forensic evidence regarding the various allegations of mass atrocities. The United States will pursue such information actively and will continue to urge other governments to do so as well.

In accordance with paragraph 1 of Resolution 780 (1992), the United States will submit additional supplemental reports when other relevant information comes into its possession.

As in the initial US report, the notations at the end of each of the following items indicate the source from which the information was drawn.

### Former Yugoslavia: Grave Breaches of the Fourth Geneva Convention, Second Submission

#### Willful Killing

**21 September:** Serb forces with automatic rifles about six miles outside Travnik fired on Muslim refugees who were leaving Bosanski Petrovac. "They shot at us from the forest beside the road," according to a 21-year-old man. "Four were killed in my truck and three were wounded." He gave the names of five relatives, all civilians, whom he said he saw dragged from their homes by Serbian soldiers in Bjelaj on September 21 and shot point-blank.

Other refugees from Bjelaj said they believed more than 100 men and boys were killed in the village over a four-day period ending on September 22. (Reuters)

**27 August:** Croatian paramilitary forces attacked a convoy of buses carrying over a hundred Serbian women and children, according to a peasant woman from Gorazde who was in the convoy. She said the Croats killed 53 and left about 50 wounded. She escaped by hiding under some bodies. Her son, one of

two "Serbian Republic" soldiers with the convoy, was badly wounded but survived. (Department of State)

**21 August:** More than 200 men and boys were massacred by Bosnian Serb police on a narrow mountain track at a place known as Varjanta, near the confluence of the Ugar and Ilomska rivers about 15 miles north of Travnik, according to at least three reputed survivors.

Semir, a 24-year-old man, told reporters that he was one of the last off the bus.

I saw three Serb policemen standing there, and in front of them there were big pools of blood. I decided at that moment to jump. I rolled a long way down, until I was caught on a tree. I heard shooting up above for about an hour after that. Bodies were tumbling past me. There were a lot of them.

"Cerni," a 31-year-old Muslim, described how the prisoners were taken off the buses.

I jumped as soon as they started. I protected my head and arms and tumbled down. When I stopped, the other bodies were falling on me. The blood was all over. The other people . . . were all killed at this place.

Semir, who lost a brother and a 16-year-old nephew during this incident, said he had recognized several of killers because they were from his home village, Corakovo. He recognized two brothers in particular—naming them as among those who had rounded up this group of Muslims in Corakovo.

A third witness threw himself over the edge of the cliff as his guard turned to speak to another soldier. He had seen a Serbian soldier put a pistol in the mouths of several men and fire. (Department of State; *The Washington Post*; *The New York Times*; Reuters)

**24 July:** A Muslim locksmith, who was interned at Keraterm camp in northwestern Bosnia, reported that on July 24 Serb guards with automatic weapons systematically had killed as many as 160 men who were locked inside an enclosure known as Room 3. The locksmith and three other Muslims impris-

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oned in an adjacent room said that another 50 prisoners were killed the next morning and that the killing continued the next night against an outside wall. "In the morning, they would collect the remains in a wheelbarrow—brains, blood, pieces of flesh." (*The Washington Post*)

**20 July:** A 31-year-old Bosnian Muslim refugee stated that on July 20 all the men living in Biscani were called out of their houses and forced to lie down in the center of town on asphalt. Serb soldiers beat them with iron bars, and forced them to sing patriotic Serbian songs. The most prominent women in the village, about 100, were brought together. As the women were told to disperse, they were shot in the back. The bodies of the women lay in the road for four days until Serb trucks came to collect them. (Department of State)

**2 July:** An 82-year-old Bosnian Muslim refugee from the village of Prhovo, near Kljuc, described how the Serbian army came to his village, herded the people together in the center of the town, and called out names from a list. Three or four soldiers began to execute those whose names were called, murdering the women and children as well as the able-bodied men. There appeared to be no pattern to those selected for killing. The soldiers then set the village on fire. (Department of State)

**June:** A 22-year-old man who had been interned in Keraterm camp in June told *New York Newsday* reporter Roy Gutman that during three days he and other prisoners buried about 300 men and women from seven Muslim villages south of Prijedor. One out of every 10 prisoners selected at random told the reporter that he had been beaten or tortured, or had witnessed killings. (Department of State)

**June:** A 31-year-old Bosnian Muslim refugee from the village of Hambarez, near Prijedor, witnessed the execution of two Muslims in the village of Biscani. One was Emsoud Aliskovic, a cousin of

the village chief of police. As she watched, one Serbian soldier took an ax to the prisoners' heads, then the flesh of their upper thighs. Next, the soldier dismembered the victims' arms and legs. (Department of State)

**May-June:** Between 2,000 and 3,000 Muslim men, women, and children were murdered by Serb irregular forces near Brcko. Most of the killing reportedly occurred at a brick factory and a pig farm near Brcko, and was done by irregulars led by Seljko Raznjatovic ("Arkan"), and Vojislav Sesselj. Witnesses claimed to have seen the spontaneous murders of up to 50 prisoners at a time. (Department of State September 25 statement, *The Washington Post*; *USA Today*; *The Washington Times*)

**May-June:** Alija Lujinovic, a 53-year-old Muslim traffic engineer from Brcko, on May 3 was captured by Serbian irregulars—two days after the Yugoslav army and irregular forces attacked Brcko. The following is part of his account:

**3 May:** The leader of the territorial defense force was killed by soldiers' jumping up and down on his torso.

**5 May:** About five soldiers killed about 20-25 people on the grass in front of the building in which they were detained by cutting their throats with knives.

**7 May:** He and up to 1,500 people were taken by bus to the port known as Luka, on the Sava River. During their 50 days at this facility, Lujinovic witnessed the following:

Some people who had already been beaten to death were brought in the trunks of cars and dumped in the middle of the warehouse.

Lujinovic personally had to help carry out people who had been beaten in the night and died from the beatings; the bodies were thrown into the river. The guards were drinking heavily and taking green tablets. "Then they were really wild."

He once saw about 15 corpses of young men, 18-30 years old, completely naked, with their genitals torn out. A guard threatened to use a scissors-like instrument on him.

He saw at least 30 people taken to the sewage canals outside the warehouse where their throats were cut.

In some cases, he saw a doctor who would slit the throats of young, healthy people, cut out their organs and pack them into plastic bags, and load the organs into a refrigerator truck.

In one case, the guards broke a prisoner's head with gun butts to spill the brains. They then called the dogs to eat the brains.

**23 June:** On June 23, the guards came and started calling out names of people to be released. Lujinovic was not on the list, but after he walked over to a guard with whom he had been acquainted at a former job and pleaded his case, he was released. He also stated that by the time of his release, only 150 of the 1,500 people had survived the camp.

(Department of State; Congress; *New York Newsday*)

**Mid-May:** A Muslim refugee, a butcher by trade and probably in his early forties, spent 27 days at Luka camp outside Brcko during which time he saw a soldier drag a man out of his building and return after a short time with blood-soaked knife in one hand and the man's head in the other. The refugee discussed with a US Foreign Service officer in Vienna, Austria, the lack of food—a piece of bread about every three days. He witnessed one woman in her mid-thirties die from starvation. (Department of State)

**May:** Serbian guards at Omarska camp selected seven or eight Muslim and Croat prisoners at random each night to be executed, according to a 53-year-old Muslim camp survivor identified as Hujca. The only apparent trait the victims shared was their muscular build. (*New York Newsday*)

**20 April:** Adil Umerovic, a Muslim, shot a young Serb male on a Gorazde street for no apparent reason, according to a young Serbian woman who witnessed the killing. She said the Serb was an unarmed civilian who was handcuffed. (Department of State)

**12 April-28 April:** A 33-year-old Bosnian Muslim refugee—a machine technician by profession—from Sarajevo and her two children were interned in Manjaca camp

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near Banja Luka for 16 days. One day the guards questioned one mother in front of the others. The guards then raped the mother's seven-year-old daughter in front of the other women interned in Manjaca camp. This girl died soon afterward. (Department of State)

**April-July:** Reporter Roy Gutman obtained testimony from refugees on mass graves:

Men mainly served for the collecting of dead bodies of their neighbors in surrounding villages and fields. A group of them during only one day collected 700 bodies and buried them in a mass grave. The location of the grave is next to the road leading towards the town of Prijedor—at the edge of woodland called Gaj in the vicinity of the Europa Inn.

In the Trnopolje settlement itself, there are mass graves almost next to each house (with) five, ten, or 20 bodies.

During the active existence of the camp (Omaraka), lasting three months, every day, 10 to 20 people were killed. Their bodies were transferred and partially or completely buried in the mine locations as follows: Jezero open pit, the old Tomasica mine, the new Ruvac open mine, the lake near the Mededa dam.

Witnesses estimate that about 3,000-5,000 people were buried . . . (in) a mass grave . . . around the town of Prijedor, which is located near the village of Koricanani on the road leading from the town of Skender Vakuf towards the town of Travnik at the place know by name Koricanska Stijena.

Reconnaissance units of the army of Bosnia-Herzegovina were eyewitnesses of the burial of about 750 people during only one day. Their bodies were placed by excavators into fortification facilities and trenches for cannons, which were previously removed. Newly captured civilians and many camp prisoners from refugee convoys coming from the towns of Prijedor, Banja Luka, Kljuc, Mrkonac Grad, and Skender Vakuf were killed.

Imam Mustafa Mojkanovic of Bratunac was tortured before thousands of Muslim women, children, and the elderly at the town's soccer stadium, according to Imam Efardi Espahic of Tuzla. Serb guards ordered the cleric to cross himself. When Mojkanovic refused, they beat him, stuffed his mouth with sawdust and beer, and then slit his throat.

The Muslim mufti of Zagreb, SevkO Omarbasic, has said that by the end of July the Serbs had executed 37 imams.

(New York *Newsday*)

**Mid-April:** Muslim soldiers removed Serbian corpses from the Drina Hotel in Gorazde to a nearby river. A former hotel worker said some of the corpses were mutilated, e.g., were missing hands, and she saw one with his eyes gouged out. (Department of State)

One Serb seized by the Muslims was named Zekovic. He [was] paraded naked through Gorazde by his captors and was forced to crawl on the asphalt and bark like a dog, according to an eyewitness. Then he was tortured mercilessly before being executed, according to some reports. (Department of State)

Adil's two brothers, Salko and Arif Umerovic, reportedly participated with him in the killing of other Serbs in Gorazde. (Department of State)

### Torture of Prisoners

**May-June:** A 52-year-old Bosnian Muslim cleric, whom Serbian military police had arrested on May 16 and subsequently released, was picked up again on May 29 or 30 by a convoy of Serb militia; he had been hiding in the woods. He was interned in Omaraka camp for 75 days, during which time he was beaten regularly until he bled. The cleric witnessed several public beatings and sexual torture in the camp. He said that several men had been forced by the guards to have intercourse with each other, and that guards cut off some prisoners' hands and penises as a punishment and to frighten the other men. (Department of State)

**16 May:** A 52-year-old Bosnian Muslim cleric from Bosanska Kostajnica was arrested on May 16 by Serbian military police. He was beaten by the guards with rifle butts, boots, and police batons. Three ribs in his back and his chest bone were broken. All his upper front teeth were knocked out. (Department of State)

**May:** A 35-year-old Muslim refugee from Rudo, who was detained in Rudo camp with 21 other Bosnians, told a US Foreign Service officer on September 18 that all of the men in his camp had been beaten regularly. Men would be taken from their room for interrogation and return disfigured, in some cases with ears, fingers, or noses cut off. (Department of State)

**May:** Forty young women from the Muslim-populated town of Brezovo Polje, north of Sarajevo, were brutalized and repeatedly raped in May of this year by Serbian soldiers, according to the Zagreb weekly, *Globus*. The US Consulate in Zagreb reported that the story had contained enough names, dates, places, and other specifics—including photographs of quoted victims—to appear credible. (Department of State)

Reporter Roy Gutman wrote that victims had told him preparations for the mass rape began early on the morning of May 17, when Serb soldiers in army uniforms and masks piled out of their minivans and rounded up the Muslims of Brezovo Polje for "ethnic cleansing." About 1,000 women, children, and elderly were packed into eight buses, driven around the countryside for two days, and held under armed guard for four nights without food or water in a parking lot in Ban Brdo. Each night the soldiers reportedly took women off the buses to an unknown location at knifepoint. Finally, the group arrived in Caparde, where about 50 followers of Zeljko Arkan separated daughters from their mothers. The rape victims were "aged 15 to 30, with wholesome looks, careful dress, and gentle manners." (New York *Newsday*)

### Abuse of Civilians In Detention Centers

**August-September:** The CSCE [Conference on Security and Cooperation in Europe] Thomson Mission visited 21 Bosnian camps in late August and early September.

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The situation in the camps is more or less disastrous. There can be no thought whatsoever of winter because some of the camps are in meadows under the open sky. Others have no water or heat, and people are lying on a bit of straw on the concrete. Malnutrition, bad medical care, and unsatisfactory hygiene conditions are common place. People live in constant fear of being beaten or shot in the back of the head. The sick and old prisoners risk freezing to death when winter comes.

(Thomson Mission Report)

**June:** A 16-year-old Muslim interned at Trnopolje camp, after having been raped three times, asked her Serbian rapist, "What are you doing?" He answered, "That's what your people are doing to us as well." After having released this girl, he and his group returned at least twice to the camp for more girls. One of the girls returned at 3:30 a.m. after having been raped by 12 different men that night. (New York *Newsday*)

**May:** A 23-year-old Bosnian Muslim from Trnopolje, near Prijedor, was interviewed on October 5 by a Foreign Service officer in an ex-detainee transit facility in Croatia. He had to leave his home on May 22 as part of the Serbian ethnic cleansing operation in northern Bosnia. After living with neighbors for two weeks, he was taken on June 9 to Trnopolje camp.

He stated that prisoners were occasionally allowed to leave Trnopolje camp for half-hour to one-hour periods to search for food in the woods. He explained that a prisoner always had to leave behind something important when he was let out. If he returned late, he would be beaten or killed. If he did not return, he would be shot on sight if and when found.

The ex-detainee stated that one month after his internment, he found the body of a friend in the woods approximately three hundred meters from the camp. His friend's throat had been slit. The ex-detainee had seen his friend taken away earlier by a guard named Dragoje Cabic, whom the ex-detainee described as one of the most sadistic guards at Trnopolje.

Cabic beat people very often and very brutally. Three weeks after discovering his friend's body, he found in the woods the body of his friend's brother.

The ex-detainee identified the commander of the camp as Major Slobodan Kuruzovic. (Department of State)

**May:** A 40-year-old Bosnian Muslim from the village of Kozarac was interviewed on October 5 by a Foreign Service officer in an ex-detainee transit facility in Croatia. He described the capture of his village by Serbian irregular military forces and the severe mistreatment and killing of many of its people.

The witness stated that on May 24, the irregular forces entered his village shooting with tanks and guns. They were met by poorly organized, lightly armed resistance from the villagers, who were compelled to surrender after a full day of fighting. At the outset of the incident, he had worked to evacuate the children and elderly. He hid 140 children and 80 old people in the basement of a house in the town and later began to evacuate them through the woods toward the Croatian border. At first they had a guide, but he later deserted the group in the woods. After spending a night in the woods, the group learned that everyone else in the town had surrendered, and the witness decided that the group should give themselves up also as the best hope of ensuring their safety. Several similar groups that had also fled into the woods gathered in the woods to surrender together, making a combined group of around 3,000 persons, mainly children and the elderly.

The witness said that as the group walked out of the woods onto a road called Carsija Ulica, with white flags held high by about every fiftieth person, they were met by three tanks commanded by Zoran Karlica, a neighbor of the witness. Despite the white flags, the tanks opened fire on the group and many children were killed.

The witness was shortly thereafter taken on a bus to the Keraterm camp, where 120 people spent two nights on the bus parked at the gate of the camp without fresh air or water. On the third day, as the men filed off the bus single file, Serbian soldiers beat them on the back and limbs with police batons. The group spent two nights at Keraterm. On the third day, the witness and many other men were put on buses at one a.m., told to keep their heads down, and driven to Omarska camp.

The witness spent 77 days at Omarska, where he was interrogated and beaten eight times. On one occasion, his hands and feet were bound and he was hung from a hook by his hands and raised from the floor. He was beaten by several guards using rifle butts, heavy electrical cables, and homemade batons carrying small metal balls with sharp spikes. The witness said he was beaten senseless and awoke in a pool of his own blood, the only liquid he had to moisten his mouth.

The witness stated that a young Muslim man from Kozarac who had owned a Suzuki motorcycle was tortured in front of the other prisoners. He was severely beaten all over his body and his teeth were knocked out. The guards then tied one end of a wire tightly around his testicles and tied the other end to the victim's motorcycle. A guard got on the motorcycle and sped off.

The witness said that guards at the camp would pour acid on the fresh wounds of prisoners after some of the public beatings and laugh as the prisoners screamed from pain.

The witness said that prisoners at Omarska had to pass a field as they were herded to the eating area. He stated that there were ten to fifteen new corpses laid out in the field every morning. As prisoners fled into the eating area past a line of guards, the guards would trip the men and beat them on the back, limbs, and joints with police batons and heavy cable. Every two days the prisoners received about one hundred grams of bread and a small cup of soup with a

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bit of rice or potato. The witness went from 86 kilograms to 52 during his 77-day confinement.

The witness described the preparations made in the camp before the first journalists arrived. About two hundred men in one sleeping room were moved to another room already at overcapacity. They were told to keep their heads down below window level and to keep quiet. There was only enough room for the men to sit with their knees against their chests. The other room was cleaned and thirty new prisoners from Keraterm were put there and shown to reporters.

He identified six guards at the Omarska camp by first name only: Neso (used to work at the Sretno cafe in the Suhi Brod quarter of Kozarac), Ritan, Uros, Daja, Gruban, Zeljko (probably among the camp commanders; drove a green Mercedes). (Department of State)

**Late May:** A Muslim refugee, a butcher by trade and probably in his early forties, spent 27 days at Luka camp outside Brcko during which time he saw about 20 soldiers rape a woman in the presence of her child and other camp inmates. During a September interview with a US Foreign Service officer in Vienna, he claimed that it was general knowledge that young girls were being picked up almost daily and brought to the canteen where they were raped. The girls subsequently "disappeared." (Department of State)

**12 April-28 April:** A 33-year-old Bosnian Muslim refugee—a machine technician by profession—from Sarajevo and her two children were interned in Manjaca camp near Banja Luka for 16 days. During a September 25 interview with a US Foreign Service officer in Zagreb, she described her first interrogation: two Serbian camp guards, who called each other Todor and Srbo, beat her and burned her right upper thigh twice with a cattle prod. They raped her in front of her children, a 12-year-old daughter and a 9-year-old son.

Afterward she bled badly. Her daughter was raped twice. (Department of State)

### **Wanton Devastation and Destruction of Property**

**29 May:** A May 29 Serb attack on Prijedor destroyed the centuries-old Prohaska mosque and St. Joseph's Roman Catholic church. (New York *Newsday*)

**April-July:** All 14 mosques in and around Foca, among them the Aladza—the colored mosque—built in 1550, were destroyed, as was the Ustikolina mosque near Foca, built in 1448. Thirteen mosques in Mostar, all built between 1528 and 1631, were destroyed.

According to the head of the Islamic community in Zagreb, 200 mosques were destroyed and another 300 damaged between April and late July. The Bosnian Institute in Zurich estimated that, in areas of Serb occupation, 90 percent of the mosques have been destroyed. (New York *Newsday*)

### **Other, Including Mass Forcible Expulsion and Deportation Of Civilians**

**6 October:** Serbs forced hundreds of ethnic Muslims—at least six busloads—out of the district of Kotor Varos, southeast of Banja Luka. In addition, they gave ethnic Muslims in Kljuc an ultimatum to leave their district by the morning of October 6, a deadline that was delayed until October 8. (Department of State)

**3 October:** The president of the International Committee of the Red Cross (ICRC) stated on October 3 that:

[T]he ICRC is convinced that, under cover of a policy of 'ethnic cleansing,' tens of thousands of members of minority groups in areas controlled by the parties are still at the mercy of repressive measures applied locally in accordance with a discriminatory ideology.

(ICRC Information Department)

**29 September:** In the northern Vojvodina town of Subotica, Serbian Radical party (SRS)

regional president Bozidar Vujic declared that his party had formed a paramilitary to "cleanse Subotica of all those who do not recognize Serbia and its political and territorial integrity." SRS leader Vojislav Seselj reportedly was handing out arms to Serbian farmers in Vojvodina as a prelude to efforts to drive out other nationalities. (Department of State)

**25 September:** About 80 percent of Sarajevo's 350,000 civilians are without power and running water. Local Serbian commanders have repeatedly refused to permit crews from the water company into Serbian-held areas to repair pumps, clean filters, or replenish chlorine supplies. Without chlorine, engineers have been unable to fight the growing threat of water-borne epidemics. The relay station on Trebevic Mountain that carried telephone calls beyond Sarajevo was switched off by Serbian forces three months ago. (*The Washington Post*; *The New York Times*)

**July-September:** Banja Luka's 30,000 Muslims have been terrorized by bombings, beatings, and interrogations, which have resulted in 126 Muslim deaths. Radisav Brdjanin, chief of the local war crisis committee in early September said on television that there was only room for 1,000 Muslims in Banja Luka and the 29,000 others would have to leave, "one way or another." (*The Washington Post*)

**June:** Serb forces chartered an 18-car train in an attempt to deport the entire population of Kozluk, Bosnia—some 1,800 people—to Hungary, but Hungary refused to admit them. After four days on board, the villagers were brought to Palic camp. They were told that "this was part of an ethnically pure Serbian region, and it was inconvenient to have a Muslim village at a key road junction." (New York *Newsday*)

**18 March:** A Serbian woman in Gorazde lost her right arm when "Muslim terrorists" threw a hand grenade in her home in a mixed neighborhood. (Department of State) ■

## Third Report on War Crimes In the Former Yugoslavia

Following is the text of the "Supplemental United States Submission of Information to the UN Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 780 (1992)," released on November 6, 1992. For the text of the first two reports, see Dispatch Vol. 3, No. 39, p. 732 and Vol. 3, No. 44, p. 802.

For text of Resolution 771, see Dispatch Supplement, Vol. 3, No. 7, p. 44. For text of Resolution 780, see Dispatch Vol. 3, No. 41, p. 769.

Editor's note: The following contains graphic descriptions.

This is the third submission by the United States Government of information pursuant to paragraph 5 of Security Council resolution 771 (1992) relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia. As in our two previous reports, we have focused on grave breaches of the Geneva Conventions and, in accordance with resolution 771, have provided information that is "substantiated", that is, which rests upon eyewitness testimony directly available to us or that includes detail sufficient for corroboration. For the moment, we have also tried not to duplicate information provided to us from other countries and non-governmental sources, which we understand will submit reports pursuant to resolutions 771 and 780. The information provided is intended to be useful to the Commission of Experts established pursuant to Security Council resolution 780. The United States has further substantiated information concerning the incidents included in this report, which we plan to provide directly to the Commission of Experts on a confidential basis.

In accordance with paragraph 1 of resolution 780, the United States intends to continue providing reports as additional relevant information comes into our possession.

The United States is pleased that the Commission of Experts established pursuant to resolution 780 is ready to begin its work. The United States played a leading role in the adoption of that resolution and stands ready to assist the Commission in its important work of investigating war crimes allegations with the aim of preparing cases suitable for prosecution and, by doing so, of establishing the record of humanitarian offenses in the former Yugoslavia.

As in the two previous US reports, the notations at the end of each of the following items indicate the source from which the information was drawn.

### Former Yugoslavia: Grave Breaches of the Fourth Geneva Convention, Third Submission

#### Willful Killing

**22 Oct:** A group of approximately 18 ethnic Muslims was kidnapped near the Serbian town of Priboj on October 22, while traveling on a bus route that took them into territory controlled by Bosnian Serbs. Belgrade newspapers reported on October 23 that the kidnapped Muslims had been killed. A Serb official has admitted that Serb paramilitaries operating in Bosnia basically had free run in the Sjeverin area prior to the police and army intervention after the kidnapping. (Department of State)

**24 Sept:** Muslims from Kamenica reportedly killed more than 60 Serb civilians and soldiers in Serbian villages near Milici on September 24-26. (Department of State)

An American freelance writer reported that he saw the bodies of mutilated and tortured Serbs from the villages of Rogosija and Nedeljiste at the St. Paul and Peter Serbian Orthodox Church in Vlasenica after the lids on about 10 of the coffins were removed by soldiers for viewing.

Some bodies were burned to a charcoal, others had fingers cut off on their right hand which the Orthodox use to bless themselves, some were circumcised as a final affront (Serbian Orthodox males in Yugoslavia are not circumcised, whereas Muslims are), some had their eyes gouged out, gaping knife wounds everywhere, and heads were battered beyond recognition, arms and legs broken and severed.

(Serbian American Media Center, Chicago)

**27 Aug:** Bosnian Muslim forces killed at least 20 Serbians after ambushing a convoy of people fleeing the outskirts of Gorazde on August 27. One of the survivors, a 64-year-old Serbian who lost his left leg after he was wounded in the ambush, told a correspondent that about 15-20 Muslim guerrillas had opened fire with automatic weapons beside the road just north of Kukavice. One witness, who lost his 11-year-old son during the ambush, claimed as many as 300 people were killed on the road. (*The New York Times*, *The Daily Telegraph*)

**Jul-Aug:** A 21-year-old man reported he had witnessed the killing of 35-year-old Rizo Habibovic in the beginning of July at Omarska camp. Habibovic was kicked and pummeled with sticks and weapons for what seemed more than an hour by guards, two of whom had earlier worked with the witness at IMPRA meat factory. The victim appeared to be still breathing when he was brought back to the "machine hall" with his chest caved in. A doctor tried to help, but Habibovic quickly succumbed.

According to this witness, most of the killings at Omarska took place at night at the "machine hall." Men would leave the facility when their names were called out, ostensibly to participate in a prisoner exchange program. Regularly, shots would be heard not long after they left. No one who was called out after 9:00 pm ever came back. He believed their real destination was a mass grave a stone's throw from the machine hall.

The man in charge of Omarska camp, according to several witnesses, was a colonel from the JNA [Yugoslav National Army]. He had been stationed in the area long before the breakup of Yugoslavia

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and was known to many in the population. He wore a white eagle on his cap; his authority over all the other soldiers in the camp was clearly apparent.

On August 3, the ICRC [International Committee of the Red Cross] came to oversee the closing of the Omarska camp. Shortly before that time, some 1,250 inmates out of about 5,000 were transferred to Manjaca camp. (Department of State)

**Mid-Aug:** An elderly Serbian farmer was arrested in the village of Idbar, near Konjic, on May 9. He reported that he was first taken to the police station in Konjic where he stayed for 21 days. He was then moved 6 kilometers away to Celebici, where he said that all the prisoners were Serbs and all the guards were Muslims. He said that beatings were carried out frequently by guards from outside the area. The prisoners, mostly young men, were beaten with wooden handles of farm tools or with metal rods.

He reported having witnessed 15-16 ethnic Serbs beaten so badly that they died. The witness was able to identify the camp commander and the most vicious of the guards. He was released from Celebici on August 20 with all prisoners over the age of 60. (Department of State)

**24 Jul:** Three male Bosnian Muslims witnessed and survived a mass slaughter at Keraterm camp on July 24, when guards opened fire with automatic rifles on a room packed with prisoners. About 150 men were killed or wounded in this one incident. According to these witnesses:

They were locked along with 200-300 men into a single room estimated to be about 80 square meters in size, with a small alcove in the right rear corner. The room had a single window high up in the front wall above a large sheet-metal "garage-type" door with a smaller opening in it.

Prisoners received little water or food. The temperature in the room was stifling, the conditions nearly unbearable.

On July 24, the prisoners in the room were given some water, but in the words of one of the witnesses, "they put something in the water" and the men "became crazy." Then something was shot through the window which produced

smoke and gas. The prisoners began screaming and pounding on the doors; some began to hallucinate and fight each other. Others managed to force a hole in the sheet metal of a door and started to escape the room, but were then killed by guards standing outside.

After the disturbance in the room had gone on for some time, the soldiers opened fire with large machine guns. The bullets came right through the sheet metal doors. Those near the door were killed first. One of the witnesses survived because he had been in the back alcove and out of direct line of fire. Another survived when the body of another prisoner fell on him. An estimated 150 men were killed or wounded.

On the following day, July 25, soldiers came into the room and chose about 20 of the surviving prisoners, took them outside, lined them up against an outside wall of the room, and shot them. (Department of State)

Another Bosnian Muslim from the Prijedor region, interviewed separately, also witnessed the July 24 massacre at Keraterm camp. He said that prisoners were kept in four rooms. He was in room two. Room three was where prisoners were most severely tortured and where the massacre occurred. From a window in room two, he witnessed the changes of the guards and automatic rifle fire.

On July 25, guards chose two prisoners each from rooms one and two to remove the dead. These prisoners counted 99 dead and 42 wounded. They were ordered to put the wounded on the same truck as the dead. The truck was labeled Prijedor Autotransport. Neither the wounded nor the driver [was] seen again.

Another witness believes the bodies were buried in the village of Tomasica, near Omarska, in an area called Depunija. The witness's uncle watched a truck unload many bodies into a very deep pit and cover them with a large layer of dirt. A few days later, the uncle saw trucks dump animal corpses into the same pit. Another layer of soil was put on top of the animal corpses. (Department of State)

**20 Jun:** A 69-year-old Muslim farmer from the village of Kamicani was detained by Serbian forces in June, interned briefly at Trnopolje camp, and, around June 20, transferred to

Omarska camp. When he arrived at Omarska, guards searched his pockets, confiscating DM 300, and ordered him to find his son.

When the witness found and identified his son, an irregular Serbian soldier, who was a former policeman known to the witness, took the son into a garage and ordered him to lie down. The irregular began to beat the son in his father's presence. Later, another prisoner told the witness that the irregular had killed his son, and that he himself had loaded the son's body onto a truck with many other corpses. The bodies were taken to a nearby mineshaft and there covered over by a bulldozer.

According to this witness, this same former policeman also had murdered Jasko Hrnac and another person whose last name was Hrnjak. The witness said that the policeman had a gang at Omarska, of which he named three members. (Department of State)

**26 May-6 Aug:** A 30-year-old Muslim was imprisoned for over 9 weeks at Omarska camp. He had been apprehended by Serbian forces in Prijedor on May 26. His duty was to help transport the bodies of dead prisoners; he helped transport or bury 10-20 persons each day. He estimates having carried 700-800 bodies during his imprisonment and commented that those killed for personal revenge typically were decapitated. The witness lost some relatives during the killings and reported having seen the following:

Guards threw prisoners into large bonfires; as they tried to escape, guards shot them in the back.

Guards would periodically round up some of the more highly educated and take them to the 'white house,' from which no one emerged alive.

He also witnessed guards beating, torturing, or murdering prisoners. Nine of the guards are known to him. (Department of State)

**May-Aug:** A 40-year-old Muslim from Prijedor, who was interned in Omarska camp from May 30 to August 3, described the final ordeal of a Muslim named Emir Karabasic. Emir, who had been tortured

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regularly, one day returned to the sleeping room with his back severely burned by a guard. Two days later, two Serbian brothers were let into the camp after 5 pm. They had often visited the camp at night.

These brothers entered the sleeping quarters carrying pistols and automatic rifles. They called for Emir, Jasmin, and Alic to come forward. The three were beaten with rifle butts and police batons in full view of the other prisoners, including this witness. The brothers forced Alic first to drink a glass of motor oil and then to drink the urine of the other two prisoners.

Alic was next beaten until he was unconscious and then revived with cold water. After further beatings, Alic was forced to take his pants off. The brothers then forced Emir and Jasmin to bite off Alic's testicles. Alic died of his wounds that night. According to the witness, these crimes were committed on the shift of the shift leader under whom the most heinous tortures and beatings occurred. (Department of State)

**May-Jun:** About 3,000 men, women, and children were killed during May and June at the Luka-Brcko camp, which held approximately 1,000 civilian internees at any one time. Some 95% were ethnic Muslims, and the remainder were Croatians. Approximately 95% were men. Until May, the bodies were dumped into the Sava River. Thereafter, they were transported to and burned in both the old and the new "kafilarija" factories located in the vicinity of Brcko.

All internees in the camp came from within a 14 kilometer radius of Brcko. The first hangar was occupied by Muslims from Brezovo Polje. The Serbian police appeared to have administrative control of the camp.

Upon arrival, all internees were questioned by one of three inspectors who decided their fate. For example, if a person was a member of the SDA or HDZ political parties, he was executed at the camp. Other questions included

whether the person had foreign currency, gold, or weapons, or if a neighbor might have any of these items. Without a signature from either the police chief at the camp, or one of the military officers, a person could not be released.

Approximately 1,000 people were released from the camp when Serbs vouched with their lives—and signed documents to that effect—that the internees would not leave Brcko, discuss politics, or own weapons. These people were all released within a 48-hour period; thereafter, releases were not authorized.

One example was an individual who had his ears cut off with a knife by a Specijalci soldier. As he grabbed for his ears in pain, a young woman cut off his genitalia with an instrument called a "spoon." As he fell forward and lay on the ground, he was shot in the head by a guard. In other instances, ears and noses were cut off and eyes gouged out. Knives were used to cut into the skin of internees all the way to the bone; some fingers were cut off entirely. All was done in front of other internees.

Beatings with clubs were common. A Specijalci soldier used a wooden club with metal protruding from it to kill several people. He forced internees to lick the blood from the metal studs. Another shot an individual in the back several times after he had carried a dead body behind the third hangar. In June, some 50-60 men had their genitalia removed.

Approximately 10-15 Chetniks, Yugoslav Federal Specijalci, and Serbian police were involved during the daily occurrences, but some participated on a more regular basis. Some were drunk. Internees were told to sing. Those who did not sing loud enough were shot point blank. After they had started singing, the men would come in and randomly start shooting. About 50 men, women, and children were killed in one case, allegedly in retaliation for the death of 12 Chetniks who had been killed on the front. This type of shooting occurred on a daily basis with anywhere from 15 to 50 victims.

There was also a torture room at the Luka-Brcko camp. Those tortured were either killed immediately after being tortured or were left to bleed and, if they did not die in 2 to 4 days on their own, shot to death. They were left lying in their own blood in the living areas and other internees were not allowed to help in any way. People were beaten with clubs to the point that the bones in their faces caved in, and they died.

The internees were then "volunteered" by camp personnel to carry the dead bodies behind their living area or to the camp garbage dump. During the movement of the bodies, additional internees were killed when a camp official took shots at them.

Another frequent occurrence was the shooting of internees with three bullets in the back of the head of each victim. This was done at a drain, and the blood was allowed to go down the drain that emptied into the Sava River. Internees carried victims, some still alive, and had to dump their bodies at the camp garbage dump. Internees were sent on a detail to clean the blood from the floor and dump dead bodies outside of a Serbian building in Brcko.

A female internee was sexually assaulted by a soldier while her husband and other internees watched. One Chetnik sexually assaulted several women, some as young as 12, in front of internees as Specijalci soldiers held the women to the ground. The same man killed 80-100 people at the camp. Another Chetnik sexually assaulted women and killed internees, in some cases using an axe to the head.

The dead bodies of internees from the Brcko camp were burned at the old "kafilarija" factory. The trucks carrying bodies drove into a building that had three industrial-sized cooking vats with furnaces used ordinarily to make animal feed. The bodies were dumped inside the building with the three furnaces, then Chetniks dumped the dead bodies into the furnaces.



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Before the bodies were dumped, jewelry was removed from them and, in order to remove rings, fingers were cut off. Gold and silver teeth were removed from the bodies as well. Chetniks kicked the jaws of the corpses open to see if they had gold or silver fillings and, if so, removed them with pliers.

The transporting of the bodies to be burned began in mid-May. Trucks left every morning at about 4 am. On a typical morning, three trucks left together. One was a civilian refrigerator truck with the dead bodies and three Chetniks in the cabin, the second had 10-12 internees who unloaded the bodies at the factory, and the third had approximately 13 Chetnik guards.

After they arrived at the factory and had begun unloading bodies, two or three more refrigerator trucks often arrived with approximately 20 dead bodies transported in each vehicle, perhaps from another location. All the trucks were Yugoslavian-made civilian trucks. (Department of State)

**24-26 May:** Statements by Muslim refugees, Western aid officials and diplomats, and Serbian police described the May 24-26 "ethnic cleansing" of Kozarac by Bosnian Serb forces.

"They were pulling out private entrepreneurs and educated people, anyone who could ever organize any Muslim life in Kozarac again," said a 42-year-old Kozarac resident.

A 60-year-old resident said some of the men had been shot on the spot and others taken into a house or a bus shelter where their throats were slit. Still others had been killed as they were put on buses destined for the Omarska, Keraterm, and Trnopolje camps. (*The Washington Post*)

**23 May:** Two brothers, a 17-year-old trade school student and a 28-year-old, described how Serb armored units surrounded their village of Rakovcani on May 23 or 25 and marched them to Prijedor, then transported them to the Serb-run Omarska camp.

The brothers were reluctant to estimate how many killings they had personally observed that first week, but suggested it was about

50. They saw five of their fellow prisoners stabbed in the face and cut across the throat until their heads were virtually severed. Others had the Serbian (Orthodox) cross carved into their chests or arms. There seemed to be no pattern or particular motive for these attacks or the execution style shootings that were taking place inside the facility. As far as they could determine, the victims were not being interrogated; the violence appeared totally random.

At the beginning of June, the brothers were moved to a nearby hall housing many of the machines used for the facility's iron extraction operation. For the remaining two-and-a-half months of their captivity, they were forced to run a gauntlet to a "dining" hall in another part of the camp in order to get their one daily meal of soup and a piece of bread. Each time they did so they were beaten and kicked. Anyone who fell was killed. (Department of State)

**21 May:** A former employee of the Zvornik medical center reported that he was required to remain on duty in the center from April 8 until his dismissal on May 26. He said that the need for more hospital space for wounded Serbian soldiers eventually led to the mass murder of Muslim patients on May 21. At about 1 pm that day, he watched as 36 remaining Muslim adult patients were forced outside and shot to death on hospital grounds.

Shortly thereafter, uniformed and non-uniformed Serbian soldiers moved through the pediatric center breaking the necks and bones of the 27 remaining Muslim children, the only children left as patients in the hospital. Two soldiers forced him to watch for about 15 minutes, during which time about 10 or 15 of the children were slaughtered. Some were infants. The oldest were about 5 years old.

The witness said that a Serbian surgeon, who also stood by helplessly, later went insane. (Department of State)

**Nov 1991:** International observers on November 20, 1991, monitored the evacuation of about 420 Croatian

patients and 25 hospital staff of the Vukovar hospital in Croatia. A JNA army colonel selected young, lightly-wounded hospitalized soldiers to get on three buses. Each bus had about 60 men aboard, for a total of about 180 men.

Two witnesses—both among the "selected"—described how the buses were taken first to JNA barracks for 2 or 3 hours, then taken to Ovcara, where the prisoners were offloaded and taken to a farming equipment storage building. Paramilitary soldiers beat the prisoners at this location with fists, iron bars, and batons as officers watched. Apparently, two men died there from the beatings they received.

At about 5 pm on November 20 after it was quite dark, the men were divided into groups of about 20 men, taken outside the barn, and put on a truck. The truck returned empty about every 15 minutes. The truck drove about 3 kilometers southeast of Ovcara towards Grabovo and turned left onto a dirt road. Knowing that this road led to an extremely isolated area, one of the witnesses jumped from the truck and eventually lived to give this account.

A member of the team working with UNHRC Special Rapporteur Mazowiecki discovered evidence on October 18-19, 1992, of a mass grave in the area from which this witness had escaped. The Croatian Government claims that 174 people—believed to be buried in this mass grave—have never been found. The team member found skeletons of young adult males in an area of recently disturbed earth and a skull with a gunshot wound exiting from the left temple. (Department of State)

### Torture of Prisoners

**27 Aug-16 Sept:** Four of seven survivors of the August 21 mass murder at Vlasica (reported to the UN in an earlier submission) testified that 18 Muslim male "patients" were interned in the Paprikovac Optical Hospital on the outskirts of Banja Luka. At the time, this hospital was being used

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as a military hospital by Bosnian Serbian forces in the region.

The four subjects had been found wandering separately in the woods several days after the mass murder at Vlasica. Turned over to Serbian military forces, each was brought to Banja Luka where they spent August 24-27 in the surgical hospital before being transferred to the optical hospital across town. All four remained in the optical hospital until September 16.

At the optical hospital, the four subjects were in room 11 on the fourth floor of the hospital with six other Muslims. Their door was always locked. The hallway wall of their room was made of translucent glass permitting the guard stationed outside to see inside. Nightly, wounded Serbian soldiers from elsewhere in the hospital, as well as guards, beat them with cable wires and police batons. Each of the four subjects was beaten every day. There were two other rooms accommodating four Muslims each.

The prisoners received a slice of bread a day, with some broth. They were given almost no pure water to drink, but they were forced to drink urine regularly. All four had hospital discharge papers that claimed they had been treated for internal injuries and chronic heart diseases. The prisoners, however, said they had never even received so much as an aspirin. (Department of State)

**Aug-Sept:** A fifth survivor of the incident described above, a 16-year-old Muslim student who had been among the several hundred men taken from Trnopolje camp on August 21 on a convoy to Vlasica Mountain, also survived the mass murder of several hundred prisoners.

An elderly Serbian man found the youth unconscious some 9 days later at the edge of the village of Vlasica. Two Serbian soldiers took him to the school in the village where they interrogated and beat him. He was then sent to the Paprikovac hospital in Banja Luka, ostensibly to have a broken finger and bruised back examined.

The 16-year-old, on being checked into the "hospital", was beaten 20 times on his kidneys by the military police in attendance. During his month in Paprikovac "hospital," he was fed one slice of bread each day, was rarely given pure water to drink, and dropped in weight from 68 to only 50 kilograms. Every morning and evening, the guards forced the prisoners to drink a glass of urine.

The youth was able to identify the military commander of the hospital. (Department of State)

**21 Jul:** A 42-year-old Bosnian Muslim, married to a Serb, was arrested in his apartment in Prijedor on July 21. Civilian police took him in a police car to Omarska, where at the gate to the camp, guards began to beat him. During the beating, one of the guards said, "Don't forget, his wife is a Serb." The prisoner hoped this would cause the guards to go easier on him. Instead, they beat him more violently. Three soldiers beat him for about 10 minutes.

The prisoner was then taken to Omarska's "white house." There the guards began beating him and other prisoners, forcing them to lie on the floor and stomping on them with their jackboots. After 2 days without any food, he was taken for "interrogation."

He was led to a room in what he thought had been the administration building of the Omarska facility before the war. There were five guards in the room. He was told to kneel on the floor. The guards then circled him, beating him with metal bars and police batons. Twice he lost consciousness and collapsed on the floor. Each time the guards doused him with water, revived him, and continued to beat him.

After 2 or 3 more days of beatings, he was transferred from the smaller room in the white house to a larger hall full of prisoners. For 5 days, he was unable to walk and had to lie next to the sinks that were used as toilets. During his 12 days at Omarska, this prisoner received food only once. (Department of State)

**26 May-6 Aug:** A 30-year-old Muslim was imprisoned for over 9 weeks at Omarska camp. He had been apprehended by Serbian forces in Prijedor on May 26. The witness reported having seen the following:

Guards frequently beat people with thick electrical cables, often so badly that they could not stand afterward; in administering these beatings, guards would hit prisoners in specific places on their bodies, often the kidneys, in an effort to rupture important internal organs.

Prisoners were forced to run across broken glass in their bare feet; when they fell, guards would beat them with nightsticks and iron bars.

As a punishment administered in front of a group of prisoners, a guard cut off the testicles of a prisoner with a knife; one prisoner was forced, under threat of being executed, to bite off the testicles of another prisoner with his teeth.

The only water that prisoners had to drink was from a river contaminated by discharges from an iron mine; the water was yellow, the prisoners' urine ran red.

(Department of State)

**12 May-18 Aug:** A 59-year-old retired Serbian was arrested by Croat authorities on May 12 in Mostar along with his son. No reason was given except that they were Serbs. Held at a detention center in Mostar, they were forced to do hard labor, building bunkers and other defensive structures at the airport. Those who could not work or stopped working to rest repeatedly were beaten around the head and kidneys with nightsticks. (Department of State)

**May-Jun:** The Luka-Brcko camp at any one time held about 1,000 civilians, predominately Muslim internees. At one point, approximately 50% of the internees had crosses engraved into their foreheads with knives by Chetniks who gave them Orthodox names such as Alexander. The internees were required to say "I am Alexander." One internee agreed to say "I am Alexander" only after 3 to 4 days of beatings. He was convinced by fellow internees that it was better to say it than to die. This did not happen to Croats, only Muslims.

Also a daily occurrence, a police commander, and other camp personnel came into the hangar with Raki (an alcoholic beverage)

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and *tartan* (white pills). An internee had his mouth opened and the police commander forced the Raki and pills into his throat. The police then told the internee to beat with a club everyone in the hangar. He obeyed, and for 1-2 hours beat up his fellow internees in the third hangar until they passed out.

Internees lived in one of three hangars: the first, 20 by 28 meters in size, housed 650-700 men; the second, 20 by 40 meters, housed 120-180 men; and the third, 20 by 40 meters, housed approximately 300 men, women, and children. Many killings and tortures occurred in front of internees in the third hangar. There was also one more area where women and children were kept. The second and third hangars were connected by a large door through which people could see each other.

Internees in the first hangar slept standing up because of the limited space. In the other two hangars, they were allowed to sit but legs had to remain straight on the ground, all internees had to remain along the wall, and the center area had to be left empty. They were allowed to go to the toilet once a day for no longer than a minute. The toilet was located in another building. In many instances, approximately five 10-liter buckets were placed in each of the hangars and used as toilets. The conditions at the camp were so bad, that some of the internees went crazy. One man rammed his face into a wall, causing it to bleed.

In June, goats were placed in the hangars and lived with the internees. The stench inside the hangars was a combination of goats, human excrement, and dead internees placed behind the third hangar. Blood was ankle deep in the area where the bodies were placed.

The internees initially each received 50 grams of bread and approximately 0.15 liters of thin bean soup each day. Later, every 10 persons received 800 grams of bread per day, and every two people shared a 0.16-liter portion of bean porridge once a week. The

porridge was always spoiled. Still later, 10-12 people shared 800 grams of bread every 4 days. (Department of State)

**Late May:** A 32-year-old Muslim said Serbian irregular forces had entered his village of Donji Garevci in late May 1992 and rounded up all the Muslim men for incarceration. The group was marched to Trnopolje, then bused to Omarska camp. When they arrived at Omarska, they found that the camp was "full," and the group was taken by buses to a converted ceramic tile factory called Keraterm in Prijedor. Guards at Keraterm formed the prisoners into three groups and administered a beating, from which the witness still had a lump on his skull in October. The healthiest looking were beaten most severely.

The men were herded into an airless room about 20 x 25 feet. The room held over 200 people. The witness, detained there for 29 days, received one meal a day—usually a few beans and two small slices of stale bread—and lost 17 kilograms during this period.

The witness saw and was forced to participate in sadistic brutality. Guards would force the prisoners to run in a circle and kick the person in front of them in the kidneys. Every evening, irregulars came to the room and called out names from a list. These persons were taken to another room and beaten severely. To revive the prisoners from these beatings, guards would urinate on their heads or turn a fire hose on them. The witness was able to identify several of the guards. (Department of State)

**Early May:** A witness described conditions at the five detention centers in Bosanski Samac. The prisoners were Croats, Muslims, and Albanians. According to this personal account, nearly everyone—including women and elderly men—suffered beatings and other forms of torture.

The beatings were at the beginning done by special forces. Later the job was taken over by policemen who guarded us. They were local Serbs who carried out their jobs far more brutally than the special units men. They beat us with iron bars, wooden 2x4s and truncheons, iron and rubber devices.

The witness reported being prevented from drinking water and from going to the toilet. Prisoners were forced to eat sand, swallow their own feces, and perform sex acts on fellow prisoners. (New York *Newsday*)

### **Abuse of Civilians In Detention Centers**

**Sept:** At least 150 Muslim women and teen-age girls—some as young as 14—who have crossed into Bosnian Government-held areas of Sarajevo in recent weeks are in advanced stages of pregnancy, reportedly after being raped by Serbian nationalist fighters and after being imprisoned for months afterward in an attempt to keep them from terminating their pregnancies.

"When we let you go home you'll have to give birth to a Chetnik," Serb fighters supposedly repeated to some of the women. "We won't let you go while you can have an abortion."

A 15-year-old Muslim girl told the BBC [British Broadcasting Corporation] on October 1 that she had been seized by Serbian fighters in May in the Serb-held Sarajevo district of Grbavica. She said she had been held in a small room with about 20 other girls where they were ordered to undress.

We refused, then they beat us and tore our clothes off. They pushed us on the floor. Two of the men held me down while two others raped me. I shouted at them and tried to fight back but it was no use. As they raped me they said they'd make sure I gave birth to a Serbian baby, and they kept repeating that during the rest of the time that they kept me there.

Most of these charges were made by women and girls who said they were attacked in April and May in towns and villages in eastern Bosnia. (*The New York Times*)

**May-Aug:** A 41-year-old Croatian female from Kozarac, a 40-year-old Muslim male from Prijedor, and a 39-year-old Muslim male were interned for approximately 3-month periods at Omarska camp. All three subjects claim to have witnessed severe beatings, sexual torture, mutilation, and killings.

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In part because they had spent such long periods in the camp, they were able to identify what they believed to be virtually the entire personnel structure of Omarska camp.

Omarska was one of four very large camps in the Prijedor area. It was an aluminum mine before the conflict. The other three camps are Keraterm, Trnopolje, and Manjaca. Civilians were interned at all four camps, while most alleged POWs were sent to Manjaca. Many detainees described Omarska as the worst of the four.

Omarska camp was commanded by a retiree from Prijedor. His administrative deputy was a middle-aged woman who kept the camp records, i.e., the payroll ledger of the guards and officers, the guard shift schedule, etc.

The commander of security at Omarska (Obezbdjenja) was a 29-year-old inspector in the Bosnian Serbian police before the war. He came from the village of Petrov Gaj, near Prijedor. Because of his position and the amount of time he spent at the camp, many internees concluded, incorrectly, that he was the overall commander at Omarska. In late May, his deputy was a 30-year-old Serb from the nearby village of Lamovita who had Muslim brothers-in-law whom he tried to hide in his house. When this was discovered, he was replaced. This change of deputies occurred in late June.

Omarska camp had three regular guard teams. The teams worked 12-hour shifts, from 7 am to 7 pm. They rotated consecutively. The three shift leaders were named and identified.

A 40-year-old policeman from Lamovita was identified as the most brutal of the shift leaders. The most heinous tortures and beatings, and the largest number of deaths, took place during his shifts. A middle-aged waiter who used to work at the Hotel Europa in Omarska before the war was identified as a generally less brutal shift leader. A man in his thirties from the village of Maricki, who

was in the police reserve and had worked in the Omarska mine before the war, was identified as less brutal than the former shift leaders. Each shift team was comprised of 15-20 guards.

Omarska had various inspectors who regularly interrogated the prisoners. Six of them were named. At least two of the three witnesses personally identified and named 39 Omarska guards.

The female witness said 38 women in the camp slept near the commander's headquarters, in rooms 102 and 103. As they tried to sleep, the women heard screams of prisoners being tortured next door, in the "interrogation" room. Each morning the women were awakened at 6 am, and two were chosen randomly to clean the "interrogation" room, which was covered with fresh blood each morning. The women were always hidden from journalists.

Omarska had two buildings used exclusively as torture centers, the "white house" and the "red house." Some people returned from the white house, but no one sent to the red house ever came back. Educated internees tended to be sent to the red house.

All three witnesses, as well as other detainees from Omarska, said that each day 10 to 15 new corpses lay in the field next to one of the "dormitories." These corpses, as well as others, were driven away by small trucks. The trucks often had blood stains all over them. These witnesses were able to identify at least six of the drivers. (Department of State)

**14-15 June:** A 32-year-old Muslim auto mechanic was arrested in Hrnici near Trnopolje on June 14 and was locked up at Trnopolje camp with 10 others in what was called the "shock room." He spent 24 hours locked in this room on June 14 and 15 with no food, water, or toilet.

Through a window, the detainee saw prison guards bring 12-15 teenage girls to the camp. The girls struggled to get away from the

guards, but none escaped. The girls were forced to enter a building across from his cell. That evening, through the window, he saw a guard rape a young girl next to the Red Cross building at the camp. The witness was able to identify this guard, considered one of the cruelest guards at Trnopolje. (Department of State)

**May:** One of the victims of an earlier reported rape of 40 young women from Brezovo Polje told a reporter in late August that her Serbian abductor had told her:

We have orders to rape the girls. I am ashamed to be a Serb. Everything that is going on is a war crime.

(New York *Newsday*)

### ***Deliberate Attacks On Non-Combatants***

**Oct:** By October, five members of the UNPROFOR [UN Protection Force] contingent in Sarajevo had been killed by combatants. In one incident, two French soldiers were killed by fire from Bosnian Government forces, which were engaged in a firefight with Bosnian Serbian forces after a local cease-fire negotiated by UNPROFOR broke down. (Department of State)

**13 Aug:** American ABC television producer David Kaplan was killed on August 13 by a sniper while traveling in a motorcade in Sarajevo with Prime Minister Milan Panic. He was hit in the back and died at UN headquarters in Sarajevo. (*The New York Times*, Department of State)

**July:** A CNN [Cable News Network] camerawoman was shot and severely wounded in July by sniper fire in Sarajevo. She is recovering after several operations at the Mayo Clinic in Rochester, Minnesota. (*The New York Times*)

**18 May:** An ICRC convoy carrying food and medical relief on May 18 was attacked as it entered Sarajevo, despite the security guarantees obtained from the parties concerned. Three ICRC staff members were wounded, and one of them, Frederic Maurice, died the next day in Sarajevo hospital. (*ICRC Bulletin* No. 197)

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**April:** A Belgian member of the EC [European Community] monitoring mission was killed south of Mostar in April, apparently in an attack by SDS forces. (Department of State)

**Other, Including Mass Forcible Expulsion and Deportation of Civilians**

**Note:** Given the massive scale of forced exoduses from various regions in the former Yugoslavia, the episodes below were selected only to give an indication of how people have been forced from their homes.

**2 Nov:** A huge column of 15,000-30,000 Bosnians—mostly Muslims, thousands on foot—fled from Serbian assaults on Jajce and three-way fighting between Serb, Croat, and Bosnian Government forces in the area. (Department of State)

**25 Oct:** Stores and restaurants were still burning in Prozor on October 29 following a Croatian offensive, in an apparent attempt to overtake western Bosnia-Herzegovina.

“Come on boys, let’s get the filthy Muslims!” shouted Croatian fighters through megaphones.

Croatian Mayor Jozic estimated that six Muslims died and 68 were wounded during the attack, but sources in Sarajevo estimated that at least 300 Muslims were killed or wounded. (*The New York Times*)

**17 Oct:** About 1,500 persons from several Croatian and Muslim towns around the city of Kotor Varos, near Banja Luka, surrendered after having been under Serbian attack for 2 weeks and left in an organized evacuation for Travnik. During the night convoy, uncontrolled Serbian militia robbed passengers as international escort volunteers looked on, helpless to prevent it. (Department of State)

**26 May:** Statements by Muslim refugees, Western aid officials and diplomats, and Serbian police described the May 24-26 “ethnic cleansing” of Kozarac by Bosnian Serb forces.

“Muslims get out! Muslims get out!” shouted Serbs during 37 hours of shelling the city. “Surrender and everyone will be safe!” (*The Washington Post*)

**23 May:** Two brothers—a 17-year-old trade school student and a 28-year-old—described how Serb armored units surrounded their village of Rakovcani on May 23 or 25 and marched its mostly Muslim inhabitants about 5 kilometers to a soccer stadium in Prijedor. Some 800 Serbs were allowed to remain in the village. After nearly a day at the stadium, they were transported with thousands of men by buses and trucks to the Omarska camp. (Department of State) ■

## Fourth Report on War Crimes In the Former Yugoslavia

Following is the text of the Supplemental United States Submission of Information to the UN Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 780 (1992), released on December 7, 1992. For the text of the first three reports, see Dispatch Vol. 3 No. 39, p. 732, Vol. 3, No. 44, p. 802, and Vol. 3, No. 46, p. 825.

For the text of Resolution 771, see Dispatch Supplement, Vol. 3, No. 7, p. 44. For text of Resolution 780, see Dispatch, Vol. 3, No. 41, p. 769.

*Editor's Note: The following contains graphic descriptions.*

This is the fourth submission by the United States Government of information pursuant to paragraph 5 of Security Council resolution 771 (1992) relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia. As in our three previous reports, we have focused on grave breaches of the Geneva Conventions and, in accordance with Resolution 771, have provided information that is "substantiated," that is, which rests upon eyewitness testimony directly available to us or that includes detail sufficient for corroboration. For the moment, we have also tried not to duplicate information provided to us from other countries and non-governmental sources, which we understand will submit reports pursuant to Resolutions 771 and 780. The information provided is intended to be useful to the commission of experts established pursuant to Security Council Resolution 780. The United States has further substantiating information concerning the incidents included in this report, which we will make available directly to the commission of experts on a confidential basis.

In accordance with paragraph 1 of resolution 780, the United States intends to continue providing reports

as additional relevant information comes into our possession.

The United States is pleased that the commission of experts established pursuant to resolution 780 has begun its work. We particularly welcome its steps with regard to investigations of sites in the former Yugoslavia that may contain important information about violations of humanitarian law. We stand ready to assist the commission in its important work of investigating war crimes allegations with the aim of preparing cases suitable for prosecution and, by doing so, of establishing the record of humanitarian offenses in the former Yugoslavia.

As in our previous reports, the notations at the end of each of the items indicate the source from which the information was drawn. Unless otherwise indicated, the reports refer to incidents occurring in 1992.

### Former Yugoslavia: Grave Breaches of the Fourth Geneva Convention, Fourth Submission

#### Willful Killing

**25 Sept:** A 48-year-old Bosnian Muslim was picked up from the street in his home town of Bjelina on September 25 or 26 and brought to a detention camp at Klis, near Batkovic. The facility at Klis, formerly used for storing agricultural produce, was guarded by men in solid green uniforms.

The witness described how three "rich men" were singled out for special abuse; they were beaten with fists, rifle butts, and kicking; a neighbor who traded in gold and jewelry; a coffee trader; and another with whom the witness was not acquainted.

During the witness's second night in the camp, he saw the coffee trader and several others taken at different times from their building to an adjacent facility. There was lots of screaming during their absences. The others returned

eventually but the coffee trader never did. The witness learned later that the coffee trader's corpse had been turned over to his family sometime after that.

The gold trader suffered a similar fate on the witness's fifth night at the Klis facility; he died from his wounds. The other "wealthy" man who was beaten frequently along with first two victims never returned after being summoned to a nearby building one evening. The witness said an old cleaning man had told him that the third man also died from the beatings. (Department of State)

**25 Jul:** A 14-year-old boy from the village of Zecovi, near Prijedor, witnessed the murder of 33 people on July 25.

The boy said that on July 19 or 20 a number of Serbs in uniform, none of whom he recognized, came to a small enclave of Muslim households near the outskirts of Zecovi. At gunpoint, the Serbs forced people out of their homes and incarcerated them in the cellar of one of the houses. After being held for more than 2 days, those detained were released without explanation and allowed to go back to their homes.

A few days later, on July 25, another group of Serbs appeared, also uniformed. They ordered people out of their homes, but in the confusion, the boy was able to hide behind a board leaning against the house and his absence was not noticed. The boy witnessed these men line up 33 people and shoot them summarily with semiautomatic rifles; they then used pistols to finish off anyone who was still moving. (Department of State)

Asked if he had recognized any of this group, the witness said "they were our neighbors" from the village. He was able to identify 29 victims by name as well as five of those who took active part in the shooting.

**21 Jul-4 Aug:** A 36-year-old Bosnian Muslim was in his village of Ribvanovici, near Prijedor, when the Serbian army surrounded all the villages in the area on July 21,

and took all of the adult males prisoner—an incident reported in an earlier submission.

The Serbian soldiers beat the prisoners with their rifles. One man began to cry, so the soldiers shot him. Half the men, including this witness, were bussed to Keraterm camp in Prijedor, then to Omarska, and finally Trnopolje. The witness does not know what happened to those left behind.

After a day at Trnopolje, the witness was taken back to Omarska camp and put into the "white house," where he was kept [for] about 15 days. He was locked in a room with dozens of men, many of whom he recognized from his village. He said that every day prisoners were taken into one of five interrogation rooms and beaten with iron bars and wooden sticks.

His sister's husband was beaten to death in this manner. He had been beaten so badly one night that part of his forehead was missing, apparently taken off by an iron bar. He died soon thereafter.

The witness once watched through the window as guards took prisoners out of the "white house," told them to run, and then shot them in the back as they fled. He heard what he believed were many other executions, but said they were done behind the building where they could not be seen, or in a red building nearby.

Each night, guards would choose two prisoners to bury the dead. This witness was forced to help one night and saw 11 corpses. He said the guards had them stack the bodies crosswise in a pit. Sometime around August 4, he was transferred from Omarska. (Department of State)

**20 Jul:** A 52-year-old man was bussed to the Keraterm camp on July 20 with hundreds of others from Hambarine, near Prijedor. He was crammed along with several hundred other men into the third of four halls that formed a row on the former factory premises. From the start of his internment, he saw Muslim men regularly beaten with iron bars and rifle butts.

Every night until he was released on August 5, men were taken outside hall number three and shot. A friend, Mustafa Ramolic, was hauled outside a few days after the witness's arrival and beaten by Serb guards. His friend collapsed, coughing blood until he died later that evening.

The witness observed a mass execution on July 24. It had been an extremely hot day. The doors and windows were closed and the men were screaming for water. What they finally received was contaminated so badly that it caused about 20 men to collapse or faint. The witness and other detainees were convinced that the water had been poisoned.

Perhaps in response to the tumult, about 15 Serb guards came in about 10 pm and began beating the prisoners with their rifle butts until they fell. As the situation deteriorated, the guards occasionally fired their rifles into the crowd of prisoners who gradually pulled back toward the large garage door at one end of the hall.

When they reached the door, the guards began shooting their rifles and machine guns into the crowd of inmates. The witness positioned himself behind the door and feigned death. The entire incident, from the opening of the doors until the shooting stopped, took about one half hour.

At dawn the following day, "volunteers" were chosen to load 130 bodies on trucks; his brother was among the dead. The witness saw approximately 40 wounded, who had waited for what they were told would be another truck to take them to a hospital, eventually loaded with the corpses and taken away.

A second massacre took place at about 6 am on July 26. Six soldiers entered the hall and ordered about 50 prisoners outside. As the last of the prisoners stepped outside, the six Serbian guards began firing their automatic weapons. When all 50 had fallen, the guards went around shooting those who were

still groaning. The witness recognized those who took part in this second mass execution.

Following this second massacre, 10 "volunteers" were again selected to load the corpses. They had to ride in the same truck that took the bodies away. The 10 "volunteers" never came back.

That same day, inmates were evacuated from all the halls. About one dozen from each were tasked with cleaning and hosing down the halls. The rumor was that the camp had received a new commander, and that some international commission was expected to inspect the facilities. The "commission" came on August 5, when busses took the witness and other inmates to Trnopolje. (Department of State)

**9 Jul:** A 35-year-old Muslim woman from Trnopolje described her husband's murder. On July 9, her husband was taken to a detention camp at the nearby school, but was quickly released because the Serbs running the camp recognized him as a famous "Yugoslav" athlete who had won the 1981 European body-building championship in London.

Soon after his return, upon hearing of Serbian evictions of Muslim residents of the area, the family left their home. When the witness ran back to get something she had forgotten, four soldiers standing at the nearby corner stopped her husband and ordered his two children to keep going. The children were further down the street when their mother—the witness—caught up with her husband and the four soldiers. One of them, once considered to be a friend of her husband, spoke to them briefly.

The soldiers then ordered her to move on, saying her husband had to stay there. She tried to give him the key to their home, but he, too, told her to move on and catch up with the children. She did so, and was about 20 meters away when shots rang out behind her. The children were about to turn a corner at the end of the street when the shots were fired. All of them, crying, tried to go back, but were blocked by other soldiers.

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Two days later when the witness was allowed to return to her home for food, she saw her husband's corpse, which apparently had not been moved from the spot where he had been summarily executed 2 days earlier. (Department of State)

**11 June-10 Oct:** A 24-year-old Bosnian Muslim from Kotor Varos was arrested as a civilian and interned in several locations in Kotor Varos from June 11 until October 10. He described how he had been viciously and sadistically beaten several times, had witnessed forced sex acts among male prisoners, and had been forced at gunpoint to participate in the gang rape/killing of a Muslim woman.

On one day, the witness and 11 other prisoners were forced to participate in the rape of a Muslim policeman's wife. He exclaimed "They did everything. You can't imagine or believe what they did. They are animals!" He said that the woman died from her injuries 1 week later.

During the first 8 days of his internment, a Serbian TV news crew from Banja Luka arrived and accused him of beating women and killing fetuses during his tenure as a soldier for the Croatian forces. He was required to read such a statement admitting to these acts because a Serbian army captain threatened to kill his parents and family members if he did not.

The witness was later transferred to a room in the back of the Osnovni Sud or town courthouse, where he said that three men died in his arms from the beatings and injuries they endured: Enver Beharic, Mato Vatelj, and Smajo Celinac. He named these men, and claimed that their bodies were mutilated after their deaths. All three men were killed between August 13 and 15.

The witness stated further that the number of people killed in Kotor Varos was almost unimaginable. On June 11 alone, 300-400 corpses lay in the street. He and several other prisoners had to put the

corpses into black nylon body bags. The bags were then carried by a bulldozer to a nearby mass grave, and he described the location in detail. He said that he personally put over 70 bodies into bags that day and estimated that a minimum of 1,000 people were buried in this grave. (Department of State)

**June-Jul:** A 21-year-old Serbian fighter described his own shooting of 10 members of a Muslim family in late June in Ahatovici:

It was taken for granted among us that they should be killed. So when somebody said 'Shoot,' I swung around and pulled the trigger, three times, on automatic fire. I remember the little girl with the red dress hiding behind her granny.

The Serbian fighter recounted another incident in which he used a 6-inch hunting knife to cut the throats of three captured Muslims.

He claimed to have made visits every 3 or 4 days to a motel and restaurant complex outside Vogosca—located 7 miles north of Sarajevo—known as the Sonja Cafe, which had been converted into a prison for Muslim women. He identified the "prison commander," who he said had established a "system" for the Serbian fighters to rape and kill the women interned there. He and his companions were encouraged to go to the Sonja Cafe by military commanders because raping Muslim women was "good for raising the fighters' morale." They were further told by the prison commander:

You can do with the women what you like. You can take them away from here—we don't have enough food for them anyway—and don't bring them back.

This fighter claimed to have raped and murdered eight women from the motel prison complex.

He also said he had seen 30 men from Donja Bioca being shot and loaded—some alive—into a furnace at a steel plant at Ilijas, a town north of Vogosca in July. (*The New York Times*)

**Late June:** A 27-year-old Bosnian Muslim watched Serbian Chetniks conduct mass executions on a bridge at Brod, 4 kilometers south

of Foca, on three consecutive evenings toward the end of June. He witnessed the executions from a hiding place in the attic of a Serbian friend's home.

At about 6 pm of the first day, this witness saw Serb soldiers march small groups of Muslim men onto the bridge in Brod. In the middle of the bridge, which was about 100 meters long, the Chetniks interrogated the Muslims for about 2 hours. Among the 20 to 30 Muslim men, the witness could recognize from his hiding place four friends: Ramo Kadric, Saban Kurtovic, Nusret Cengic, and Ibro Colakovic.

Just as it was getting dark, the haranguing stopped and the shooting started. About eight of the 30 to 40 soldiers fired their automatic weapons at their tied-up Muslim captives. The witness was able to identify the man in charge of the Serbs on the bridge.

When there were no signs of life among the Muslims, the Serbs dumped their bodies over the meter-high wall of the bridge into the Drina River, about 20 meters below.

The following evening, the Chetnik band led another column of Muslim prisoners to the bridge from the other direction. This group was from the witness's hamlet of Trnovac, and involved 50 to 60 captives. They were killed in the same fashion. Among the victims he recognized were: Esad Beckovic, Esad Dzin, Nedzao Dzin, Dzevad Beckovic, Zvijerac Beckovic, Hamdija Beckovic, and Serif Beckovic.

The next massacre on the bridge occurred close to midnight of the third evening. The victims were brought to the bridge by bus and truck from the town of Miljevina, about 8 kilometers northwest of Brod, also on the opposite side of the river. The entire operation was carried out more quickly; this time there were about 50 men murdered.

The wives and children of the victims were kept for several days in an area school, during which time



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they had to sign over the ownership papers to their homes. (Department of State)

**31 May-Jul:** A 43-year-old Muslim from Hambarine was picked up on May 31 in Prijedor by Serb militiamen and herded along with other Muslims into one of the buses and trucks waiting to take them to Keraterm. He claims the more educated Muslims were taken to Omarska. The witness saw four of the Muslim captives randomly shot to death as the loading process took place. He knew two of the victims, brothers Suelgo and Ismo Dzafic.

The Keraterm facility was divided into four subdivisions or halls. The witness was in hall number one. On July 22 or 24, a hall at the opposite end of the facility was packed with prisoners from an area where heavy fighting had taken place, and where the Serbs reportedly had sustained heavy casualties.

The Serbs machine-gunned to death about 200 of the newly arrived prisoners in that hall. The witness said many of the inmates could see the massacre in the adjacent hall number three, so word of what was taking place spread almost instantly. He and all the occupants could hear the firing and screaming, which lasted for about 15 to 20 minutes.

The following morning he also observed trucks loaded with corpses driving from hall number four past the window of hall number one where he was detained. About five men were taken from his hall to help load the corpses. Another man with a badly infected arm was put on a truck full of corpses along with about 20 other injured men. The witness never saw this man again and believes he was killed. (Department of State)

**25 May:** A 30-year-old Muslim was in Kozarac when the Serbs began a massive artillery bombardment in the mid-afternoon of May 25. As he and a crowd that he estimated at 10,000 to 12,000 headed for the shelter of the nearby forest, the Serbs directed their fire at fleeing civilians. Five or six women

running near the witness were killed by a shell just before they reached the tree line. (Department of State)

**18 May:** A 33-year-old Muslim from Grbavci—2 kilometers from Zvornik—described a mass killing on the morning of May 18. As Serb militiamen surrounded the village and started shooting, he and several family members fled.

Residents of nearby houses were doing the same. Inside the village, the Serb militia occupiers, using megaphones, ordered residents to go back to their homes and put white sheets in their windows. Many of the neighbors obeyed, but this witness and his family decided to wait in their hiding place inside the tree line to assess the situation further.

As his neighbors returned to the housing area, hands over their heads, the Serb militiamen separated men from women and children. The witness watched from about 200 meters as the men were lined up. Shortly after noon, one of the Serbs shouted an order to "kill the Ustasha." On this command, about 10 of the militiamen began emptying their automatic weapons into the line of Muslim men and continued shooting until they were all dead. When the shooting stopped, the executioners and other Serb militia, many of whom had been standing around watching, started plundering houses in the village and stealing livestock.

The witness, his family, and other neighbors returned from their hiding place 3 days later. He participated along with other neighbors in the burial of 56 victims. They were buried about 20 meters from the edge of the existing cemetery, between two rows of houses, near the spot where they were shot. (Department of State)

**9 May:** A 41-year-old Bosnian Muslim woman witnessed the execution of a Serbian civilian by Serbian soldiers in Sarajevo.

At about 7 am on May 9 or 10, military units wearing the insignias of Serbian Chetniks and the Yugoslav army entered the area (near Sarajevo airport) and ordered

all its residents out of the cellars in which they had taken refuge. Once outside, Serbs were told to stand in one place and Muslims in another.

One Serb, a 50-year-old man known as "Ljubo," refused to be separated from his Muslim neighbors, with whom he apparently had lived peacefully for many years. His refusal to be separated from his neighbors enraged the Serbian soldiers. They dragged him to the ground, and five or six of them beat him until he was dead.

The witness and a group of about 40 other Muslims from the area were then used as human shields and marched through a heavily contested combat zone to waiting Serb vehicles some 300 meters away. From there, they were driven to Trapare, a camp or assembly area some 3 kilometers away.

After their arrival at Trapare, a young girl—about 12 years old—was taken from her father. About six men took the girl behind a nearby bunker. The witness said she then could hear the most terrible screaming and crying she had ever heard. After the father collapsed, he was dragged at knife point to the bunker and forced to watch as the soldiers repeatedly raped his daughter, an ordeal which lasted about an hour. Neither the father nor his daughter was returned to the others afterward. The witness believes both were killed. (Department of State)

**5 May:** In an October letter to President Bush, a Muslim refugee from Brcko described in detail his internment in Brcko camp in northern Bosnia. Below is an informal translation of segments of the letter pertaining to Brcko:

On May 5 a representative of the Yugo army in a radio broadcast instructed the citizens in my part of the town to go to the army barracks, from where the Yugo army would organize an evacuation to a safer place.

Upon our arrival at the barracks, we realized we were all in a trap because there, together with the regular army, were Chetniks and other Serbian refuse. They offered to give us rifles if we would fight against our own people

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for the Serbian cause. The Muslims and Croats silently refused. Our wives and children were put on a bus and were taken to an unknown destination.

At gunpoint, we were also put on a bus. We were taken to one of Brcko's places of execution, a physical education hall in the center of the town. We noticed, from the puddles of blood on the floor, that the executions had already begun. For the couple hundred of us who were locked up, the long hours of torture began.

... they took four of us out for execution. They put one of us against the wall and... shot him in the back with a machine gun. Looking at the holes in his back... I lost consciousness, and my body crumbled onto pieces of glass. My fainting awakened a bit of humanity in the Serbs' leader. He ordered them to bring me back to the hall, where I could rest a little. One of the Serbs took satisfaction in removing my glasses and breaking them.

The other three men were killed in the most cruel manner. First they were beaten in another room and left to recover a little. They were taken to a courtyard where we heard the worst sounds that a human throat can produce. We heard the dull slashes of knives cutting into human flesh. The three men were held by their legs and beaten while against the wall of the building where we were imprisoned. With about 20 more shots, the Serbs assured the three men's death.

All that I have written here can be confirmed by three other witnesses who also managed to escape from that hell. I think we were lucky that we went through all this in the first days of the Serbian occupation, while the Serbian killing machinery was not so well developed yet. (Department of State)

### **Torture of Prisoners**

**Aug-Sep:** A US surgeon from California spent 2 weeks in Bosnia-Herzegovina (including time at Kosevo hospital in Sarajevo) in late August and early September performing remedial urological surgery.

The doctor reportedly found that Muslim and Mujahedin irregular troops—some from Afghanistan and Saudi Arabia—had routinely performed crude, disfiguring, non-medical circumcisions on Bosnian Serb soldiers, and he treated one 18-year-old Bosnian Serb soldier who was so brutally circumcised

that eventually the entire organ required amputation. (Department of State/news service)

**Jul-Aug:** A Croatian woman, married to a Serb, was interned for 40 days at the Bosnian Government-run detention center at the former Yugoslav National army (JNA) Viktor Bubanj Barracks in Sarajevo. During her confinement, guards—whom she identified as Muslims—routinely beat the more than 300 prisoners, including 30 women.

She saw one woman covered with bruises from head to toe after being so abused. She herself was beaten several times. Another woman cut by glass during a mortar attack was left overnight to bleed, as the guards taunted her that "It is your people who are killing you, not us." This witness was released in late August. (Department of State)

**11 Jun-10 Oct:** A 24-year-old Bosnian Muslim agricultural technician from Kotor Varos was arrested as a civilian and interned in several locations in Kotor Varos.

Twelve Serbian soldiers, wearing uniforms bearing white eagles, on June 11 arrested the witness in his house and beat him in his yard before escorting him to the Koza Proletaria Fur Factory, where he was interrogated and beaten further.

At the fur factory, a guard put a rifle in the witness' mouth and lifted him off the floor. Another guard pulled out two of his upper teeth with pliers. He said he and 100 other men were beaten for eight days and forced to perform sexual acts on each other.

He was later transferred to a room in the back of the Osnovni Sud, or town courthouse, where he was held for 3½ months. He said that 170 men were held there under extremely oppressive conditions.

His room measured only about 2.5 by 3.5 meters, yet sometimes as many as 70 men were crammed into it. Serbian guards played loud music as they beat prisoners in the adjoining rooms and in the yard. The room was filthy. They ate spoiled, moldy food and had no access to toilet facilities. Ten to 15 men had diarrhea at any one time.

The prisoners' skin turned yellow from jaundice. He spent over 3 months in such conditions without ever taking a bath or washing his clothes.

On October 10, the witness and two other Muslims were exchanged for one Serb. Three Serbian guards, whom he recognized, brought him to the courthouse yard where they beat him viciously, then tied his arms and legs together like a sheep and forced him to "baah." Later they tied him to a land rover Jeep and drove to the hospital, with the witness running behind the car. Upon arrival, they forced him to crawl, baah, and eat grass, and then they told him to throw up the grass because it was Serbian grass.

One guard brought some very acidic gun-cleaning oil and made the witness drink half a liter of it. He began to have stomach convulsions immediately. A second pulled up his sleeve and extinguished eight cigarettes on his arm. Soon afterward he was released to Muslim forces in the village of Vecici. (Department of State)

**May-Nov:** A woman from Zrenjanin, a town in southern Vojvodina, reported that her husband, a Muslim, was detained by police on May 10 and remains to this day with about 200 other Muslims, most from Bosanski Samac or its immediate environs, in two large warehouses adjacent to the central police station in Bosanski Samac, a town on the Croatian/Bosnian border in Bosnia.

On several occasions when this woman was able to visit the detention facility, she talked with her husband and helped treat prisoners who had been beaten brutally. The prisoners she treated had been beaten on the head, arms, and torso. Many had had their arms broken.

Her husband said that he had been beaten severely during the first several days of his incarceration, and that he had never been told why he was being held. Other members of her husband's family—including his mother, his sister, and his sister's children—were also detainees in Bosanski Samac. Her

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husband claimed that the conditions were very bad in the facility and that the prisoners were given only one meal a day, which often consisted of only bread. (Department of State)

### **Deliberate Attacks on Non-Combatants**

**18 Nov:** Bosnian Serbs on November 18 shelled the main north-south highway near the city of Mostar, which forced a UN food convoy and its escort of Spanish UN peace-keeping troops to abandon an attempt to bring food and housing materials to Sarajevo. (The *Washington Post*)

**16 Nov:** Serbian artillery stationed in northeastern Bosnia fired 100 shells into Croatia at Zupanja and surrounding villages, causing the death of two persons, including a 2-year-old child, and injuring another child. Heavy damage to houses was also reported. (Department of State)

**7-8 Nov:** Bosnian Serbs on November 8 halted relief convoys along the Mostar road. An UNPROFOR [UN Protection Force] (UK)-escorted convoy was stopped by Croatian Defense Council (HVO) forces 10 kilometers north of Mostar. (Department of State)

Bosnian Serbs on November 7 fired up to 200 rounds of machine gun, mortar, and automatic rifle fire at a British convoy that was trying to find routes for United Nations aid convoys near Tuzla, hitting a British Land Rover. "This is the first time we have come under direct fire, and the first time we have returned fire," according to a UK Ministry of Defense spokesman. (London Press Association)

### **Wanton Devastation and Destruction of Property**

**25 May:** A 43-year-old Muslim from Hambarine watched from a nearby hill as Serbian artillery demolished the neighboring village of Kozarac on May 25. The artillery unit was part of the so-called Serbian "White Eagles" militia organization, whose commander and tank unit leader he identified. (Department of State)

**17 May:** Kozarac, in Bosnian Krajina, was flattened in May by Serbian forces. (*New York Newsday*)

**Apr-Oct:** From the beginning of the war in April, Serbian Democratic party (SDS) paramilitaries in the hills around Sarajevo have bombarded the city, which has little in it that could be called a military target. The assault on the city has damaged or destroyed hospitals, schools, residential buildings, mosques, churches, and all kinds of other civilian facilities. (Department of State)

**Fall 1991:** Serbian forces in the fall of 1991 left Vukovar and several surrounding towns, in the Sector East United Nations Protected Area (UNPA) of Croatia, looking like Berlin—circa 1945. Nearly every residential, commercial, cultural, and religious structure was gutted or damaged severely. Grain elevators, cranes in the port along the river, factories, and high-rise apartment buildings were rendered virtually useless and uninhabitable. (Department of State)

### **Other, Including Mass Forcible Expulsion and Deportation of Civilians**

**Nov:** Serb military authorities began in early November 1992 forcibly to mobilize ethnic Croats and Muslims in the Banja Luka area and have

taken 50 to 200 such conscripts from the suburbs of Gornji Seher and Debeljaci because, according to a Serb official, "There are too many Muslims here." (Department of State)

**26 May:** A 35-year-old Muslim woman, a resident of Trnopolje long before it gained notoriety as the site of a brutal internment camp, was present on May 26 when trucks and tractors hauled in thousands of children and elderly Muslims from the nearby town of Kozarac, following its destruction by Serbian artillery. The newly arrived refugees were settled on the grounds of the local elementary school.

The Muslim woman and other town residents were permitted to pass food to them through fences that were being erected around the facility. During the first 5 days, it was the only food the new arrivals received. Additionally, all the homes in the area were forced to take in large number of Kozarac residents. Her family took in 38 of those refugees.

Many of the refugees, including those in her home, were eventually transported in railroad freight cars—about a hundred to a car—to facilities further away. On July 8, soldiers came to the house and said the entire village was being "ethnically cleansed." She and her family were forced from her home. Three days later, she and her children were herded with others into a railroad car and forced out near Muslim-controlled territory, whence they made their way to refuge abroad. (Department of State) ■

## Fifth Report on War Crimes In the Former Yugoslavia

Following is the text of the Supplemental United States Submission of Information to the UN Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 780 (1992), released on December 7, 1992. For the text of the first four reports, see Dispatch Vol. 3 No. 39, p. 732; Vol. 3, No. 44, p. 802; Vol. 3, No. 46, p. 825; and Vol. 3, No. 52, p. 917.

For the text of Resolution 771, see Dispatch Supplement, Vol. 3, No. 7, p. 44. For text of Resolution 780, see Dispatch, Vol. 3, No. 41, p. 769.

*Editor's Note: The following contains graphic descriptions.*

This is the fifth submission by the United States Government of information pursuant to paragraph 5 of Security Council Resolution 771 (1992) relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia. As in our three previous reports, we have focused on grave breaches of the Geneva Conventions and, in accordance with Resolution 771, have provided information that is "substantiated," that is, which rests upon eyewitness testimony directly available to us or that includes detail sufficient for corroboration. For the moment, we have also tried not to duplicate information provided to us from other countries and non-governmental sources, which we understand will submit reports pursuant to Resolutions 771 and 780. The information provided is intended to be useful to the commission of experts established pursuant to Security Council Resolution 780. The United States has further substantiating information concerning the incidents included in this report, which we will make available directly to the commission of experts on a confidential basis.

In accordance with paragraph 1 of Resolution 780, the United States intends to continue providing reports as additional relevant information comes into our possession.

We wish to note that in addition to the categories of violations of humanitarian law and grave breaches of the Geneva Conventions cited in our previous reports, we have added a new category, "Impeding Delivery of Food and Medical Supplies to the Civilian Population."

As in our previous reports, the notations at the end of each of the items indicate the source from which the information was drawn. Unless otherwise indicated, the reports refer to incidents occurring in 1992.

### Former Yugoslavia: Grave Breaches of the Fourth Geneva Convention, Fifth Submission

#### Willful Killing

**8 Jan 93:** A Bosnian Serb army soldier killed Bosnian Deputy Prime Minister Hakija Turajlic on January 8. Turajlic was sitting inside a UN vehicle at a UN command post near Sarajevo's airport. French General Morillon, a UN commander in Bosnia, blamed the commander of the Bosnian Serbs' Lukavica corps for the assassination. (*The Washington Post*)

**Jan 93:** Armed Serbian groups are killing and wounding people of all ages every day, destroying abandoned Muslim and Croat buildings, and looting homes and stores in Banja Luka and in the surrounding countryside, according to witnesses. (Department of State)

**14 Dec:** Bosnian Muslim forces from Srebrenica killed at least 60 Serbs, mostly civilians, in villages near the Bosnian town of Bratunac, according to a resident of the town. As a result of the hostilities, up to 5,000 people—primarily women, children,

elderly, and wounded—have fled across the Drina River into Ljubovija from the Bosnian villages of Bjelovac, Sikiric, Voljevica, Jugovici, and Loznicka Rijeka. (Department of State)

**Sep:** A 44-year-old Muslim witnessed Serbian soldiers beating four men in early September outside a detention facility in Batkovic. Two were able to enter the facility; another two young men did not have the strength to flee the beating. Four or five soldiers continued attacking those two until one of them, about 20 years old, died. The second bled from the ears and was so badly injured that he could not recognize his own father, a fellow prisoner.

Fifteen men were killed during his stay at Batkovic camp. The witness was able to identify the most brutal of the guards at Batkovic. (Department of State)

**Sep:** A 44-year-old Serbian civilian, who had been detained in Celebici since May 30, witnessed the beating deaths of 15-16 Serbs by a Muslim guard and the deputy camp director, Azem Delic—a "green beret" (member of the Bosnian Muslim Paramilitary Forces in Konjic). (Department of State)

**24 Jul:** A 39-year-old Bosnian Muslim from Prijedor, who was held in Keraterm camp from May 31 until August 5, witnessed the July 24-25 massacre at Keraterm camp.

Though we have reported the massacre in previous reports, this witness provided some additional details about the events on the evening of July 24.

The witness was in the room next door, where he could see much of what took place because the large factory doors separating the rooms had slats with openings between them. He said that soon after the disturbances in the room next door had begun, he saw two trucks full of soldiers drive into the camp.

Floodlights were turned on, and three additional machine guns were brought from the trucks and placed next to the two that had already been in the camp. All five machine

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guns were used to fire into the room. At around six the next morning, the witness was among the prisoners chosen to load bodies into the trucks. He said they stacked more than 100 bodies in the trucks, piling them in three layers. (Department of State)

**26 Jun:** A 19-year-old Serbian civilian from Visoko witnessed the beating death of Milivoje Samardzic when Muslims arrested him and brought him to Visoko camp. He identified those responsible for the death. (Department of State)

**20 Jun:** A 27-year-old Serbian civilian from Okolisce, a village near Visoko, witnessed the killing of six unarmed Serb civilians by a Bosnian Territorial Defense soldier on June 20 in Okolisce. He witnessed these shootings from his neighbor's house, and stated that among the victims were the wife and son of a Serb neighbor. During this attack, a Muslim neighbor saved the life of the witness.

Later on June 20, this man witnessed the beating death of Bosko Rakovic at Visoko camp by a Muslim guard whom he identified. (Department of State)

**13 Jun:** A 24-year-old Serbian civilian from Visoko was arrested with his father and two brothers by Bosnian Muslim Territorial Defense Forces on June 13. He witnessed the beating death of Slobodan Gogic on that day.

Pointing to a wound on his elbow as evidence of his own torture, the witness identified those who had beaten himself, Gogic, and other prisoners. (Department of State)

### **Torture of Prisoners**

**May-Oct:** A 33-year-old Muslim doctor from Prijedor, who had been interned in Trnopolje camp from May 25 until his release to the Karlovac transit center for ex-detainees on October 1, described the operation of a medical clinic in Trnopolje camp—the only reported clinic in any of the camps in the Prijedor area.

Trnopolje is a small village within the municipality of Kozarac, about

6 kilometers away. It lies on the railroad track between Prijedor and Omarska. Most maps identify it as "Kozarac Station." Trains came often through Trnopolje traveling to Banja Luka. Women, children, boys under 16, men over 65, and the very sick were loaded on through trains; able-bodied men remained in Trnopolje.

The witness said that Serbian soldiers wandered through Trnopolje camp nightly, brutally beating the male prisoners and randomly raping female prisoners. They did this with the knowledge and permission of camp guards stationed at several locations in Trnopolje.

The witness examined some of the raped women but was not allowed to indicate on any documents that they had been raped. The doctors kept a log of patients for a few weeks, until they were stopped by the Serbs. The doctors were not allowed to indicate in the log that patients had been beaten or raped, but the witness and others used a code to indicate who had been raped and beaten. The witness smuggled these logs out of the camp and turned them over to the Muslim Club of Kozarac in Zagreb.

Several times the employees of the clinic came under suspicion, and their lives were threatened. One of the female aides was a Serb, and she was repeatedly interrogated and told to stop working at the clinic, but she stayed. The witness believes the presence of this Serb saved the lives of the other staff many times. (Department of State)

**May-Oct:** Serbian paramilitary police picked up a 44-year-old Muslim on May 14 and drove him to a kindergarten on the western side of Zvornik. There one member of the paramilitary beat him with a stick for 1 hour, while another aimed his pistol at him, and a third went through documents. The witness said the three were Serbs from Serbia, not Bosnia. They wore white belts and camouflage fatigues.

The witness and another captive were driven about 5 minutes to a former textile plant called "Alhos."

The facility was occupied by many Serb soldiers, but he and the other Muslim appeared to be the only prisoners at that time.

They were kept for several days in a small room, which was stained with what they assumed was the blood of earlier prisoners. They were generally left alone until May 16, when from 8 pm until 4 am the following morning, they underwent the most severe and intensive beating during 4 months of captivity. Three Serbs carried out the beatings, two of whom he recognized from the area around Svornik.

The two men were forced to stand against the wall and sing Serbian nationalist songs. Unfamiliar with the lyrics, the two Muslims were beaten by the soldiers with fists, boots, and rifles. On the verge of unconsciousness, the witness was forced to clean his own blood from the floor and walls around him. Upon completion of this "task," the beating was resumed.

During the course of the beatings, both of his cheek bones were smashed and the entire bone structure enclosing his upper teeth was loosened so much that his teeth protruded from his mouth. His release from the Alhos textile plant on May 20 was arranged by a sympathetic Serb soldier.

His next place of detention was the Zvornik court house, where guards did not molest the prisoners, but every day several Serb soldiers from outside the facility were allowed in to beat a few of the prisoners at random. According to the routine, the prisoners had to stand when these uniformed outsiders entered the room. Victims were selected quickly, then punched and kicked, frequently in the kidneys—sometimes until they lost consciousness.

On June 4, the prisoners at the court house were moved to a neighboring house and joined by another 120 Muslim detainees from a detention facility at the Celopek cultural center. Here, too, the daily beatings continued. During the approximately 6 weeks at that

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house, men from the Seselj unit carved crosses into the foreheads of 10 Muslim men. Another group of Bosnian Serb "police" also specialized in tightening wires around victims' necks.

On July 15, most of the prisoners were bused to a detention facility in Batkovic. As soon as they arrived, the witness and others were beaten with sticks. The beatings were a regular part of life at the Batkovic facility. The witness was released from Serb detention on October 1 as part of a prisoner exchange.

(Department of State)

**Aug:** A 40-year-old woman described how followers of Serbian leader Milan Martić selected women from her city and put hundreds of them in a school in Doboj.

In front of a few hundred prisoners they raped and tortured women and girls for days. It was unbearable to watch girls being raped in front of their fathers.

I was raped and tortured too, because they knew that I am a wife of a leader of the Muslim party. In August, some prisoners were exchanged, including me and my sons. Many women and girls who were pregnant remained in the camp. They were transferred to a hospital and fed twice a day because, as the Chetniks said, they had to bear their offspring.

(*The New York Times*)

**May-Aug:** A 39-year-old Bosnian Muslim from Prijedor was held in Keraterm camp from May 31 until August 5. Upon his arrival at Keraterm, one guard—whom he identified—used a knife to saw off the witness's left index finger at the first knuckle and chopped off the tip of his left ring finger.

During his detention, the witness saw four guards cut another prisoner across the face and torso with a knife. One of the guards cut off the bottom half of the man's left ear. After the beating, they left him in the room without any medical care. The man survived his injuries, but, after a few days his wounds became infected, and the witness said he could see maggots moving around

inside the open wounds. The witness believes the man remains in Prijedor.

The witness described another form of cruelty he witnessed at Keraterm. The Serbian guards gathered two-liter glass bottles from a nearby bottling plant. A bottle would be placed on the ground and a prisoner, trousers and underwear pulled down, would be forced to sit upon it. The guards would then push down on the prisoner's shoulders until the man's buttocks touched the ground, forcing the bottle all the way up the man's anus. Of the guards he said: "Whatever they imagined, they tried; if they liked the effect, they would do it to other prisoners." (Department of State)

**May-Aug:** A 36-year-old Serbian medical doctor was arrested on May 5 by Paraga's Black Shirts (HOS) in Capljina. She was taken to Dretelj, a fuel storage garrison transformed into a detention facility for 64 female and 100 male detainees, where she witnessed torture and could identify some of the perpetrators.

All men were mercilessly beaten at arrival and during all interrogations. They were hit with hands, feet, night sticks, two-by-fours, and rifle butts. They were slashed with knives and degraded in every conceivable manner.

(An) owner of several catering establishments, heavily over-weight, was supposed to be transferred to another prison but was not because he literally could not be moved: he was so badly beaten.

(Another) received about 50 blows to his head, which was badly gashed. Female fighters assisted in the beating by kicking him.

During interrogation . . . prisoners would be slapped, the tips of their fingers would be cut off, their fingers would be crushed.

Needles were driven under my nails, I was cut with a 'kama' over the face and breasts. The treatment of women was in no way less inhuman than that of men. On the contrary, several women were raped, even some very old ones.

(Archmandrite Simeon Biberdzic, Monastery of Ostrog)

**18 Jun:** A 42-year-old Muslim from Kevljani was interned at Omarska camp from May 27 until August 28. On June 18 or 19, he was called out of Building 11 and taken to Building 10, to a room with four soldiers.

The soldiers made the witness undress to his underwear and lie down on his stomach on the tile floor. One guard took an iron chair, put it on his back, and sat down. Another guard took a large caliber automatic rifle and beat him on his spine with the butt of the rifle, pounding each vertebrae twice. A third guard continually kicked him along his legs and groin. The other guard pounded his rib cage continuously, which resulted in the witness sustaining four broken ribs.

The witness lost consciousness, but when he awoke, the four guards were standing around him, and began to beat him again, on his legs, shoulders, and head. One guard took a police baton, straddled the witness' back, and beat his back and ribs continuously. He felt the pain of only the first 10 blows, then felt no more. Another guard pulled out a knife and said he would "circumcize" him. The guard then cut his knee cap, but the witness said he did not even feel the knife as he watched blood pour out of his leg. (Department of State)

**Jun:** A 22-year-old Serbian civilian from Drivusa was shot three times in his left arm when Bosnian Government Forces captured Serb positions in Zenica in June. He was beaten in Zenica camp for the first 10 days of his capture and still bore a scar on his leg where it had been cut "just for being a Serb." He witnessed the case of one elderly man who had stepped on a mine but received no medical treatment, and who was removed from the camp immediately before a visit by UN Human Rights Commission Special Rapporteur Tadeusz Mazowiecki. This inmate was returned after Mazowiecki's departure and died a

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few days later. Food and tea often were contaminated with soap. (Department of State)

### **Abuse of Civilians in Detention Centers**

**1992:** A representative of the Zenica Center for the Investigation of War Crimes claimed the center had interviewed witnesses of rape and violence who described the rape of 30,000 women in Bosnia-Herzegovina. (Department of State)

**Aug:** A 12-year-old girl from Jelec was raped by several Serbian soldiers over nine nights at the Partizan Hall detention center in Foca. On one occasion, a Serbian soldier raped the girl and her mother.

A 20-year-old woman, who had been raped by a Serb policeman, said that some 100 "young Muslim woman and girls were raped" in Miljevina, an eastern Bosnian town described as a possible "rape camp." (*Newsweek*)

**27 Jul:** A 29-year-old Serbian civilian from Srebrenik was taken to Zenica camp on July 27 by Bosnian Government forces. He was beaten continuously—every 10 minutes for 96 hours after his arrival—with ropes and sticks. He showed evidence of beatings, particularly on his head. He also reported deliberate contamination of food. (Department of State)

### **Impeding Delivery of Food and Medical Supplies to the Civilian Population**

**10 Jan 93:** Bosnian Serb forces fired on British troops escorting a UN aid convoy on January 10 near the town of Kladanj. (Reuters)

**6 Jan 93:** Bosnian Serb forces stopped UN attempts to repair the power grid in Sarajevo on January 6 and prevented a load of firewood from entering Sarajevo. (Department of State)

**Dec:** Bosnian Serbs in December continued to obstruct UNHCR convoys to eastern Bosnia, to shell the Mostar Road, and to endanger UNHCR personnel in Sarajevo via snipers and mortar attacks. The

Bosnian Serbs also impeded deliveries to Bihac and the oversight of relief in Banja Luka.

Bosnian Croats interfered with UNHCR convoys on the Mostar-Sarajevo Road: At first the Bosnian Croats told UNHCR that the road was unsafe and could not be used. When UNHCR insisted that they would deal with the risk of Serb shelling, they were allowed to proceed, but have since been subject to frequent checkpoints, diversions to difficult back roads, insults at checkpoints, and shooting in the air.

Bosnian Muslims frequently have shot at UNHCR vehicles and personnel and harassed UNHCR personnel at Muslim-manned barricades.

A major impediment to humanitarian shipments to Bosnian Government-controlled areas in December was the military activity initiated by Muslim forces in the Bratunac area, which halted relief supplies for Srebrenica, and in the Rogatica area, which blocked a convoy destined for Gorazde.

Serbian guards outside Banja Luka continued to harass relief workers, waving around rifles and pistols, and prohibited them from distributing food. (Department of State)

**12 Dec:** Serbian gunmen on December 12 stopped a Belgrade-to-Sarajevo humanitarian aid convoy at Han Pijesak and threatened to kill the relief workers. (Paris AFP)

**1 Dec:** Small arms fire pierced the stabilizer of a US C-130 during an approach into Sarajevo airport on December 1, which resulted in the temporary suspension of the UNHCR airlift. At least five planes participating in the humanitarian airlift have been hit by small arms fire since November 4. (Department of State)

### **Deliberate Attacks on Non-Combatants**

**16 Dec:** A gunman shot a French soldier with UN forces in Bosnia-Herzegovina on December 16 while he was on guard at Sarajevo airport. (Paris AFP)

While traveling to Sarajevo in an armored and marked UN vehicle,

Hans Stercken, Bundestag deputy and chairman of the [German] Foreign Affairs Committee, and a German embassy staff member were attacked. The vehicle, which was driven by an Egyptian crew, was hit by several shots.

Stercken said the UN "could not have expressed more clearly" the identity of the vehicle; it was painted white and carried a UN sign. (Hamburg DPA)

**6 Dec:** A UNHCR representative's car in Prijedor was hit four times by bullets on December 6. (Department of State)

**5 Dec:** A mortar round that hit Sarajevo's airport terminal on December 5 wounded two Portuguese police attached to the UN peace-keeping mission. The shelling of the airport continued throughout the day. (Reuters)

**4 Dec:** During a battle for Otes during the first week of December, two UN planes were shot at, the UN headquarters in Sarajevo was shelled, and the radar at the airport, southwest of the capital, was destroyed by artillery fire. (Paris AFP)

### **Wanton Devastation and Destruction of Property**

**27 May:** A 42-year-old Muslim described the Serbian attack on Kevljani on May 26. The villagers fled to the woods, but after spending the night under heavy shelling, many women wanted to surrender. The witness and an imam [a Muslim cleric] led a group of women and children under a white flag to the school to surrender.

A Serbian officer nicknamed Cigo, who was the head of the tank regiment that attacked Kevljani, told the group [that] the whole village had 2 hours to surrender.

The witness said [that] he surrendered to Cigo all the weapons the group had in hopes that the village would be spared. The Serbian army, however, burned most houses to the ground. They sent all Muslims and Croatians in buses to Prijedor. (Department of State)

**Jun:** The Orthodox Bishop of Herzegovina testified publicly on September 28 that the regular army of the Republic of Croatia from the coast and Croatian armed forces from western Herzegovina, from the beginning of June, had destroyed the following property in his diocese:

- The Orthodox cathedral and Episcopal headquarters in Mostar, on June 15 and 16;
- Churches in Bjelo Polje, Bobani plateau, Capljina, Dubrovnik, Duvno, Gabela, Metkovic, Stolac, Zacula, and Zalanik;
- The Serbian villages of Brdjani, Zukici, Djepi (or Cepi), Blace, Vrdolje, Zagorice, Zivanje, Ijuta, Ovcari, Ribari, Sitnik, Donje Selo, Cerici, Bjelovcani, Celebici, Pokojiste, Obri, Nevizdraci, Idbor, Ostrozac, Dobrigosce, Paprasko, Repovac, Shunje, Hondici, Gnojnica, Buna, Hodbina, and Pijesei;
- The 15th century Byzantine-style monastery at Zavala, the 16th century Byzantine-style monastery at Zitomislic, and the Serbian villages of Tasovic, Klepci, and Prebilovci on the east bank of the Neretva River—where, on June 7 and 8, the church with the bones of almost 2,000 Serbian people killed between 1941 and 1945 was burned down and plowed into the ground. (Orthodox Bishop of Herzegovina)

### **Other, Including Mass Forcible Expulsion and Deportation of Civilians**

**12 Jan 93:** As many as 35,000 men, women, and children risk death by illness and starvation in Zepa. Bosnian Serbs refuse to permit food, medicines, and other supplies into the town. To this date, they are not allowing any UN humanitarian aid convoys into Zepa. (Department of State)

**5 Jan 93:** A social worker in a Nedzarici nursing home, located in a Serb-held section of Sarajevo, said that 10 of his patients had died in the past 36 hours, and that 26 residents of the home had died in the past 2 weeks due to lack of heating. He also said that snipers or direct hits on the building had caused the death of 20 to 25 residents since April 1992.

According to a UNHCR official, the nursing home was without water, electricity, or heating. Most utility services in Sarajevo (electricity, natural gas, and water) are under Serbian control. (*The Washington Post*/API/Department of State)

**Dec:** Serbian "police" in UNPA Sector East during the first 2 weeks of December expelled 65 non-Serbs from Baranja, mostly from Darda, Bilje, and Knezevi Vinogradi. Another 24 families were under heavy Serbian "police" pressure to leave Knezevi Vinogradi. (Department of State)

**5 Dec:** A Muslim man, who reported that only 3,000 Muslims remained in Sanski Most where 15,000 had lived, described recent attacks by armed Serbs:

They robbed us. They took the cars, the bicycles. The police now drive my personal car. They said if we did not give the cars, they would take us to the camps.

The man said that Serb militia forces continued to shell villages surrounding Sanski Most every night.

(*The Washington Post*)

**Dec:** Members of the UNPROFOR [UN Protection Force for Yugoslavia] civil police escorted to Zadar the last six Croats from Zemunik Gornji, four elderly women and two older men. They said they had been living in a virtual prison and fled to save their lives. All Croatian homes in the area have been destroyed, except for two. (Department of State)

**25 May:** A 33-year-old Muslim from Prijedor watched Serbian forces bringing in heavy tanks and cannons to Kozarac on May 25. Many villagers escaped to a nearby house in the woods, where they hid in a basement shelter. At noon, those in hiding organized the women, children, and wounded in groups of 30, bearing white flags, to surrender to the Serbs. The Serbian army fired on some of the groups attempting to surrender.

The witness watched soldiers loot and burn houses, cars, and whatever else they found. He saw Serbian tanks fire on private homes. The men eventually were separated from the women and children and taken to Trnopolje. (Department of State) ■



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## Sixth Report on War Crimes In the Former Yugoslavia

Following is the text of the Supplemental United States Submission of Information to the United Nations Security Council in Accordance With Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 780 (1992), dated March 1, 1993.

*Editor's Note: The report contains graphic descriptions.*

This is the sixth submission by the US Government of information pursuant to paragraph 5 of Security Council Resolution 771 (1992) relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia. As in our previous reports, we have focused on grave breaches of the Geneva Conventions and, in accordance with Resolution 771, have provided information that is "substantiated," that is, which rests upon eyewitness testimony directly available to us or that includes detail sufficient for corroboration.

We have tried not to duplicate information provided to us from other countries and non-governmental sources, which we understand will submit reports pursuant to Resolutions 771 and 780. The United States has further information substantiating the incidents included in this report, which we will make available on a confidential basis directly to the commission of experts established under Security Council Resolution 780.

In accordance with paragraph 1 of Resolution 780, the United States intends to continue providing reports as additional relevant information comes into our possession. As in our previous reports, the notations at the end of each of the items indicate the source from which the information was drawn.

### Former Yugoslavia: Grave Breaches of the Fourth Geneva Convention, Sixth Submission

#### Willful Killing

**Jul-Aug 92:** A 20-year-old Bosnian Muslim from the village of Harambine, near Prijedor, described his capture by Serbian forces in July and the events leading to the murder of his father and five other men. He was held in Omarska camp for 3 weeks, from July 20 until August 6. During his time there, he witnessed the deaths of about 20 men. He was then transferred to Manjaca camp, from which he was released to the International Committee of the Red Cross [ICRC] on December 18, 1992.

The witness fled his home on May 23, 1992, when Serbian soldiers attacked. He said his village was the first in the region attacked by the Serbs because they claimed Muslim soldiers from Harambine had killed Serbian soldiers. He fled with his family to the settlement of Ravne, in the nearby village of Biscani, to live with his uncle. On July 20, however, Serbs came to arrest all men over the age of 15 from Biscani. Judging by their accents and the style of caps

For the texts of the first five reports, see the following issues of *Dispatch*:

Vol. 3, No. 39, p. 732;  
Vol. 3, No. 44, p. 802;  
Vol. 3, No. 46, p. 825;  
Vol. 3, No. 52, p. 917; and  
Vol. 4, No. 6, p. 75.

For the text of Resolution 771, see *Dispatch* Vol. 3, No. 33, p. 652 or *Dispatch Supplement* Vol. 3, No. 7, p. 44.

For the text of Resolution 780, see *Dispatch* Vol. 3, No. 41, p. 769. □

which they wore, the witness believes that his captors were Montenegrins.

One hundred meters from the house, on the road leading to the center of Biscani, the soldiers stopped the group and searched them for valuables. Another 200 meters down the road, the group stopped again. This time the soldiers ordered the eight men, who had lined up in pairs, to begin beating the man next to them in line. The witness was on the end of the line and standing next to his father, so he was being ordered to begin beating his father. Each of the pairs in the group were similar, with father pitted against son, or brother versus brother.

After a short while, the man in the pair next to the witness refused the soldiers' exhortations to beat his son more fiercely. One of the soldiers then marched the man off the road and into the ditch where he shot him.

By the end of the ordeal, six of the men either refused or were unable to continue beating their kin and were executed. The witness and the youngest in the group managed to persuade the soldiers to spare them by lying and pleading that they were only 18 years old. The soldiers, however, did beat the two boys badly, and the witness lost a tooth.

The two prisoners continued down the road with the soldiers, leaving their relatives' bodies in the ditch. After 500 meters, they joined a group of over 100 men, all of whom were ordered to lie on the ground with their hands on their heads. They were then beaten for 30 minutes before two buses arrived to take the men to the detention camp. Many of the men never made it onto the buses. The witness described how an elderly cousin of his was asked his age. The man replied, "70," and was told to go home, but 50 meters before the old man reached his house, another soldier shot him in the back.

After 4 hours, the buses arrived at Omarska camp, a distance of about 20 kilometers from Biscani.

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All of the men, about 100 in all, were sent to the "white house." The witness was held in the white house for 2 weeks, during which time he was only interrogated and beaten once. But many mornings, on the way to the toilets, he saw bodies awaiting transport or burial.

After 2 weeks, the witness was transferred to a large hangar, where the majority of the prisoners were held. He saw no beatings here, but guards came to the hall sometimes, calling out a list of names of men who would then be taken away. The witness saw some of them die after returning from their beatings.

On four or five occasions, the men would be lined up for a roll call in the central yard after lunch. As they stood there, someone would begin shooting at the group from a distance. They could hear the bullets whistling through the air. He saw a man killed in this manner, and another who was hit in the ear by a bullet. On August 6, the witness was transferred to Manjaca camp where he said beatings occurred but where conditions were much better than they had been in Omarska. (Department of State)

**Jul-Aug 92:** A 40-year-old Muslim male from Matrici witnessed tortures and murders in the Keraterm and Trnopolje camps.

On July 9, 1992, local Serbs and others from outside the area collected all Muslim males from Matrici in groups and marched them to Trnopolje. The witness, one of those rounded up, believes the Serb captors belonged to the White Eagle paramilitary organization and to "Arkan's men." He identified two of the men, both from Gornji Orlovci. The Serbs randomly beat and killed some of the prisoners along the way. The witness saw approximately 25 bodies along the roads and in nearby fields, apparently victims from earlier groups.

Upon arrival at Trnopolje, the men of Matrici were used to Omarska, then to the Keraterm facility at Prijedor. The men were then confined to rooms so tightly packed that they could sit but not lie down. For the first several days they received no food or water.

Following that period, water and an inadequate amount of food was provided.

The witness estimates that due to beatings, torture, or executions by guards as well as other Serbs who were not members of the regular camp complement, about 400-500 prisoners at Keraterm died from early July until August 5, 1992, when about 1,500 inmates were transferred to Trnopolje due to an impending visit to Keraterm by the Red Cross. (Department of State)

**Apr-Aug 92:** A 22-year-old male from Teslic, about 60 kilometers southeast of Banja Luka, said that in late April and early May 1992, Serbian infantry forces attacked Mostar, forcing the populace to flee into the hills surrounding the city.

Those taken captive were later organized into truck convoys, one of which arrived on June 1 in Gacko. The 15 prisoners in this truck were unloaded in front of the city's hotel, where they were beaten by local Serbs before being put into the hotel's basement. Already incarcerated in the basement were about 100 prominent Muslims of Gacko, including its wealthier businessmen, civic leaders, and teachers, as well as one Croat. Every night, eight or nine prisoners were taken upstairs and interrogated for military information and beaten for 2 or 3 hours. About 15 never returned. Through messages passed by secret means, the prisoners learned those who disappeared were buried in a mass grave in Gacko's World War II Partisan Cemetery.

One local Serb guard from Gacko, on the night of June 28, began firing into the basement—killing one Muslim, Osman, and wounding another.

On July 1, the prisoners were called from the basement in groups of 10, made to pass through a gauntlet of Serb guards who beat them, and then boarded into a large truck. Semad Memic, the 25-year-old leader of the local chapter of the *Mlada Bosna* (Young Bosnian) organization, the youth wing of the Muslim Party for Democratic Action

(SDA), was ordered from the truck and shot and killed when he tried to escape. The guards also killed two other Muslim prisoners.

Instead of being exchanged for Serbian prisoners as they had been told, the roughly 100 Muslims were taken to a former Yugoslav Army Reserve Officer training academy in Bileca that was commanded by a Serb from the Sarajevo area. There the prisoners experienced random beating and were forced to eat from the same cans in which they relieved themselves. Two prisoners subsequently died from injuries received during beatings. (Department of State)

**Apr-Aug 92:** A 34-year-old Croatian from Sanski Most said that the Serbian repression of the Muslim and Croatian inhabitants of his town, which had begun in April with the dismissal of non-Serbian police officers, reached a climax on May 23 when a Serbian artillery element of the Sixth Krajiska Brigade began advancing on Muslim areas from the surrounding hills.

The following morning, three- and four-man groups of armed Serbs began arresting male members of Muslim and Croat families. The men were taken to the basement of the police headquarters where they were beaten for days. Some of the men were later released, but of 33 non-Serbian policemen from Sanski Most, 17 were killed there during interrogations. Eight were sent to Manjaca. (Department of State)

**20-30 Jul 92:** A Bosnian Muslim refugee described the rounding up at gunpoint on July 20 of the inhabitants of the village of Rizvahovici, near Prijedor, by 100-150 Serbian soldiers. About three-quarters of this force consisted of Serb "Chetniks" and members of the White Eagle paramilitary group, while the remainder were local Serbs, most of whom were well-known to the Muslim villagers. Two Serbs relayed all orders.

The witness, along with other men aged 60 or older, was made to wait in a house while the younger villagers and others from the

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surrounding area were loaded into four buses. During this process, the witness watched through a window of the house as 29 villagers were randomly separated from the younger group and killed by the Chetniks and White Eagles.

Nine days later the witness was brought to a Serbian-run detention center in Trnopolje, commanded by a professor from a technical training school in Prijedor. A local Serbian coal worker was second in charge. During the day and night the witness spent in the camp, he saw four Serb soldiers grab a 17-year-old girl and drag her into the bushes. Those inmates within sight of this were forced into the school where they could not see outside. He also observed inhabitants taken out of the camp that night and then heard gunshots. He never saw these individuals return to the camp. (Department of State)

**Jun-Jul 92:** A 58-year-old Bosnian Muslim said that a Serbian unit identified as the Sixth Brigade from Sanski Most occupied the village of Sanica Gorija on June 1, 1992, and began rounding up all Muslims between the ages of 18 and 60 for transport to the Manjaca camp. During the witness's time at Manjaca, the camp received hundreds of inmates from various areas of Bosnia including a group of 1,200 Muslims from the Omarska area on the evening of July 19.

The next morning, as the captives were unloaded for processing, Serbian guards attacked and killed 24 of the Muslims with knives. One of those attacked was a prominent 60-year-old businessman from Prijedor. On July 29, a high-ranking member of the Bosnian Muslim party was also beaten to death by guards. (Department of State)

**May-Aug 92:** A 32-year-old male Bosnian Muslim from the village of Kozarusa, near Trnopolje, gave a report on his incarceration at the Keraterm and Omarska facilities.

Following a 2-day Serbian shelling of his village commencing May 20, he and the other 200 male inhabitants were rounded up by Serbs, packed into buses, and taken

to detention camps including Keraterm, Omarska, and Trnopolje. Women and children were bused to Trnopolje, Zenica, and finally Croatia.

The witness said that those taken to Keraterm were packed so tightly into a building they could not lie down. During their 2-day stay, they received neither food nor water. On or about May 23, the Serbs emptied Keraterm and bused about 300 captives to Omarska.

At Omarska, a Bosnian Serbian army officer on several occasions conducted interrogation of prisoners accompanied by beatings. The witness identified a taxi driver from Prijedor as the most vicious guard. During the initial period two old men died after being beaten. Other prisoners were taken out nightly and shot by executioners who wore stocking caps to avoid recognition. Many prisoners also starved to death at Omarska.

The witness said that on June 25 about 100 inmates were transferred to Trnopolje. Other beatings and killings continued at Trnopolje. The witness estimated that 50 to 60 prisoners died at this facility every day. (Department of State)

**May-Aug 92:** A 44-year-old Bosnian Muslim from Prijedor, Bosnia, gave the following report based on his personal experience as an inmate at the Keraterm prisoner camp, from May to August 1992.

Keraterm camp was commanded by a 32-year-old Serbian male from Prijedor who had previously been employed at the Celuloz Paper Mill. The guard who first checked arriving prisoners at the camp was almost always a brutal 22-year-old man known only as "the cook" because of his previous occupation at a restaurant in the Sarajevo Agricultural Bank building in Prijedor. He routinely stripped incoming prisoners of their jewelry and money before beating them with metal pipes or thick wooden sticks, often breaking bones. He also personally participated in the mass execution of nearly 400 men in the prisoner's courtyard in the early morning hours of July 19, 1992.

Also notorious for his brutality in the greater Prijedor area and the most-feared man at Keraterm was a taxi cab driver who drove a beige-colored Polish PZ125 taxi with Prijedor registration. Though not assigned to Keraterm prison, he freely participated in beatings, shootings, and the fatal torture of prisoners from the day Keraterm opened until its closure. (Department of State)

**28 May-26 Jul 92:** A 60-year-old Muslim farmer from Modrica, in northern Bosnia, described the looting and burning of all non-Serbian properties in the village. The Catholic church was demolished by tanks and the over-500-year-old mosque was dynamited.

There were also three mass killings perpetrated by Bosnian Serbs, the first of which occurred about 100-200 meters from the power/transformer station. The victims were buried at the site by a bulldozer. The second mass killing took place near a second power line and transformer station, where the victims also were buried at the site. The third mass killing was performed behind the "Sutjesk" Junior High School on the Serbian side of Modrica. Again, the victims were buried at the site. (Department of State)

**22 Jul 92:** A 31-year-old Bosnian Croatian from Teslic, Slatina, witnessed drunken Bosnian Serb militiamen beat to death about 50 Muslim and Croatian prisoners in a local stadium on or about July 22, 1992.

Four or five soldiers, wearing red berets and green uniforms and from the so-called Crveni Barek militia groups picked up the witness and his friend, Anto Bavic, on July 12 in Teslic. Both he and his friend, whose names were on the soldiers' list, were taken to a large, local government house called Stara Opstina, where all the rooms and the cellar were packed with Croatian and Muslim prisoners.

The witness described several beatings he received at this site, as well as forced labor. On July 14, he and his fellow prisoners were transferred to a local stadium.

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On the morning of July 22, a group of about 25 drunken Serb soldiers arrived at the stadium. The Muslim and Croatian prisoners were lined up as usual. At about 6 am, the soldiers began calling names from a list. One by one, the respondents went forward, and were beaten and stabbed to death by as many as 10 Serbs at a time.

About 50 prisoners were killed by soldiers who over a period of 2 to 3 hours took turns drinking and murdering. Many of the victims, including 16-year-old Grgic Slavko, were mutilated with spikes, but the killers used anything they could lay their hands on.

The witness's friend, Anto Bavic, was machine-gunned to death when he refused to step forward and be butchered. Mrgan Grfic, aged 37, was beaten to death with a baseball bat, and 27-year-old Jozo Gabic's right eye was removed with a knife before his throat was cut.

The witness was able to escape in August, though not without being shot in the leg by guards trying to stop him. (Department of State)

**Jul 92:** A 48-year-old Muslim from Sanica Donja, near Kljuc, witnessed the occupation and shelling of that town and the decapitation of about 100 prisoners in Tomina.

Following a siege of about 1 month and an initial occupation of Sanica Donja, regular Yugoslav National Army [JNA] troops again re-entered the village on about July 3, 1992. Starting at one end of the village and going from house to house, they took all the men hostage and used them as a human screen as they went through the village.

The witness believes these JNA forces were from the Sixth Krajina Brigade headquartered at Palanka. They were local Bosnian Serbs and their regular JNA uniforms bore a Yugoslav flag on shoulder and hat. A red ribbon was displayed on the pocket.

The roughly 32 men who were taken prisoner, including the witness, were marched to the nearby village of Jerzerce, where they were loaded into a canvas-covered truck and transported to

Sanski Most. At around noon the truck stopped at the Ojedinstvo school in Tomina; the rear canvas was lifted and the prisoners could see the square in front of the school.

Two livestock transport trucks were parked on the square. Male prisoners were brought out of the school three at a time by soldiers and were walked over to three other soldiers near the trucks. These soldiers laid the prisoners down and cut off their heads with a curved knife about 30 centimeters long. Four men in civilian clothes, apparently prisoners, then loaded the heads onto one truck and the decapitated corpses into the other. During the hour the prisoners' truck was parked in the square, about 100 prisoners were brought out of the school and decapitated.

From Tomina the prisoners were driven to the municipal gymnasium at Sanski Most, where they remained 11 days without food. During this time two prisoners were taken each night to the police station for individual interrogation. During the witness' interrogation, two policemen alternately asked questions and beat him with shovel handles, hit him in the stomach, and kicked him when he fell.

On about July 14, four large livestock transport trucks with trailers moved all the prisoners from Sanski Most to Manjaca. Because of malnutrition and dehydration, combined with the extreme heat in the trucks, about 18 people died before reaching Manjaca.

Upon arrival at Manjaca the group of prisoners were addressed by the camp commandant, a lieutenant colonel in the regular JNA, with a husky build and white hair; from his dialect he appeared to the witness to be a Macedonian. He wore no insignia indicating branch of service. Apparently as an example to the prisoners, four soldiers brought two men to the front and beat them with ax handles.

Each morning at about 6 am guards came through the stables where the prisoners were housed, randomly beating them. Every night two to five prisoners were taken by the guards for interrogation. Those called were mostly

wealthy people and intellectuals; at least two of them died as a result of their beatings. One pharmacist returned with broken ribs. (Department of State)

**22 Jun 92:** A 24-year-old Muslim housewife from Agici said that on June 22, 1992, at approximately 7 pm, a group of about 50 Serbians from the village, which is some 4 kilometers from the Japra River, forced their Muslim neighbors out of their homes.

The Muslims were marched to a graveyard about 1 kilometer from the village in the direction of the Japra valley where the men were separated from the women and children. There, the Serbs began beating and taunting some of the Muslims; they shot and killed one Muslim 28-year-old man, Fadic Ekic.

Around midnight, two farm tractors with trailers were brought to the graveyard and transported the women and children to Urije Street in Bosanski Novi. There they were taken out of the trailers and ordered to turn over their valuables on threat of death. After the vehicles left, the group appealed to residents for housing and were taken in. They stayed in Bosanski Novi for 1 month before departing for Karlovac and eventual safety in another country.

The 25 men who remained at the graveyard and two Muslim men who had been made to drive the tractors transporting the women and children to Bosanski Novi were never seen again. A Serbian backhoe operator later told the women that he had been sent to the graveyard to bury the bodies of the men, who had been killed after first being forced to dig their own graves with their bare hands. (Department of State)

**28 Apr-15 May 92:** A 58-year-old Muslim male from Blagaj Japra made the following report:

On April 28, 1992, Bosnian Serb forces took about 12,000 Bosnian Muslim men, women, and children from the surrounding area to Blagaj Japra near Bosanski Novi. Two hundred Muslim men, whose names appeared on a list of those whose sons and brothers had joined the fighting against

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Bosnian Serbian forces, were taken to an open field next to the Alici school building, where they were lined up and executed by fire from automatic weapons.

The order for the executions was given by a Bosnian Serb from Rakovac, Bosnia. Some of the irregular soldiers who carried out the massacre were local Bosnian Serbs identified by the witness.

The Bosnian Serb forces subsequently withdrew to positions in the nearby hills encircling the town where for 5 days they periodically fired at the village with heavy weapons and machine guns. The numbers of dead and wounded were not known, but all buildings in the village were heavily damaged.

On May 12, the Bosnian Serb forces re-entered the village and took the survivors across the Sana River for transport by cargo train. At no time on the train did they receive food or water. The train then went to Banja Luka, where it remained for 2 days before departing for Stanari on the morning of May 15. At Stanari, women, children, and men over 60 were taken off and sent to Croatian-held Doboï on foot.

Those men remaining on the train were taken back to Bosanski Novi, where the stadium had been turned into a detention camp. The witness said that food provided to the prisoners consisted only of soup given once a day. Prisoners were also tortured during interrogation at a nearby hotel; some prisoners taken for interrogation never returned.

(Department of State)

**30 Apr 92:** During the assault by Serbian forces on the region of Foca, a 50-year-old male Bosnian Muslim from the village of Odzak witnessed 24 fellow villagers killed as they stood begging for mercy. Their bodies were then thrown into nearby cisterns located at an unfinished airfield. (Department of State)

**6 Apr 92:** A 43-year-old Bosnian Muslim witnessed murders by Bosnian Serb militiamen.

On April 6, the witness fled Divic in the hope of finding greater security at Hasim Hadziavdic's home in Zvornik, a few miles to the north. When Bosnian Serb militiamen arrived there as well, he ran into the woods behind Hasim's home, after failing to convince Hasim to flee with him. Hasim felt he had to stay because his wife was disabled and could not have kept up.

At about 4 pm, from a hiding place behind a nearby shed in the woods, he saw a group of Arkan's soldiers approach Hasim's house. He recognized one of them as a local "secret policeman." The police, carrying a list, went into the house and came out with Hasim and a 74-year-old neighbor.

The witness was close enough to hear the police demand to know where Hasim hid his money. In the middle of the discussion, shooting started inside the house. Moments later, Hasim's wife was brought out, bleeding from her head, nude from her waist up. She was dragged past her husband, the neighbor, and their interrogators and into a waiting car.

The Serb police continued questioning Hasim, now demanding to know where Hasim and other local Muslims were hiding their guns. When Hasim pleaded "Where should I get guns from," the police abandoned the interrogation and ordered a Serb soldier at his side to "slaughter him." The nearby soldier grabbed Hasim by the mouth, yanked his head back, pulled out a large knife, and cut Hasim's throat open. The elderly neighbor fainted immediately. The same soldier stepped on the old man's chest and slit his throat too.

The police and his accomplice then moved to the next house, which was already being searched by other members of Arkan's militia. Sehic Hakija, an old man sick with cancer, was waiting outside, along with his son. Hakija tried showing his medicine as proof of his illness, but the same soldier who had just murdered the two men next door similarly cut the throats of Hakija and his son. The witness said that 46 people were killed during that one hour by Arkan's men. (Department of State)

**Jun-Jul 91:** A 54-year-old Bosnian Muslim female resident of the village of Zecovi, near Prijedor, gave the following report based on her experience in that village:

On June 23, 1991, all males in Zecovi aged 16 or older were rounded up. Some were killed on the spot while others were taken to unknown locations. She identified the local Serbs responsible for the roundup and

killings (and later those of their wives and children) and the looting and destruction of their victims' property.

(Department of State)

**Torture of Prisoners**

**Aug-Dec 92:** A 30-year-old woman described her experience as a Serbian prisoner for 4 months in the town of Vogosca, near Sarajevo.

On the nights of August 19, 1992, at approximately 10 pm, a large group of Serbian soldiers in uniform, carrying pistols, entered the witness's apartment building. The soldiers had been going around to neighboring apartment buildings looking for Muslim names on the doorbells.

The soldiers found the witness and other building residents in the basement, where they separated the Muslims from the Serbs. Four of the soldiers accompanied the witness to her apartment. There, they hit her with a gun while asking her the whereabouts of her husband and looted the apartment—taking what they wanted and destroying much of the rest. She was then told to pack. She said the Serbs went into every Muslim apartment building in the area ordering Muslims out of the buildings.

The Serbian soldiers loaded the witness, her son, four other women, and another child into a truck. They were taken to a motel in Vogosca, 15 kilometers from Sarajevo, where they joined a group of about 40 Muslim women, aged 18 to 40, and two 16-year-old girls. The witness remained at the motel from August 20 to December 10, 1992.

The day she arrived at the motel, the witness was taken to speak with the soldiers' commander, who demanded information about her husband and brothers in the army. The commander kicked her and struck her head with his hands. She said she was not beaten for a prolonged time on the first occasion but that she was beaten 12 times in the first month. She was raped twice during the 4 months.

She was raped the first time between late September and mid-October by two drunken soldiers.

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She was raped a second time by three men in the same time period. The soldiers who raped her were assigned to the camp.

In the motel, all the women slept in one room. Soldiers, usually drunk, would come to the room at night to select their victims and take them upstairs to be raped. Victims were chosen randomly. She believes every woman at the motel was raped at least once.

The witness provided the names of two of the five men who raped her and the aliases of two more of the men. She and her son were able to leave the camp, according to her husband, because of a prisoner exchange. Her family was later reunited in Hungary. (Department of State)

**Jul 92:** A 15-year-old Bosnian Muslim girl from Kozarac described being gang-raped by at least eight Serbian soldiers and guards near Trnopolje.

The witness was in high school when the Serbian forces took charge of her town of Kozarac. She fled on foot into the surrounding woods but was later captured and imprisoned in the Trnopolje camp.

Three days after her arrival at the prison, she went with a large number of women and other girls to fetch water from a well about 50 meters from the prison gates. Returning from the well, Trnopolje guards held back six girls, including the witness, and stopped them from re-entering the prison gates. They were then joined by four more female prisoners.

Prison guards took the 10 girls to a house across the meadow. They were taken to the side yard of the house, out of sight of the roadway. Thirty Serbian soldiers—including “some dressed like a tank crew”—were there and they taunted the girls, calling them “Turkish whores.” The girls were ordered to undress or have their clothes pulled off. Three girls resisted or hesitated from their fear. Their clothes were cut off with knives.

The Serbian soldiers told the naked girls to parade slowly in a circle. The men sat at the outside of the circle—smoking, drinking, and

calling out foul names. The witness estimates the “parade” lasted about 15 minutes.

Three soldiers took one girl—one to rape her while the two others held her down. The three men took turns. A soldier approached the witness and mocked her, saying he had seen her before. Though she did not recognize him, he pulled out a photo of the witness with her 19-year-old Muslim boyfriend, whom he cursed for being in the Bosnian Territorial Defense Forces.

The man with the photograph raped her first. The witness said she fought and pulled his hair, but he bit her and hit her face. Her lips bled. He hit her hard with the butt of his gun on her cheek, causing extreme pain. Another rapist ran the blade of a knife across her breasts as if to slice the skin off, leaving bleeding scratches. After that, she was raped by eight more men before losing consciousness.

When the witness regained consciousness, a Trnopolje guard who had attended her school came along and broke up the gang rape. As this guard and the witness headed back toward the gates of Trnopolje camp, the witness said the guard called back to the soldiers and other guards, “Remember, you will be accountable for this!”

Soon after, the witness and her relatives were among a group of Trnopolje prisoners released in exchange for Serbian prisoners at Maglaj. (Department of State)

**Mar 92:** A 17-year-old Bosnian Muslim girl gave details of her detention with about 60 women and girls in a forest motel, where the prisoners were raped over a period of 4 months.

Serbian forces on March 3, 1992, captured the witness’s town in the vicinity of Teslic. She said the soldiers talked with a strong Serbian dialect, including colloquialisms. Some had the White Eagle insignia on their uniforms.

Some of the Serbian forces who burned and looted the houses in the town were drunk. One of the drunk soldiers hit the witness’s mother, calling out that Muslims would regret the day they were born. On departing the town, the soldiers

fought over bottles of wine that had been left behind in the central marketplace.

The prisoners were taken to a motel complex of small cabins located in the forest about 5 hours away on foot from their hometown. Some cabins were used as sentry boxes. The whole motel complex perimeter was fenced off with barbed wire. Hundreds of old men, women, and children were prisoners at the motel complex.

Upon arrival, the witness was separated from her mother and sister. She never saw them again. She said the soldiers “raped us every night.” Most nights, 20 soldiers came to the motel. The female prisoners were forced to strip, then to cook for the soldiers and serve them. Each girl or young woman was raped by several soldiers, with several victims in one room at a time. The witness experienced and saw so many rapes that she could not give an estimate of the number.

One night, the Serb brother of one of the girls helped 12 girls, including the witness, escape the motel complex. Two of the escapees were later found and returned to the prison. The 10 others spent several days hiding in improvised underground shelters in the forest.

The witness identified the most ruthless of the rapists, a man who raped 10-year-old girls “as a delicacy.” She saw many of the younger females die from the rapes. (Department of State)

**17 Nov 91-Apr 92:** A 48-year-old male Muslim captured at Vukovar on November 17, 1991, described the brutal mistreatment and constant beatings at the Stajicevo camp south of Zrenjanin, Serbia, manned by Serbian reservists. While interned there he was ordered by an officer known as Captain Dragan to kiss a Serbian paramilitary emblem. When he refused, Dragan cut the left side of his mouth and stuck the emblem between his teeth. When he refused again, Dragan dug out three of the prisoner’s teeth with a knife from which the prisoner bears a 4-inch scar on the left side of his face.

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On another occasion, the prisoner was taken to a small room where he was strapped into a leather chair. Clamps were attached to his fingers and electricity was introduced by a guard turning a dimmer switch. When the prisoner began to quiver, the guards roared with laughter and increased the power. Just before he passed out, water was thrown in his face and the process began again.

Others were tortured in like manner. The witness identified the Serbs who were known among inmates for their brutality. (Department of State)

**Nov-Dec 91:** A 32-year-old Croatian male from Borovo Naselje, Croatia, described the torture he and others suffered at the Stajicevo detention facility near Zrenjanin. At about 1 pm on November 20, 1991, Serbian forces surrounded the new shoe factory in the town of Borovo Naselje and forced the surrender of approximately 3,000 men, women, and children who had taken shelter in the building's basement. These forces included six T-55 tanks and two armed personnel carriers along with special troops from a guard unit from Belgrade.

The witness, along with some 1,500 other males, was sent to the Stajicevo camp at a farm near Zrenjanin. On November 29, he was severely beaten several times during interrogation. He identified some of the guards. (Department of State)

**Sep 91:** A 43-year-old Croatian male from Glina, Croatia, said that while attempting to escape to Sisak during the second shelling of Petrinja, Croatia, the JNA captured him and 30 other Croats and took them to the Petrinja internment center located in the former JNA camp known as Vasil Gacesa. The next morning, 26 members of the group were released. The witness was one of five who were not released.

The witness provided detailed information on one incident in which a prisoner was repeatedly beaten in an apparent effort to extort a confession. He identified four interrogators who participated in the first beating. That evening the prisoner was told his confession was

not acceptable and he was beaten again by the camp's commander, a JNA major, and four unidentified JNA soldiers until he promised to write a second confession.

Prisoners at Petrinja were also forced to perform burial details in mass graves. The witness described two such burials, involving 40 and 18 bodies, respectively. Because the corpses were in a state of advanced decomposition, the witness could not determine the cause of death. (Department of State)

#### ***Abuse of Civilians in Detention Centers***

**Jan 93:** A 23-year-old married Muslim female reported that she had been held through the first week of January with 600 women and girls in a gymnasium at the Dobojski Middle School complex in north-central Bosnia.

The witness and other women were taken out in groups of 40 each day. Each woman was led to an individual classroom in the school and raped, then returned to the gymnasium. She said the guards told them they were being held for the purpose of "making Chetnik babies." (Department of State)

**13-14 Aug 92:** A 25-year-old Bosnian Muslim from the village of Dabovci, southeast of Banja Luka, described the August 13, 1992, arrival and occupation of her village by Serbian forces.

Serbian forces rounded up women and children, as well as the few remaining men who had not gone off to fight. The women were taken toward the house where the Serbian forces had established their headquarters.

After a short while, a large, tarpaulin-covered truck arrived and took her group away. The witness estimates there were approximately 60 women and children in her group. The truck took the group to a lumber factory in Kotor Varos—she thought it was the Vrbanja factory—and the women and children were forced into the factory's cafeteria. When a similar-sized group from another village arrived,

the two groups were consolidated and moved from the cafeteria into a large, unfinished hall.

During the late afternoon and early evening, the witness observed the repeated beating of a man in front of the group of women and children. Though the victim had documents that theoretically allowed him to leave Kotor Varos, he was half-Croatian and half-Serbian. The guards kept referring to his parentage as they beat him. She never saw the young man again after she left Kotor Varos.

When it began to get dark, the guards began to pick out women and to take them out of the hall. The witness said the ages of the women selected ranged between 16 and 35. Some women were taken to an alcove or room off the large hall where she and the others were being held. Though she could not see what was happening, she said the cries and screams of women were clearly audible, as was the laughter of the guards.

The witness cannot remember the exact time when the guards came for her. But two guards eventually walked up to her and told her to leave her child behind and follow them. She was taken to the alcove and told to undress. When she refused, two other guards joined in and told her she had the choice of undressing willingly. When she again refused, she was hit on the back with a gun. When she fell to the floor, the guard whom she assumed to be the leader of the group started to pull off her clothes and raped her.

When he finished, he told the other guards to leave her alone and to let her go back to her child. But after this guard left the alcove, the remaining four or five guards kept her there and continued raping her. When she left the alcove, she was warned not to tell anyone what had happened.

When the witness returned to the large hall, she joined her mother-in-law, who had been taking care of her baby. She was bleeding and totally disheveled and very ashamed to be seen in that state. Her mother-in-law told her that while she was gone another five to

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six young women had also been taken out. The witness then noticed about 15-20 women who were in the same physical state that she was.

Sometime later, the witness was taken to the second-floor offices of the factory by a guard. She was told to keep her head down. While doing so, she thinks she counted about 10 pair of shoes in the circle of men surrounding her. She was told to undress. When she refused, she was hit about the face. The raping then began. She cannot remember anything after the fifth or sixth man raped her. Up to that point, however, she had noticed that some of the men were wearing camouflage suits, some were in the local police uniform, and some wore at least parts of special forces uniforms. She recognized a high school colleague among those who raped her.

They eventually allowed her to go back to the main hall. She was bleeding badly and was very dizzy. She fell down the stairs coming out of the factory offices. She eventually made her way back to her mother-in-law and child. She was not bothered for the rest of the night; other women, however, were taken throughout the night and came back bleeding or barely able to walk.

Throughout the evening the witness noticed a steady flow of guards and soldiers into the factory. The newcomers were not coming to guard the detainees but were going into the alcove and, she assumed, into the factory offices. These newcomers wore different uniforms than the factory guards.

Her group was moved out of Kotor Varos during the afternoon of August 14. Two medium-size buses were waiting to transport them to Mount Vlasic, from where they were supposed to make their way to Travnik. Her group of approximately 60-70 persons drove along the Banja Luka route. The buses were repeatedly stopped and boarded by Chetniks demanding money and jewelry. When the buses arrived at Vlasic, the women and children were made to get off and walk until they arrived in Travnik. (Department of State)

**9 May-8 Aug 92:** A 27-year-old male Muslim refugee from Crna Rijeka who was in Blagaj on May 9 made the following report:

At about 8 am on May 9, 1992, two busloads of Serbian soldiers and a tank passed through that town in the direction of Maslovar. The tank then turned around on the road facing Blagaj while the troops fanned out into the woods on either side and began firing "dumdum" bullets toward the town in an effort to force the Muslims from their houses and toward the Japra and Sana Rivers. Approximately 60 people were killed during this incident.

On the bridge over the Japra and Sana Rivers, about 20 soldiers forced fleeing people to throw their valuables and other belongings onto a pile before allowing them to cross. Once across, they were herded into a fenced-in area on the grounds of the "Japra" factory. During this period, one man was beaten with rifle butts and then shot in the stomach when he was overheard to say that he recognized one of the "Chetniks."

After about 3 hours, the men were separated from the women and children, who were loaded aboard cattle cars of a waiting train. The men were lined up and seven names were read from a list. Three of these men were located and loaded into a police car from Bosanski Novi. They were never heard from again.

The remaining men were then loaded onto a train, and more names were called from a roll. Those men were taken from the train and immediately killed in front of the prisoners. Two of those killed were Sifet Bajrektarevic, a member of the SDA, and Hasan Merzihic.

The following day the train stopped in a forest outside of Doboj, where about half of the men over age 60 were separated into a group with the women and children; the rest of the men were loaded into separate trains. The men's train proceeded to Banja Luka and eventually arrived at Bosanski Novi on May 12. Though no one was murdered during the 45 days the men spent at Bosanski Novi camp, maltreatment occurred continually, its greatest manifestation being the extreme shortage of food.

(Department of State)

**Spring 92:** A 32-year-old Bosnian Muslim woman from the vicinity of Teslic was forced out of her job when Banja Vrucica came under Serbian authority. Left with no source of income, she went to stay with Serbs she knew near Banja Luka. They did not treat her badly, but she felt herself a burden and decided to try to go to Zivinice.

When she reached the town of Doboj, the witness met an older woman who directed her to a Serbian Red Cross refugee camp, which held 160 Serbs and 20 Muslims and Croats. The latter 20 were treated as prisoners. For 4 days, the Serbian Red Cross authorities refused to issue her a food certificate. She ate nothing during the 4 days.

The witness managed to meet the camp secretary, a Serb, who helped her to obtain food. Later she witnessed this man being beaten for helping people. Other Muslim and Croat women informed the witness that she could sign up at the police station to qualify for a prisoner exchange, to leave Serbian-occupied territory. She and another Muslim girl did so.

At about 8 pm that night, two armed soldiers came to camp and showed the two women a notebook with their names written in it. The soldiers' uniforms had the initials "SMP" on them. They took the women to Pijeskovi, a section of Doboj, where Serbs had seized the apartments of Croats and Muslims. In a two-room apartment, the soldiers raped the two women the entire night, until 7 am.

At the Serbian Red Cross camp, the witness observed the soldiers coming nearly every day to take away women in the evenings. Every soldier had the initials "SMP" on his uniform. They took the witness to the apartments at Pijeskovi regularly, about every 2 to 4 days. Usually four soldiers would rape her throughout the night; on one occasion, eight men raped her.

The witness managed to get out of the camp and to reach Zivinice. (Department of State)

#### **Impeding Delivery of Food and Medical Supplies to the Civilian Population**

**20 Feb 93:** Serbian forces in Borika halted a convoy of UNHCR [UN High Commissioner for Refugees] trucks carrying emergency supplies to the Muslim community of Zepa. (Reuters)

**17 Feb 93:** Serbian militia blocked a 10-truck UNHCR convoy, which had left Belgrade the previous day, from



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reaching the Muslim town of Gorazde. They also continued to block another UNHCR convoy from reaching the Muslim town of Cerska. (Paris *AFP*)

**6 Feb 93:** Serbian forces hit a German relief flight with anti-aircraft fire. The C-160 was at 9,000 feet and just south of Karlovac when the anti-aircraft fire hit near the right engine housing. The German loadmaster was seriously wounded in the abdomen.

UN peace-keeping troops witnessed the Serbs shooting at the German plane with a 23-millimeter anti-aircraft gun set up in Kosijersko Selo. (Department of State, *The New York Times*, *Reuters*, Paris *AFP*, Bonn *DDP*)

**2 Feb 93:** Unidentified forces at 2:50 pm shelled a UN convoy just outside Mostar, led by personnel from the Danish Refugee Council and escorted by two Spanish UNPROFOR [UN Protection Force] armored personnel carriers. One Danish official was wounded seriously; his Croat interpreter was killed. The Danish workers were associated with an eight-truck convoy that was returning to Metkovic, having completed delivery of supplies to central Bosnia. The UNHCR suspended the convoy, pending an investigation into the incident. (Department of State, *Reuters*)

**Jan-Feb 93:** Bosnian Croatian forces at the end of January and beginning of February have impeded some international aid supplies (not UNHCR or ICRC) from reaching Muslim populations around Jablanica and Travnik.

Croat officials also have harassed international relief workers, confiscated their vehicles, and sought to dictate how humanitarian aid is distributed in an attempt to limit the share reaching Muslims, according to relief organization sources

in Mostar. (API, *The Washington Post*)

**24 Jan 93:** Unidentified snipers shot at a UNHCR driver while the relief worker was driving through Stup. Unidentified forces turned back a Danish UNHCR convoy in the vicinity of Kacuni and challenged the

British UNHCR escort. (Department of State)

**14 Jan 93:** Unidentified persons inside the hospital in Kosevo shot at a UNHCR convoy delivering fuel to the hospital. (Department of State)

**13 Jan 93:** Small arms fire in the town of Gornji Vakuf killed a British soldier serving with the British force protecting aid supplies in Gornji Vakuf. Five British UN troops have been wounded by gunfire in Bosnia-Herzegovina since September 1992. (Department of State, Paris *AFP*)

#### **Deliberate Attacks on Non-Combatants**

**18 Feb 93:** Bosnian Serb gunners fired five tank shells from Sarajevo's Mrkovici Heights into the neurological surgery and pediatric surgery units of Kosevo Hospital. In addition, 20 shells damaged two other units in the hospital complex. (Paris *AFP*)

**11 Feb 93:** Heavy shelling between Bosnian army and Serb troops caused the closing of the Sarajevo airport. The airlift operation from Zagreb was also suspended because a British aircraft experienced two radar lock-ons.

The shelling at Sarajevo airport killed one French UNPROFOR soldier and wounded three others. (Department of State, Paris *AFP*)

**28 Jan 93:** Bosnian Serb forces detained 21 UNPROFOR civilian police in a hotel in Benkovac. The Serbian militia were using UN police as a shield against Croatian artillery, according to the UN Secretary General. Though the Serbs claimed this move was taken "for their safety," the officers were kept on the hotel's top floor, in the line of fighting. (Department of State, Paris *AFP*)

**27 Jan 93:** An unidentified assailant seriously wounded a UNHCR logistics assistant at Sarajevo airport. With a bullet wound to the leg, he was evacuated the next day by a French aircraft, which in turn was threatened by small arms and mortar fire prior to take-off. (Department of State)

The UN High Commissioner for Refugees narrowly escaped injury when unknown snipers fired at the

convoy in which she was riding in Sarajevo. The automobile caravan was attacked enroute to the residence of UNPROFOR Commander Morillon, and a lead car with journalists was hit twice. (Department of State)

**27 Jan 93:** Serb militiamen drove out a Kenyan UNPROFOR contingent, which had been threatened earlier by Croatian forces, retook the Peruca hydroelectric dam located near the town of Sinj, and blew up a bridge constituting part of the dam works. Water began pouring through cracks in the structure, endangering the lives of 20,000 people living in the valley below the dam. (Department of State, *The Washington Post*, *The Sun*)

**25 Jan 93:** Unidentified snipers killed two French soldiers and wounded three others in Karin, near Zadar. (Department of State, Paris *AFP*)

**Jan 93:** Bosnian Government forces fired on two UN crews, as the latter tried to restore electric power in Sarajevo, according to a UN spokesman. (*The Washington Times*)

**17 Jan 93:** Bosnian mortar fire from Hrasnica—a Bosnian-held suburb of Sarajevo—wounded three French UNPROFOR soldiers who were manning a checkpoint at Sarajevo airport. (Paris *AFP*)

**Apr-Aug 92:** A 43-year-old Bosnian woman from Mostar said that on April 10, 1992, an unidentified JNA unit from the South Camp in Mostar had arrived at the cigarette factory in that city with six tanks, which opened fire with machine guns. The factory's Serbian engineering economist issued orders to the JNA unit. All factory employees were ordered out onto the street, where all non-Serbian males were separated out and taken to South Camp, while the women were ordered to remain home.

At 6 pm on May 1, a JNA unit approached two apartment houses belonging to the cigarette factory and located on its grounds. They opened fire with machine guns. A resident called the UN and Red Cross offices located in the "HIT" department store; shortly after, one JNA Special Forces soldier wearing a camouflage uniform with a black scarf tied around his head and two

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Airborne Military policemen arrived. The witness judged by their accent that they were from Montenegro. The Special Forces soldier kicked in an apartment door and, threatening the occupants, asked about the phone call to the UN representative. A short time later, a group of JNA soldiers arrived and began to tear apart the apartment searching for weapons.

The following evening, a group of Serbian civilians wearing paramilitary uniforms came to the two apartment buildings and took away 10 men. A senior paramilitary officer told his men they could choose any women they wanted for their entertainment. Many apartments in both buildings were set on fire by tracer rounds fired by tanks of the unit. (Department of State)

**Other, Including Mass  
Forcible Expulsion and  
Deportation of Civilians**

**17 Feb 93:** Bosnian Serbs showed Belgrade-based foreign journalists 35 bodies thus far exhumed from a grave site discovered the previous day near the village of Kamenica, 20 kilometers south of Zvornik. The Serbs found two other grave sites, including one in a frozen pond containing 16 more bodies.

Serbian pathologists, including a member of the Medical Military Academy of Belgrade, claimed the 35 bodies were Serbian fighters and civilians killed in November. There had been a Muslim offensive in the area on November 6, 1992.

As of the time of this report, it is not clear that the grave site contains evidence of atrocities. (Department of State, Paris AFP)

**Feb 93:** By blocking relief supplies and general access, Serbian militia have starved Muslim refugees out of Cerska, Zvornik, and Kamenica—forcing them to move recently to the Tuzla area of northern Bosnia. According to a UNHCR spokeswoman on February 9:

They are horribly malnourished, they have severe frostbite, and they are showing signs of scabies, head lice, and war wounds. We have 50 severe cases of frostbite. Some of them are losing their fingers and their toes.

(Paris AFP)

**Jan 93:** Bosnian Serb authorities announced on January 25-26 that the approximately 6,000 Bosnian Muslims resident in the town of Trebinje and the surrounding area had 3 days to sell all of their property and to leave the area no later than February 15. The authorities said they could not guarantee the safety of the Muslims living in the Trebinje area after January 29-30, 1993.

"I saw Serbian families already starting to occupy Muslim houses," reported a 33-year-old woman from Trebinje. "Men in khaki uniforms with Serbian-flag shoulder patches came to our house. The men told me they would kill my 3-year-old daughter unless we moved out."

International officials confirmed on February 1-2 that about 5,000 Bosnian Muslims had already been forced to leave the Trebinje area. Those refugees who had not sold their property were required to sign documents turning it over to the Bosnian Serb authorities before leaving the Trebinje area. (Department of State, *The New York Times*)

**Apr 92:** A 34-year-old Muslim male said that shortly after Bosnia declared its independence on April 8,

the head of the local branch of the Serbian Democratic Party (SDS), became leader of the Foca area Serbs and ordered that the Muslim population of the city be rounded up and deported to various camps.

Muslims and Croats were picked up 100-200 at a time and held for a few hours at local high schools before being sent to various camps. The first taken were intellectuals, city officials, and police officers. Later, entire families were removed from their houses which, together with their shops, were then looted and burned by Chetniks and local Serbs—including former neighbors.

The witness identified some of the Serbs who led these activities in Foca, three of whom were former deputies of the National Assembly from Foca. The witness said that these men also ordered the April 7 attack on Foca and gave orders for local ethnic cleansing and other criminal activities.

The witness said that two local Serbs removed the Klapuh family (husband, wife, and daughter) from their home. The next day, all three were found dead with their throats cut. (Department of State) ■

### Deputy Secretary Meets With Nigerian Head Of Government

*Statement by Department Spokesman Richard Boucher, Washington, DC, March 24, 1993.*

Deputy Secretary Wharton's March 23 meeting with Chief Ernest A.O. Shonekan, Nigerian Head of Government and Chairman of the Transitional Council, focused on Nigeria's transition to democracy and covered a wide range of bilateral, regional, and international issues. Three other members of the Transitional Council—Secretary for Foreign Affairs Mbu, Attorney-General Akpamgbo, and Secretary for Petroleum and Mineral Resources Asiodu—also took part in the meeting.

Chief Shonekan reaffirmed Nigeria's commitment to the scheduled transition to elected civilian rule in August [1993], to economic reform

efforts, and to peace-keeping in Liberia and elsewhere. The Deputy Secretary commended Nigeria's significant contribution to international peace-keeping and stressed the importance which respect for human rights and a timely restoration of democracy hold for the bilateral relationship between our two countries.

The two sides agreed on the need for closer counter-narcotics cooperation, and the United States welcomed Nigeria's commitment to vigorous prosecution of major drug-traffickers. It also was recognized that due process in resolving commercial disputes is essential to ensuring a favorable climate for foreign investment in Nigeria.

The Nigerian delegation's schedule in Washington also included meetings with the Vice President and the Secretaries of Commerce and Treasury. □

b. The US Government should identify civilian and military media assets to be put at the disposal of UNPROFOR, for example, to conduct an intensive, ongoing public information program.

- Alternatively, if a broader information system is created for keeping the people of Bosnia-Herzegovina more aware of international efforts which affect them, ways should be found to use program content in support of UN agencies' roles and activities in Bosnia-Herzegovina.

c. The US Government should provide appropriately trained military personnel with concomitant resources to augment the fledgling UNPROFOR civil affairs effort aimed at improving its relations with the Bosnian-Herzegovinian populace, which poorly understands its limited, aid-related mission. This would not entail a formal US role in UNPROFOR, but the provision of a limited number of G-5 specialists to augment and train UNPROFOR G-5 staff. A possible model effort might be with UNPROFOR in Sarajevo.

7. A combined civilian-military task force on power supplies in Bosnia-Herzegovina should be established to collaborate with Bosnian-Herzegovinian officials to enhance coal production, undertake power plant repairs and other programs possible in the current hostilities.

### Funding Implications

There are few unexpended or non-earmarked funds available to the State, USAID, and Defense offices which normally bear the cost of humanitarian assistance programs. To the extent that options presented in this summary or in the full report require significant additional funding, the team will forward recommendations for reprogramming or for requesting a supplemental appropriation. ■

## Seventh Report on War Crimes In the Former Yugoslavia

*Following is the text of the Supplemental United States Submission of Information to The United Nations Security Council in Accordance With Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 780 (1992), dated April 12, 1993.*

*Editor's Note: This report contains graphic descriptions.*

This is the seventh submission by the US Government of information pursuant to paragraph 5 of Security Council Resolution 771 (1992) relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia. As in our previous reports, we have focused on grave breaches of the Geneva Conventions and, in accordance with Resolution 771, have provided information that is "substantiated," that is, which rests upon eyewitness testimony directly available to us or that includes detail sufficient for corroboration.

As with previous reports, we have tried to ensure that our collection effort has been even-handed and aimed at gathering information on crimes committed by all parties to the conflict. It should be noted, however, that access to independent sources within the territory of the Republics of Serbia and Montenegro has proved very difficult, due to limitations imposed by authorities in those areas.

We have tried not to duplicate information provided to us from other countries and non-governmental sources, which we understand will submit reports pursuant to Resolutions 771 and 780. The United States has further information substantiating the incidents included in this report, which we will make available on a confidential basis directly to the Commission of Experts, established under Security Council Resolution 780.

In accordance with paragraph 1 of Resolution 780, the United States intends to continue providing reports as additional relevant information

comes into our possession. As in our previous reports, the notations at the end of each of the items indicate the source from which the information was drawn.

### Former Yugoslavia: Grave Breaches of the Fourth Geneva Convention, Seventh Submission

#### Willful Killing

**Jun-Sep 92:** A 32-year-old Muslim had fled with some other men into the woods around his village of Carakovo in early May 1992. On June 22, after nearly 2 months of hiding, Serbian soldiers captured him, the 6 men with whom he had been hiding, and another 22 men from the village.

An estimated 40 Serb soldiers wearing JNA [Yugoslav National Army] uniforms marched the men along the road to a spot called Poljski Put near the Sidrov Kavana (Anchor Cafe), where they ordered the men to sit on the ground. The Serb soldiers then threw two pictures of Tito onto the ground in front of the men and told some of them to tear up the pictures and eat them.

For the texts of the first six reports, see the following issues of *Dispatch*:

Vol. 3, No. 39, p. 732;  
Vol. 3, No. 44, p. 802;  
Vol. 3, No. 46, p. 825;  
Vol. 3, No. 52, p. 917;  
Vol. 4, No. 6, p. 75; and  
Vol. 4, No. 15, p. 243.

For the text of Resolution 771, see *Dispatch* Vol. 3, No. 33, p. 652 or *Dispatch Supplement* Vol. 3, No. 7, p. 44.

For the text of Resolution 780, see *Dispatch* Vol. 3, No. 41, p. 769. □

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After this, the Serbs began to take the men one by one off to the side to beat them. The witness saw them carve orthodox crosses into the chests of some of the men. After each prisoner was beaten, he was taken into a nearby shed and shot. The beatings and killings lasted about 2 hours, during which time the group's commander was in a nearby yard and did nothing to stop the violence.

As the soldiers tried to carve a cross into the 20th man in the group, the prisoner struggled free—his head covered with blood and one eyeball hanging from its socket. A soldier then shot the man in the head and nearly shot one of his comrades in the process. At this point, the commander ordered the soldiers to stop the killings before they killed one of their own. Thus, nine men, including the witness, survived.

The nine survivors were loaded onto a bus for Keraterm camp. As the bus drove off, the witness saw the shed that held the corpses of the 20 dead men engulfed in flames.

This witness was in Room Three at Keraterm on the night of July 24, 1992, when Serbian guards opened fire on the room with machine guns. He said that 157 men were killed, and 57 wounded.

On September 3, 1992, the witness was transferred with about 1,000 other prisoners to Trnopolje camp, where he said security was lax, and prisoners were allowed out of the camp to find food. After 19 days at Trnopolje, the witness escaped. (Department of State)

**Summer 92:** According to Muslim witnesses, Muslims conducted revenge killings in Gorazde during the summer of 1992, executing innocent Serbs summarily and destroying whole districts where Serbs had congregated. Gorazde city officials confirmed that there had been no trials. (*The New York Times*)

**Jul 92:** A 57-year-old Bosnian Muslim witnessed the ethnic cleansing of Prijedor in late July 1992.

The Serbs in Prijedor killed large numbers of Muslims in the Muslim section located in the city center. The witness saw them

massacre 18 Muslim men at the home of Mustafa Cerić, who was one of the victims. JNA soldiers cut off two fingers (the little finger and the ring finger) of each man's hand "so they could make the sign of the cross." They then cut off the men's noses and ears, and finally cut their throats.

The bodies of these 18 men were put on a truck together with 40 or 50 bodies of other men killed in Partizanska Ulica and were buried in the old coal mines at Tomasica, south of Prijedor. (Department of State)

**Jul 92:** A 40-year-old Muslim woman witnessed the killing of Foca Muslims in early July 1992.

One night at 9 pm, the witness saw Serbs leading a group of seven people up to the "Tito" sign on a hill overlooking Foca. She said [that] the group was driven up the hill in a yellow mini-van. The group included Nezir Hatibovic, a dentist, and his wife, Majda. She saw the Serbs make the group strip, take their money and identification cards, and murder them with knives. The bodies were thrown into the Drina River.

During the next 4 to 5 days, the witness saw the same yellow mini-van bringing people to the same site where they were slaughtered in the same fashion. She saw some bodies thrown in the Drina, and others thrown into trucks that were driven away.

The witness said the van came from the direction of the men's prison at the KP Dom and she suspected [that] the victims were prisoners from that camp. She believes there is a mass grave under the "Tito" sign, and two or three mass graves near the outdoor stadium in Foca. (Department of State)

**3 Jul 92:** A middle-aged Muslim woman described the attack on her village of Trosan, near Foca.

Local Serbs had surrounded Trosan from April 8 to July 3, 1992, prohibiting Muslims from entering or leaving. Every night, the villagers slept in the woods out of fear of being attacked. They returned by day for food.

On July 3, an 80-member band of local Serbs attacked the sleeping villagers in the woods. The band called themselves White Eagles and had White Eagle emblems on the shoulders of their camouflage uniforms. Their leader was a man from a neighboring village and known to the witness.

The band started the attack by opening fire on the group, immediately killing Edhem Barlov, Selman Kobilar, Esad Calovo, Selima Pekaz, and Faila Odobasic. At least four others were wounded and a woman was beaten until she fainted. Everyone was treated roughly. Eventually another local Serb approached the group and told them to leave the villagers alone.

The villagers were then separated—men in one group, women in another. When the approximately 35 women and children were led away about 20 meters, the Serbs opened automatic weapons fire on the men. The women and children, who were not allowed to bury the dead or see who was killed, were led around Trosan through the woods and observed the burning of all 30 homes in the village. (Department of State)

**Jun-Jul 92:** A 55-year-old Bosnian Muslim from Brcko stated that Serbian forces "stormed" into the suburb of Novo Brcko. Chetniks, including White Eagle forces, shot rifles into the windows of residences and drove people into the street. All residents were put into six trucks, which made about three trips to ferry the people to an area where three schools were co-located.

The residents of Novo Brcko were gathered onto the combined athletic fields of the schools. With megaphones, the captors directed Serbs to one part of the field, Croats to another, and Muslims to yet another. Members of mixed marriages and children were not permitted to remain together. Along with a group of males aged 13 and older, the witness was among the first prisoners taken to Luka camp, where he was forced to sign documents "selling" his property in Novo Brcko at a low price to a Serb whom he identified.

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During his first days at the camp, the captors called out names of prisoners from electoral rolls. All those who were members of the SDA (a Bosnian, primarily Muslim, political party) or who had held positions of leadership in business or industry were killed. Shootings often occurred at 4 am. The witness estimates that, during his first week at Luka, more than 2,000 men were killed and thrown into the Sava River. (See section that includes mass graves.)

After 4 days of mass shootings, there was a lull. From the fifth day, prisoners who were ethnic Serbs and were accused of being disloyal to the Chetnik cause were taken for interrogation and beatings.

The witness was interrogated on the seventh day of his captivity. This was the stage when detainees with property or money were subjected to questioning and torture. The witness, who was affluent, would not describe his own beating. By this point, all prisoners known to have been politically active had already been killed.

Following his second week in the Luka facility, the witness saw guards torture or kill Serbs who had hidden or helped Muslims. The camp commander designated a Bosnian Serb who had been a waiter at a Brcko hotel to seek out specific ethnic Serb prisoners for interrogation because he knew most of the Brcko area residents by name.

After the witness had been interrogated, he was taken with other prisoners to Hangar Two of the loading dock, where they were forced to look at a pile of more than 200 corpses or torsos. Most of the body parts had been chopped off: hands, arms, and genitals. The prisoners standing outside Hangar Two were told [that] they would end up like that if they told lies while being interrogated.

When the 13-year-old son of Rasko Kartal tried to protect his father from the sight, one of the Chetniks hit the boy with the butt of a gun, shattering his face. The guard killed the father with three shots when Rasko went after the guard for crushing the boy's face.

Looking out the window during one of his interrogations, the witness saw the soldiers gang-rape a woman whom he had known since his school days and murder her husband. A Brcko school teacher among the guards, an ethnic Serb, was shot dead for refusing to join in the torture and killing of this couple.

The witness identified many of those responsible for the atrocities at Luka, including its second camp commander. This commander, according to the witness, showed serious concern over the fact that some guards carried out their "duties" with knives. Most other guards at Luka were also visibly afraid of the knife-wielding guards, who were regularly seen castrating male prisoners. (Department of State)

**Jun-Jul 92:** A 38-year-old Bosnian Muslim described the beating deaths of two men at Omarska camp.

He recalled a Croatian man, under 30 years old, named Petrovic, who had come from Ljubija. The Serbian guards were especially brutal to Petrovic and beat him repeatedly in the "White House" over several days. After the last such beating, the witness helped take the bloody shirt off his back and saw that it was bruised black from waist to neck. Petrovic died about 4 am on July 1 or 2.

A man in his twenties, named Avdic, was beaten in the White House repeatedly over the same open wounds until the witness could see the bone in his upper back where the skin and muscle had been torn away. The wounds, oozing blood, had festered so much that other prisoners could not bear to sit next to him because of the stench. About 1 pm on August 18 or 19, the Serbian guards took Avdic outside. The witness heard a burst of gunfire about an hour later. He never saw Avdic again. (Department of State)

**13 Jun 92:** A 22-year-old Bosnian Muslim was part of the June 13, 1992, roundup in Mostar of about 200 Bosnian Muslim and Croatian men, women, and children by

Bosnian Serb forces. They were taken to Zalik, at the northern end of Mostar.

At about 4 pm on that day, the chief of police in Zalik ordered the women and children separated from the men, who were marched to the JNA Sjevrni Logor military installation located nearby. After their names were registered on a roster, the men were put on three small trucks. Between 12 to 15 Serbian irregulars boarded a fourth truck, and the four-vehicle convoy departed for Sutine, located several kilometers north of Zalik.

Upon their arrival in Sutine, the prisoners were taken to a building that belonged to the cemetery and was adjacent to the Sutine landfill. The building was being used as an interrogation and processing center for Bosnian Muslim and Croatian prisoners. Two of the rooms in the building were used for interrogation and torture of prisoners.

One by one, the prisoners were led to one of the interrogation rooms, where they were beaten and tortured by an inspector and two or three guards. After being indiscriminately beaten and tortured, the prisoners were taken outside and executed by either the inspector, with a pistol shot to the head, or by the guards, with a burst from their automatic rifles.

Over a period of 90 minutes, bodies of executed prisoners were dumped into the Sutine landfill at a rate of about one body every 5 minutes. The witness, who was wounded and assumed dead, escaped from the landfill later at night. (Department of State)

**1 Jun 92:** A 62-year-old Bosnian Muslim witnessed the willful killing by ethnic Serb paramilitary forces of at least 53 men, women, and children in the village of Prhovo, Bosnia.

At about 3 pm on May 30, 1992, a large force of ethnic Serb paramilitary soldiers and three armored personnel carriers entered Prhovo, a village located about 7 kilometers northeast of Kjud. The village, which contained 45 houses grouped along a main road and several small streets, had more than 150 inhabitants.

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The soldiers, who wore stocking masks over their faces, went from house to house searching for weapons. After finding some weapons, the soldiers proceeded to ransack the homes, break windows and doors, and pull the residents out into the streets. These men, women, and children were ordered to fold their hands behind their heads and were herded through the village to a point on the road where they were stopped and lined up.

Meanwhile, the soldiers attempted to coax back into the village those residents who had run into the woods when the soldiers arrived. The soldiers announced through megaphones that the residents would not be harmed if they returned. When these people returned, the soldiers beat them severely; about 10 were beaten into unconsciousness.

The assembled villagers were then told that they were free, that they need not worry anymore, and that they must place white flags on their homes to indicate the village had surrendered. During the nights of May 30-31, some people fled to the woods, while others slept in their cellars.

At about 6 pm on June 1, the soldiers returned and again used megaphones to call people in from the forest. They also went from house to house, pulling people out into the streets. The male residents were beaten severely. At about 7 pm, the soldiers began murdering the residents with automatic weapons. They fired single shots, then long bursts of automatic gunfire.

After the shooting stopped and the soldiers had departed, the witness, who had fled to the woods when the shooting started, returned to the village. The murdered men, women, and children lay in the streets. Houses were burning, and their roofs were collapsing. Some women and children who had hidden in basements began coming into the street crying and looking for their loved ones.

The following 53 people were killed in the massacre:

1. Ekrem HADZIC, 32
2. Izet HADZIC, 30
3. Suvad HADZIC, 31
4. Zijad HADZIC, 30, husband of No. 5
5. Riubija HADZIC, 32, wife of No. 4
6. Amel HADZIC, 14, son of Nos. 4 and 5
7. Amela HADZIC, 9, daughter of Nos. 4 and 5
8. Hajro HADZIC, 55
9. Hasim HADZIC, 34, son of No. 8
10. Senad HADZIC, 17, grandson of No. 8
11. Ilfad BRKOVIC, 45, husband of No. 12
12. Rasema BRKOVIC, 45, wife of No. 11
13. Nisaveta BRKOVIC, 10 daughter of Nos. 12 and 13
14. Camil MEDANOVIC, 40
15. Enes MEDANOVIC, 21
16. Sulejman MEDANOVIC, 55
17. Ahmo MEDANOVIC, 59, brother of No. 16
18. Vahid MEDANOVIC, 60
19. Suvad MEDANOVIC, 23, son of No. 18
20. Safet MEDANOVIC, 32
21. Nasiha MEDANOVIC, 30
22. Enesa MEDANOVIC, 20
23. Fadila MEDANOVIC, 18
24. Hadzire MEDANOVIC, 65
25. Indira MEDANOVIC, 7
26. Hava MEDANOVIC, 30
27. Arif MEDANOVIC, 70
28. Sefik MEDANOVIC, 28
29. Teufik MEDANOVIC, 30
30. Fatime MEDANOVIC, 55
31. Midheta MEDANOVIC, 18
32. Hasan MEDANOVIC, 45
33. Halil MEDANOVIC, 22, son of No. 32
34. Mujo MEDANOVIC, 15, son of No. 32
35. Hilmo JUSIC
36. Nedzad JUSIC
37. Nermin JUSIC
38. Enisa JUSIC
39. Azemine JUSIC
40. Emira JUSIC
41. Samira JUSIC
42. Latif JUSIC
43. Ramiza JUSIC
44. Osme JUSIC
45. Isak MESIC
46. Ismet MESIC
47. Gane MESIC
48. Ismeta MESIC

49. Kamanfie OSMANOVIC
50. Tehvid OSMANOVIC
51. Rufad OSMANOVIC
52. Mehmed DEDIC
53. Hamdo ISLAMAGIC

Most of the survivors left Prhovo on June 2 to live with friends and relatives in nearby villages. The witness and a few other Muslim men buried the dead on June 9. (Department of State)

**May-Jul 92:** An elderly Muslim woman was living with her family on the outskirts of the Muslim-controlled area of Gorazde when, in May 1992, Uzicki corps from the Serbian town of Uzicka stationed tanks on the mountain of Povrsnica, outside Gorazde.

On May 4, the Serbs announced that a Muslim had killed a Serb and, according to the witness, used this as a pretext to begin bombing the city. She saw the Serb bombing of the Hotel Drina, which housed numerous Muslim female and child refugees from neighboring areas, and the victims' bodies strewn over the pavement.

From May 4, local Serbs, who had roamed around town harassing Muslims, removed the stockings they had been wearing over their heads to conceal their identities. Thus, the witness was able to identify many of the perpetrators of atrocities in Gorazde.

In mid-June, the witness saw Serbian soldiers massacre Muslims in a settlement at the foot of the mountain and throw the bodies into the Drina River. On July 19, a Serb soldier came to her house on the Povrsnica mountain and killed her daughter. Local Serbs had already taken away her son-in-law on May 26. (Department of State)

**May-Jun 92:** Two Bosnian Muslims witnessed Serbian actions against a series of villages from a hill above Prijedor and identified some of the men who helped command the attacks and performed executions.

On May 27, 1992, there was a skirmish when a Serbian patrol stumbled upon a Muslim checkpoint on the road from Harambine to Ljubija. Three Serbs were killed. The Serbs then gave an ultimatum for the village of Harambine to

surrender. Soon after this, the Sixth Krajina brigade attacked Harambine, using three tanks in the fighting. From Carakovo, the two witnesses could see the village of Harambine in flames. The Serb forces then moved on to Kozarac and Biscani.

On June 23, 3 days after the attack on Biscani, the Serbs moved against Carakovo. Radio Prijedor had announced that Muslims should not be afraid, that the soldiers were only looking for extremists. Both witnesses were hiding in the village during the attack. The attack began at 8:15 am. The Serbs first killed two older men by slitting their throats.

The witnesses then heard gunfire and afterward saw a pile of 15-20 bodies in the street. Seventeen people were forced into a local mosque. The soldiers then burned down the mosque with the people inside.

The two witnesses eventually escaped across the border into Croatia. (Department of State)

**6 May 92:** A 55-year-old Bosnian Muslim was in Kremalusa on May 5, 1992, when White Eagles surrounded the village and opened fire with machine guns and mortars.

The Serbian irregulars continued firing at the village until the afternoon of May 6 when they moved into the village and began to search the houses and round up the occupants. They used the witness as a point man and human shield when they entered the houses and as a precaution against booby traps.

During the searches, the soldiers were looking primarily for gold, Western currency, and weapons. Some residents who were believed to be wealthy or who had a family member working in Western Europe were killed for not surrendering the gold or foreign currency that they were expected to have; the houses, with the bodies inside, were then set on fire.

If the occupants were too old to leave the building without assistance, no efforts were made to remove them, and the buildings were simply set on fire with the elderly occupants still inside. The

witness identified the leader and several members of this search party.

Some of the Kremalusa victims were: Imam Abid Ukara, 80, who was burned alive in his daughter's house; Serif Ukara, 66, who was burned alive in his own house; Saban Ukara, 40, who was killed and then burned in his house; 75- to 80-year-old Hasan Polovina and his daughter, Sida Polovina, 40, both killed and then burned in their home; Tija Bojadzija, 40, who was killed and then burned when his house was set on fire. (Department of State)

**26 Apr 92:** A 62-year-old Muslim joined other villagers to visit the JNA military installation in Pilipovic, a small village outside Foca, for protection from the fighting in the surrounding area.

At 1 pm, 50 White Eagles came to the military installation and searched all the Muslims for money. At one point during this search, the witness saw the White Eagles select six people from the group and shoot them in a field 50 meters away. Four were killed: Meho Dedovic, 80; Sarko Sahovic, 57; Vahid Frašto, 37; and Munir Termiz, 29. (Department of State)

### Torture of Prisoners

**May-Dec 92:** A 38-year-old Bosnian Muslim described his torture and imprisonment in the Keraterm, Omarska, and Manjaca camps.

After the wave of Serbian attacks began in northern Bosnia-Herzegovina in April 1992, the witness fought for about 1 month with the local Kozarac Territorial Defense Force in defense of the town. Serbian forces captured him on May 25, 1992, when his small patrol ran into an ambush.

The Serbs tied him to a tree and beat him. He has a deep scar on his left arm and another scar on his right thigh caused when a Serb stuck a knife into his leg and twisted it. They also knocked out some of his teeth and tried to cut off part of his left index finger. A group of about 50 other Serb irregulars came by and took him to Prijedor prison on the evening of May 25.

On May 29, three Serbs who were not guards in Prijedor prison beat him and two other Muslim prisoners for at least half an hour with their fists and steel pipes. The witness was bleeding and half-conscious on the floor when he heard one of the Serbs tell another not to bother hitting him, that he was already dead. The witness said he could identify the three again.

On May 30, other Serbs took the witness to Prijedor hospital and put him in a large ward with other Muslim and Croatian patients. A Serbian nurse put him on intravenous treatment, which he believes saved his life.

On the morning of June 6 or 7, a Serbian doctor announced that all Muslim and Croatian patients, about 100 people, had to leave Prijedor hospital immediately. The Muslim and Croatian medical staff also had to leave. The witness was moved by truck to Keraterm camp where he spent about 20 days before being moved on June 26 to Omarska camp.

While at Omarska camp, the witness was beaten on two occasions in the White House. He and other prisoners were moved in late August to Manjaca camp, where he said Serbian guards kicked and hit him, but not as badly as those at Omarska. The witness was very grateful to the ICRC [International Committee of the Red Cross] for providing the food that kept him from starving until his release on December 14. (Department of State)

**Aug-Oct 92:** Three Bosnian Muslim men from Bileca—aged 33, 35, and 39—witnessed the rounding up of the entire male Muslim population of their village, placement of these men in detention centers, and the final ethnic cleansing of Bileca by local Serbian authorities.

The 35-year-old witness described how 50 men were singled out for physical abuse at the detention center in Bilica. Each night the police would enter the camp and conduct "telephone" torture. This method consisted of delivering 40-volt electrical shocks through a telephone wire affixed to

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their fingers. Each time the phone was dialed, the prisoners received massive electrical shocks.

The same witness said that between 9 and 10 pm on September 5, police came to the jail claiming to be White Eagles and threatened to kill all the inmates. In response to this threat, the prisoners boarded up the iron door to their cell to prevent the White Eagles from entering.

A Serbian guard helped the prisoners by warning them that the White Eagles were returning and not to let them in. The guard then threw the key to their cell in the bushes. For having helped the Muslims, the Serbian guard was beaten and held in an isolation cell with four Muslims.

The White Eagles shot at the cell and threw tear gas into the windows. During the 3-hour siege, six prisoners were wounded by bullets. The White Eagles left shortly after midnight.

The three witnesses provided names of those responsible for much of the torture and ethnic cleansing, but all were afraid to release the names of Serbians who had helped the Muslims for fear of retribution against these Serbs. The three witnesses were released on October 5. (Department of State)

**Jun-Sep 92:** A 37-year-old Bosnian Muslim was one of 183 Muslims being held at the central prison in Zvornik on June 29, 1992. All were from the surrounding area. The prisoners were beaten day and night. Every 2 to 3 hours, the guards would enter the cells and take a group of five to ten prisoners with them for interrogation, during which time they were beaten by four to five guards at a time.

The guards would kick the prisoners with boots and beat them with rifle butts and ax or shovel handles. Some of the prisoners taken for interrogation did not come back to their cells and were believed to have died from beatings. Every day new prisoners were brought to the Zvornik prison, and an equal number of prisoners were taken to the Batkovic camp.

Between July 15 and September 23, the ICRC visited Batkovic camp twice. One visit was on or about August 15. Each time, prior to the arrival of Red Cross personnel, the guards would take away the beaten prisoners and children under the age of 14 and hide them. The prisoners were taken to the town of Raca, where the rivers Sava and Drina join together. The prisoners were brought back after the departure of the Red Cross personnel.

After the first visit to the Manjaca camp by the news media, the Serbs transferred 700 prisoners from Manjaca to Batkovic. Between July 15 and September 23, the Serbs made at least four or five such transfers. In addition, two similar prisoner transfers were made from Omarska to Batkovic.

A prisoner who was transferred from the Luka camp in Brcko to the Batkovic camp in early September 1992 stated that while at the Luka camp he was assigned to a working party whose daily mission was to destroy corpses. The working party would collect the corpses from a freezer located at a meat processing plant and dump them into a meat processing machine. After the corpses were ground up, the working party would load the processed corpses into the trucks and dump them into the Sava River. (Department of State)

**Apr-Aug 92:** A 59-year-old Bosnian Muslim from Foca was at home on April 27, 1992, when Serbian special forces entered his home and forced him and his son to go outside. The soldiers wore camouflage uniforms and black headbands and were complete strangers to him. He assumes they came from Serbia because they spoke in the Ekovski dialect.

The witness, his son, and 18 other men from the neighborhood were taken by buses to the local KP Dom, a criminal rehabilitation center near the railway bridge on the Drina River. According to the witness, 560 Muslim men, all from the greater Foca area, were interned at KP Dom. The Serbs running the camp kept written records and biographic files on all

those interned. Interrogations focused primarily on uncovering which Muslims in town had weapons.

Those running the center instilled fear in the Muslim prisoners by selecting certain prisoners for beatings. From his window in Room 13, the witness saw prisoners regularly being taken to a building where beatings were conducted. This building was close enough for him to hear the screams of those who were being beaten.

The witness said about four men were beaten almost every night between midnight and 1 am. From his window in Room 13, he saw prisoners, covered with blood, leaving the building. The witness remained at KP Dom until his release on August 29, 1992. (Department of State)

**Jun-Jul 92:** A 55-year-old Bosnian Muslim from Brcko was a prisoner at Luka camp during which time he observed a Serbian woman in her 20s (later in this report described under the name of Monika) beat "handsome" male prisoners, aged 20 to 30, on the genitals repeatedly and for extended periods of time.

The witness said that on Wednesdays and Saturdays, guards raped teen-aged girls (described later in this report). Monika and certain other guards routinely lined up handsome young men, Croat against Muslim, in rows of three or four. The male prisoners were forced to perform sodomy on one another while being taunted by laughing guards.

According to the witness, the younger handsome males at Luka suffered the most horrific abuses by far of any group of prisoners. (Department of State)

**18 Apr 92:** A 43-year-old Bosnian Muslim from Foca was in Sokovac on April 18, 1992, when she witnessed Serbs set[ting] fire to all the homes 500 meters below her mother's home.

The witness was arrested at the same time by these men who shouted at her, "Do you know who we are? We are Chetniks!" They wore stockings over their faces to conceal their identity.



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The soldiers brought the witness to KP Dom, a detention facility, to be interrogated. Following the interrogation, she was beaten with a rifle butt and bled from her ears and mouth. She then was thrown into a cell where she was the only woman. A half hour later, a Muslim man, who had been wounded by a bullet and beaten on the head, was thrown into the same cell.

Two other prisoners came into the cell; one was vomiting blood, the other barely recognizable because of his beating. The witness said that guards threatened to cut her up and throw her into the Drina River. She was also forced to hand over her wedding ring when a Serb fighter threatened to cut off her finger. The witness eventually was released and put on a convoy out of Bosnia. (Department of State)

#### Abuse of Civilians In Detention Centers

**Jul-Aug 92:** A 40-year-old Muslim woman was at home on July 14, 1992, in Foca when 26 Serbian soldiers—claiming to be Seseljovci from Trebinje—came to her door. She said that she did not know most of the soldiers because their accents were not local, but that two Foca Serbs had led them to the Muslim homes.

The soldiers hit the witness on the head twice with a police truncheon, asked for her husband, and ordered her to go outside. They sliced the neck of a 16-year-old boy with a rusty knife while asking for his father; the boy was not seriously injured. Then they ordered the Muslims to kiss an Orthodox cross, which they all did.

After separating the men from the women and children, they took the latter group to the police station. As the group was leaving, the soldiers burned the Muslim houses. The women and children were separated into four groups at the police station and taken to separate houses confiscated from Muslim owners. The witness was placed with a group of 28 women. One of the soldiers told her that women, children, and old people were being taken to these homes

because they were "not worth a bullet." They were kept in this house for 27 days.

Day and night, soldiers came to the house taking two to three women at a time. There were four to five guards at all times, all local Foca Serbs. The women knew the rapes would begin when *Mars Na Drinu* was played over the loud-speaker of the main mosque. (*Mars Na Drinu*, or *March on the Drina*, is reportedly a former Chetnik fighting song that was banned during the Tito years.)

While *Mars Na Drinu* was playing, the women were ordered to strip and soldiers entered the homes, taking away the ones they wanted. The ages of women taken ranged from 12 to 60. Frequently the soldiers would seek out mother and daughter combinations. Many of the women were severely beaten during the rapes.

The witness was selected twice. The first time, soldiers had entered and grabbed an 18-year-old girl, asking her if she were a virgin. She said she was. Licking his knife, one of the soldiers said that if they found she was not, he would butcher her. The witness pleaded with them not [to] take the girl but to take her instead. "We'll take you too," they said.

While the witness was being raped, her rapist told her, "You should have already left this town. We'll make you have Serbian babies who will be Christians." Two soldiers raped her at that time; five soldiers raped the 18-year-old girl in full view of the witness.

The next time the witness was raped, her rapists showed her that they had had themselves circumcised so as not to "disgust" the women. She said she knew of four local Serbs who had had themselves circumcised for the rapes. She said at least 12 other women could testify to this.

The witness also said she was forced to drink alcohol and eat pork at the rape house. Many women threw up and then were beaten for getting sick. Some women from her house were taken to a hotel near Tjentiste and raped there. The

women were permitted to leave on August 18, 1992, on a convoy evacuating Muslims from Foca. (Department of State)

**Jul-Aug 92:** A middle-aged Muslim woman described the abuse of women following the attack on her village of Trosan, near Foca, on July 3, 1992.

An 80-member band of local Serbs had attacked Trosan and taken about 35 women and children to Buk Bijelo, a construction site for a dam, where they were kept for 3 to 4 hours in a workers' barracks. All the women's gold was confiscated. The band of Serbs started raping the women in a separate room of the barracks.

One woman was raped by 24 different soldiers before she was led away. The witness knows of no one who has heard from her since that time. Two 16-year-old girls were taken to the other room and could not stand up when they were brought back. The witness identified the men who participated in the rapes; another witness identified the chief of police, who reportedly had signed a document ordering the rapes.

A 28-year-old woman was taken by Serbian soldiers around midnight on August 12 to the outdoor sports stadium in Foca. There she was raped by 28 soldiers before losing consciousness. In addition, the soldiers burned her body with cigarettes and cigarette lighters.

The group was then taken to Foca high school where they spent 8 days. Every night, three to five women were taken away and often returned severely beaten. They were then taken by truck to the Partizan sport center in the middle of downtown Foca for 40 days. The women and children were not allowed to change their clothes and were fed only some bread at night.

This group from Trosan was the first group to be interned at Partizan, but more came later, eventually totaling 74 detainees. In addition to women and children, there were five elderly men. During her time at Partizan, the witness said that "soldiers" entered day and night to lead away young women. One 24-year-old woman

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was raped in front of the entire group of detainees. (Department of State)

**Jun-Jul 92:** A 55-year-old Bosnian Muslim from Brcko was a prisoner at Luka camp during which time he saw teen-aged girls being brought, eight to ten at a time, into the camp commander's office building on Wednesdays and Saturdays, between about 2 and 6 pm. The teenagers came only those 2 days of the week.

Monika, a Serbian woman in her early 20s, would say "We've brought them." The camp commander would take his time selecting a girl, who would then be escorted upstairs. Once the commander had made his choice, three or four guards would select another girl, and so on. Only the commander had a girl to himself.

The witness identified Monika as the well-known daughter of Brcko's leading prostitute. She bragged about her job of going around town to "buy and prepare" the girls, and she was assisted by three men who participated in the "delivery service," as well as serving as "police" at Luka prison. The witness identified all of the aforementioned people and provided names of girls known to be dead and presumed to have died from being gang-raped at Luka camp.

Monika brought a nurse to Luka to "prepare the girls and make them calm." The girls apparently had no idea what was going to happen to them, because they were only slightly frightened. The witness implied that the nurse was coerced into "treating" the girls. The witness observed Monika beating young men on the genitals repeatedly and for extended periods of time.

The nurse, also a fellow refugee, said that Monika had stabbed one girl, who had resisted being sent to the soldiers, on the breast and in the vagina with the broken neck of a glass bottle; the girl bled to death. The nurse personally witnessed this incident. (Department of State)

**18 Apr 92:** A 37-year-old Serbian woman described her rape by

Croatian soldiers following the shelling of her village near Odzak in Bosnia.

The Croats came for me at 12:30 am on June 5. They broke down the door of the house and picked me out, made me walk some 20 meters away and said 'Now you're going to tell us where the Chetniks are.' There were 15 of them, I knew them all, they were neighbors. They call themselves the Fire Horses Brigade.

The witness was brought to a place in Posavska Mahala where she was raped by at least seven men before she passed out.

One man ripped my clothes off and raped me; he didn't spare my mouth or my anus. He put a gun in my mouth and threatened to kill me. At 5:30 in the morning, he let me go, kicking me from behind and telling me to walk home. I was naked. My 9-year-old niece was raped. They were our neighbors, the ones who raped us.

My family is embarrassed to see me on TV, but I have to do it. Everything we owned was burned. We have nothing now.

(*The New York Review of Books*)

### **Impeding Delivery of Food and Medical Supplies to the Civilian Population**

**31 Mar 93:** Bosnian Serbs blocked a UN humanitarian aid convoy at Mali Zvornik as it was trying to move food, plastic sheeting, and tents to Srebrenica. The general commanding the Bosnian Serb army told the UN that he would allow only empty trucks into Srebrenica, not trucks carrying relief supplies. (Department of State, Paris *AFP*, *The New York Times*)

**27 Mar 93:** Serbian police and Bosnian Serbs blocked a 20-truck humanitarian aid convoy with food and medicine from reaching Srebrenica; it was forced to return to Belgrade. (*The Washington Post*)

**24 Mar 93:** Bosnian Serbs assaulted a landing zone for UNPROFOR [UN Protection Force for Yugoslavia] helicopters in Srebrenica, killing a Muslim child and wounding at least 21 persons, including two Canadian peace-keepers who suffered head wounds. Serb forces had shelled Srebrenica's post office, which was serving as a UN peace-keeping

base, and then hit the landing zone before and after three French helicopters had evacuated only 22 of an estimated 300 seriously wounded Muslim civilians. Two British helicopters, sent to evacuate the wounded Canadians, also came under fire.

"It is clear that (Bosnian Serb) forces are deliberately impeding the medical evacuation from Srebrenica," said an UNPROFOR letter to the commander of those forces.

French Maj. Olivier de Bavinchove described the Bosnian Serb mortar attack as "wounding again the already wounded."

Bosnian Serbs shelled the airfield used by the helicopters in Tuzla after the departure of the helicopters for the Bosnian Serb-mandated inspection point in Zvornik. They later fired seven more shells shortly after the arrival of the British helicopters from Srebrenica.

The commander of the UN peace force in Bosnia, French Lt. Gen. Philippe Morillon, said Bosnian Serb gunners "deliberately targeted" the Tuzla airport and Srebrenica landing zone.

At the request of the UN peace-keeping force in Bosnia, the commander of the Bosnian Serb forces arrested Serbian Colonel Ilic for having ordered the attack on Srebrenica during the UNPROFOR helicopter evacuation of wounded. Ilic will face a court martial for having broken the cease-fire agreement. (Department of State, *Reuters*, *The Washington Post*, *The New York Times*, *The Washington Times*, API, Warsaw Radio Warszawa Network, Paris *AFP*)

**19 Mar 93:** Bosnian Serbs blocked a humanitarian aid convoy bound for Srebrenica at the border of Serbia and Bosnia-Herzegovina from March 11 to March 19, 1993.

At least 60,000 people trapped in the vicinity of Srebrenica faced the threat of an increased death rate by starvation, exposure to the winter weather, and lack of medical care. UNHCR [UN High Commissioner for Refugees] staff members in the

enclave said [that] the situation had become increasingly desperate with each passing hour, with at least 40 residents dying each day. (Department of State, *Reuters*, *The Washington Post*, API, *Time*)

- 19 Mar 93:** An anti-aircraft round passed within 200 meters of a British aircraft as it approached the Sarajevo airport. UNPROFOR subsequently closed the airport to humanitarian aid flights. (*Reuters*)
- 9 Mar 93:** Bosnian Serb forces blocked a UN convoy of eight ambulances—carrying mattresses, blankets, and medical aid—that was sent from Belgrade to evacuate 70 to 75 seriously wounded civilians, mostly Muslim Slavs, from Konjevic Polje and Srebrenica. (*Los Angeles Times*, Paris *AFP*, *The Washington Post*, API)
- 5 Mar 93:** A grenade attack injured four drivers in a humanitarian aid convoy from Belgrade that was carrying 100 tons of flour from Croatian, Serbian, and Muslim non-governmental organizations. The grenades reportedly were fired by Bosnian Government forces. (*Reuters*, Paris *AFP*)
- 4 Mar 93:** A sniper near Sarajevo airport killed Chantal Godinot, a Frenchwoman with the Equilibre humanitarian organization, and wounded two Polish aid workers. Snipers ambushed the humanitarian aid convoy as it left Sarajevo. (*The Washington Times*, API, *Reuters*, Paris *AFP*)

#### **Deliberate Attacks On Non-Combatants**

- 26 Mar 93:** The UN charged Serbia with the continued shelling of Srebrenica, which had caused two deaths and 41 casualties in the past few days. According to a UN official, "We have the facts that artillery shells come from Serbia." (*The Washington Post*)
- 16 Mar 93:** A Serb mortar fell about 10 meters from visiting Dutch Defense Minister Relus ter Beek in Sarajevo. The impact of the shell injured an Egyptian UNPROFOR soldier; another shell killed two civilians nearby. (Paris *AFP*)

**13 Mar 93:** Serbian nationalist troops surrounding Sarajevo launched at least three mortar bombs at the Sarajevo courthouse in which a Bosnian war crimes trial is being conducted. One mortar struck the building's roof. (*The New York Times*)

**3 Mar 93:** Snipers fired upon Canadian peace-keepers while traveling between Visoko and Kiseljac, towns located near Sarajevo. (Montreal Radio Canada International, Paris *AFP*)

**2 Mar 93:** Bosnian Serbs fired a tank shell into Kosevo hospital complex at midday, the hospital's busiest time. The shell landed a few feet from the diagnostic building, killing one person—named Munira—and injuring eight others.

According to Munira's husband, this was the 177th shell to hit the hospital since April 1992. An emergency room physician said that "It happens every day, all the time."

A 60-year-old patient, victim of an earlier volley of shells, said her Serbian husband had been killed the previous week by an indiscriminate Serbian attack on Sarajevo. (*The Washington Post*)

#### **Other, Including Mass Forcible Expulsion, Deportation of Civilians, and Mass Graves**

**6-7 Mar 93:** Two bombs exploded during the weekend in Korcula in apparent attacks against Serbian-owned property. One boutique, whose owner was a Serb from Novi Sad, was damaged. A second bomb exploded in the courtyard of a home owned by a Serb. (Department of State)

**2 Mar 93:** Serbian forces, reportedly from the regular Serbian army (VJ), overran Cerska and obstructed the medical evacuation of the town's Muslim women, children, elderly, and 1,500 wounded. Muslims fled into the woods and in the direction of Konjevic Polje. (Department of State, Paris *AFP*)

**27 Feb 93:** British UNPROFOR units in Bosnia-Herzegovina had to help carry to safety some 1,500 Muslims and 15 Croats, mostly women and children, expelled by Serbian

extremists from the village of Sipov. Those expelled had been taken by bus to Turbe near Travnik and then forced to walk through snow to the other side of the battlefield. Serbs reportedly fired at the fleeing group as it crossed the no-man's land. (Department of State)

**Feb 93:** Bosnian Serb authorities have required Bosnian Muslims to pay for their own deportation. A 30-year-old lawyer described his attempt "to secure permission to escape" from Bosnia:

We've been trying to leave since summer, but it is difficult because we need money for all of the letters and guarantees. We want to go... anywhere where our refugees are still accepted.

Bosnian Muslims are sometimes required to mark their homes with white flags, to wear white armbands for identification, and to obtain permission to walk on the streets. A local assistance worker said:

We have restrictions on our movements. We cannot go anywhere from Banja Luka. Almost all Muslims in Banja Luka have been fired from their jobs. To walk around town, we must carry special papers.

A 40-year-old Muslim woman described drunken vigilantes in Celinac, a village near Banja Luka: "Every night they break into our apartments. They take away the men and demand our money." (*Los Angeles Times*)

**May-Sep 92:** A 53-year-old Bosnian Muslim described the ethnic cleansing of his village Obrevena.

The witness said the Rudo district (opcina) originally had a 28% Muslim population and two mosques. In April 1991, the Serbian Democratic party (SDS) candidate, a Serbian language teacher, was elected president of Rudo. Ethnic relations were fine until the beginning of May 1992, when the police chief fired Muslim policemen and the district government called up the local reserves, excluding Muslim reservists.

In May 1992, the witness saw Serbian soldier[s] burn the Muslim village of Polmilje, and, in July, he

witnessed the burning of the Muslim village of Bisevic. Also in July, the police started arresting Muslim men and interning them in a military warehouse in Rudo and at the Gojava military installation. Some were transferred to KP Dom, a criminal rehabilitation center.

On August 2, 1992, local Serb soldiers came to Obrevena. The witness recognized many of the Serbs who were dressed in camouflage uniforms with Serbian flag and SDS insignias, wearing headbands, and heavily armed. The soldiers collected nine Muslim men from the village and marched them 2 kilometers to a field by the Sokol Pasa mosque in Sokolovic. After the men waited there for 2 hours, the soldiers' leader told the men, "If you can run, then run," and released them.

The men fled toward Priboj, the closest town across the Serbian border, but were not allowed to cross the bridge over the border. They then forded the river and traveled by foot for 2 months through the woods until they arrived in Novi Pazar, the capital of the Muslim-controlled Sandzak area of Serbia. (Department of State)

**May-Aug 92:** A 46-year-old Bosnian Muslim from Mioce in the Rudo district (opcina) of eastern Bosnia described the ethnic cleansing of his home district. In January 1992, all Muslims had been asked to sign a loyalty oath to the "Serbian Republic of Bosnia-Herzegovina" and to give up their arms; all complied.

In May 1992, about 100 Serbian troops, led by a Serb from a neighboring village, surrounded Mioce and refused to permit Muslims to enter or leave the village. These soldiers wore stockings over their heads and dark sunglasses, and stopped people on the streets to extort money from them.

The soldiers also began looting homes, setting crops on fire, and shooting automatic weapons into the air day and night. The villagers slept in the woods. The soldiers' leader spent considerable time walking the streets of the village threatening Muslims and telling

them [that] they would die soon. He frequently said he was carrying out "orders from Pale."

At the end of July, the Serbian troops began attacking the witness' village in earnest. They burned Muslim homes, three of them with their occupants still inside. Some Muslims were taken to a camp in Rudo.

On August 1, 1992, a Serbian national assembly member came to Mioce and said that there was no longer any "control" over the Rudo district and that everyone should evacuate as soon as possible. At about 5 pm, 50 Muslim families ran into the woods for Priboj, a Serbian town about 10 kilometers away. They later heard from a neighbor that all 60 Muslim homes in the village had been looted and burned.

The villagers walked from Priboj to Prijepolje, on the Montenegrin border, where they were turned back by Serbian police. They eventually took a regular bus to Novi Pazar, the capital of the Muslim-controlled Sandzak region of Serbia. (Department of State)

**Jul 92:** A 27-year-old Bosnian Muslim witnessed the Bosnian Serb artillery bombardment of Biscani at about noon on July 20, 1992. Biscani was one of many Muslim villages in the Prijedor area and had a population of about 1,000 Muslims. Since May 1992, there had been Bosnian Serb soldiers and other officials in the town.

From May to July, their activities had been limited to provoking the population by insults, residential searches, and general harassment. The primary targets of the provocations appeared to be the wealthier and more prominent citizens of the town, including doctors, lawyers, and business owners.

Sometime between 2 pm and 3 pm on July 20, the artillery bombardment was lifted, and the town was assaulted by a force of Bosnian Serb infantry supported by one tank and one armored personnel carrier. Members of the attacking unit were Bosnian Serbs from the Prijedor area and from areas in the vicinity, such as Sanski Most and Banja Luka. The witness

recognized several of the attacking soldiers as residents of the Prijedor area. All wore camouflage uniforms, red berets, and had the Serbian flag on one sleeve of their uniforms.

Small groups of soldiers quickly occupied virtually every house in the village. After they had secured each house, they shot and killed most of the male residents in or immediately outside their homes. The women and children were rounded up and placed in a small number of houses so that they would be easier to watch.

The witness observed the shooting through a window from inside one of the houses. He saw two soldiers kill Vehid Duratovic and Sadik Causevic as they attempted to run away. He also saw seven Bosnian Serb soldiers assemble five male residents of the village in front of a wall of a house across the street where one of the Bosnian Serb soldiers shot and killed them. Four of the five victims were: Rifet Duratovic, Mirsad Kadiric, Ifed Karagic, and Ibrahim Kadiric.

From July 20 to 27, the surviving local residents, mostly women and children, buried the victims' bodies in the local cemetery.

On July 27, about 35 women and children and about 15 men were rounded up by Bosnian Serb soldiers. The witness believed that this group constituted all the remaining survivors of the village. This group was forced to walk to an unknown location near the entrance to the city of Prijedor where Serb soldiers had set up a roadblock.

At about 8 pm, a bus arrived and transported the entire group to the Trnopolje detention camp. (Department of State)

**Jul 92:** A Bosnian Croat from Prijedor reported the existence of 23 mass grave sites in northwestern Bosnia-Herzegovina believed to contain the remains of over 1,000 Muslim and Croatian victims of Serbian ethnic cleansing, especially during the period July 20-25, 1992.

He and other eyewitnesses had seen bodies being dumped in some of the locations and scores of

unburied corpses lying among the trees in other locations. Nine locations containing the 23 mass graves were plotted on a map and described as follows:

- First location: 23 villagers were killed at Brisevo and buried in eight graves.
- Second location: 19 villagers were killed at Rajas and buried in five graves.
- Third location: 43 people from Stara Rijeka were killed and buried in two graves.
- Fourth location: 200 people were killed and buried in one grave in the area known as Redak.
- Fifth location: several hundred corpses were buried in the open pit iron mine at Ljubija.
- Sixth location: 21 people were killed and buried in two graves in the region called Volaric.
- Seventh location: 120 people from the villages of Jugovic and Biscani were killed and buried in the village of Jubovci.
- Eighth location: several tens of people were killed and buried in the left bank of the Sana River near the village of Biscani-Sredice.
- Ninth location: several hundred bodies reportedly still lie unburied in the Kurevo Forest. There were reportedly 80 bodies at the base of Mount Lisina. (Department of State)

**Jun-Jul 92:** A 55-year-old Bosnian Muslim from Brcko, who was a prisoner at Luka camp in early June 1992, described the disposal of corpses from Luka prison. (See section on "Willful Killing.")

In the first week of June, the bodies of most of the 2,000 that he estimates were killed were thrown down a well and emerged later floating down the Sava River, surfacing at Resovo Polje and even as far away as Belgrade. As Luka guards became aware of the surfacing corpses, they took to cutting open the bodies and packing them with sand to keep them submerged. This effort did not always succeed. The third approach was to chop up corpses and burn the bodies.

The witness strongly urges the international community to secure access to the Luka harbor and send underwater divers down to identify the corpses that were dumped there in June and July, and to excavate sites where quantities of human bones can be found. (Department of State)

**Mar-Jul 92:** A Muslim woman in her mid-40s described the ethnic cleansing of Gacko, a town with a population of 16,000.

The witness said [that] the Serbian army first came through Gacko in March 1992, on the way to the front in Mostar. Serbs—calling themselves White Eagles—began destroying Muslim-owned cafes, apartments, and shops. All these Serbs were local, with the exception of some who said they were refugees from Mostar. About May 15, the White Eagles began shooting into homes and making arrests.

Around noon on June 1, soldiers arrested Muslim men as they finished their shift at the power plant where the witness worked. The soldiers put the Muslims in military transport and took about 100 men to the military prison in Avtovac, 5 kilometers from Gacko. The Serbian soldiers then moved from house to house arresting more Muslim men and moving them first to Avtovac and then to Hotel Terma, outside the town.

On July 4, shortly after midnight, Serbs began going house to house for the remaining Muslims. A soldier came to the witness's home and said, "You have 2 minutes to leave." She said that about 980 were forced to leave at this time. They were taken by bus and train eventually to the Serbian-Macedonian border, where a Muslim relief organization brought them to Skopje. (Department of State)

**26 Jun 92:** A 37-year-old Bosnian Muslim witnessed the arrival of local Serb paramilitary units reinforced with regular tank and infantry units from Serbia in Kozluk, Bosnia, on June 26, 1992. The units from Serbia were from Valjevo, Sabac, Loznica, Novi Sad, and Titovo Uzice. Prior to capturing the town, the Serbs bombarded

it with artillery from the Gucevo mountains across the border in Serbia. On June 26, the Serbs entered the town and brought with them buses and trucks. They ordered the entire population of Kozluk to assemble in the town center. About 1,500 people assembled.

The Serbs then read from a list the names of prominent local people and told them to move to one side. They were ordered into a bus and taken away to an unknown location; they were never seen again. Next, the Serbs segregated all the men from the women and children and ordered the men to board buses. Finally, the women and children were ordered to board buses. Before they departed, the town residents were told that, for their own safety, they were being taken to a refugee camp in Palic, near Subotica. (Department of State)

**18 Jun 92:** A 62-year-old Bosnian Muslim described the ethnic cleansing of the cluster of villages known as Fazlagica Kula, in the Gacko area.

On June 18, at about 5 am, Serbian forces from the Serb villages of Miholjace, Srdzevici, and Medjelic advanced on the villages. "They came with tanks from every direction," said the witness. The villagers fled to the mountains and watched their villages being bombed the entire day. On June 19, Serbian infantry entered the villages and looted homes and livestock.

The witness said between 200 and 300 residents of her village managed to escape to a nearby mountain, where they stayed for 27 days. She said [that] there were over 1,000 Muslim villagers from the area at various points on the mountain. The Serbs bombed their position every day and surveilled their position by helicopter.

On July 25, the Serbs called by megaphone asking the Muslims to give up the women and children and promised protection for them. About 200-300 women and children, carrying a white flag, descended the mountain. They were brought to Gacko where the police chief put

them into four military convoys and transported the women and children through Bileca to Trebinje. Rejected at Trebinje, the group was dropped off at Bileca. After 15 days in Bileca, the witness fled to Montenegro. (Department of State)

**May 92:** A 34-year-old Bosnian Muslim from Sokolovo saw local Serbs establish a control point on the bridge over the Sana River at the southeast end of Kljuc. The surrounding villages began to come under mortar fire and the Muslims were ordered to turn over all weapons, legal and illegal, to the Kljuc district government.

The Muslims were told that if the weapons were not turned over, the bombardment would continue. The bombardment included the following villages: Pudin Han, Velagici, Velecevo, Dubocani, Plamenice, Prhovo, Crljeni, Gornji Ramici, Donji Ramici, Krasulje, Balijeveci, Hripavci, and Kamickak.

The mortar attacks continued through May 29. Between May 31 and June 1, the witness said that Serbian forces had killed 40 persons, and that another 22 disappeared from the village of Prhovo. The murder victims lay where they had fallen 9 days before they were buried. Two eyewitnesses to the murders were among those who gathered up the dead and buried them under the supervision of paramilitary forces sent by the Kljuc district.

Following these attacks, the local Serbs maintained pressure on the remaining Muslim inhabitants through a campaign of random killings, looting, rapes, and destruction of houses.

In late August, the Kljuc district government took a census of the area and announced over the radio that those who wanted to leave the area could do so, but only if they agreed to relinquish all claims to their property. The government prepared property abandonment forms for this purpose and the Muslims were required to sign them. Kljuc district officials participated as witnesses and signatories to the documents. In addition, Muslims were required

to obtain a certificate allowing them to leave the area and to pay 50 Deutsch marks each for their transportation.

On September 11, the Kljuc district government set up a convoy of about eight buses and 12 large trucks in front of the Kljuc school center. All the Muslims who had the proper documentation and who had paid 50 [Deutsch] marks were loaded aboard the vehicles at 10 am, and the convoy departed for Vlasic mountain and Travnik, arriving about 5 pm. (Department of State)

**27 May 92:** A 32-year-old Bosnian Muslim said that, on the morning of May 27, 1992, the roads across the Sana River, from his neighborhood to the center of Sanski Most, were blocked by local Serbian police and soldiers whom he believed were from the JNA. During the day, he saw the police and soldiers bringing mortars and artillery into position on the other side of the river.

The shelling began at 9 pm and lasted until 8 [am] the next morning. The witness estimates that the Serbs used more than 3,000 shells and mortars. In the morning, the radio announced that all those in the neighborhood who wanted to surrender should raise a white flag. Another broadcast said that all weapons should be turned in to a central police station.

Later, the radio announced that all "innocent citizens" should report to the main soccer field to "settle accounts" for the activities of the Green Berets—a Muslim force allegedly fighting the Serbs. The witness said that nearly everyone from the neighborhood—a couple of thousand people—went to the sports field. Only those who had not heard the radio broadcast or who were too scared or distrustful of the Serbs to go stayed in their homes.

Once they were on the sports field, the Serbs began to "cleanse" the neighborhood. From the field, the witness watched the Serbian police and irregulars roam through streets, looting and burning houses. If they found people still in their homes, the Serbs threw a grenade through the window to kill the occupants.

Sometime in June, while being transported between detention facilities on the road between Kljuc and Sanski Most, the witness saw from the bus window a pile of 40 to 50 bodies stacked in a meadow about 5 meters from the road. At the foot of a hill, he saw a bulldozer digging what the witness presumed would be a mass grave. The witness gave a detailed description of the location of the site. (Department of State)

**27 May 92:** A 43-year-old Bosnian Muslim was in Velagici, located approximately 5 kilometers northwest of Kljuc, when Bosnian Serb forces started the systematic destruction of the village. Velagici had a population of about 8,000 people whose ethnic composition was 75% Muslim, 24% Serbian, and 1% Croatian.

Velagici was perhaps the wealthiest district of Kljuc because many of the men worked in Germany during the summer and earned hard currency. Because of this, many men were not in the village when the shelling began, leaving thousands of women and children virtually defenseless.

As soon as the shelling began on May 27, 1992, local Serbian radio broadcasts demanded that the citizens of Velagici surrender all arms and property unconditionally to the Serbian forces. Most of the women and children managed to escape on foot that evening to the nearby village of Postajre, where they hid in the homes of local residents. As a result, mass casualties were avoided in Velagici, though a total of 13 men and women were killed during this attack.

On May 28 at 6 pm, Serbian soldiers completely surrounded Velagici and forced 70 men, a group that included the witness, to turn over all weapons and surrender. All Muslim homes were subsequently robbed and burned. Velagici was renamed Ravna Gora by local Serbian authorities in June 1992. (Department of State)

**Apr-May 92:** A middle-aged Muslim couple from the village of Rodic Brdo, 1 kilometer from Visegrad,

witnessed the movement of the Uzicki corps—troops from Uzice—into the Visegrad vicinity on April 13, 1992.

This corps consisted of JNA soldiers, reservists, Uzice territorial defense forces, and White Eagles. The JNA soldiers wore their regular JNA uniforms. They brought a significant amount of heavy equipment with JNA markings (tanks, heavy trucks, and mortars) into town. Planes and helicopters with JNA markings frequently flew overhead.

The White Eagles overtly identified themselves as such and wore outfits that combined elements of military and civilian garb, including headbands. Some wore hats with the *kokada* emblem, a royalist insignia.

The two witnesses noted a significant difference between the way White Eagles and the JNA treated Muslim civilians, the latter appearing far more attentive to the need not to harm the civilians. They also discerned tensions between the White Eagles and the JNA.

Upon learning that the Uzicki corps was 2 kilometers away, most of the town's Muslims fled to the woods. As they were fleeing, Uzicki corps soldiers fired upon them. The corps broadcast calls over the radio for Muslim residents to return to Visegrad, assuring them of a safe return.

The witnesses returned to town on April 20 and found it filled with rubble and burned out homes. By this date, the JNA had blocked all roads out of Visegrad (to Uzice, Sarajevo, Foca, and Rudo), White Eagles stood behind the JNA troops, and the Uzicki corps had set up roadblocks all around the area.

At each roadblock, a soldier carried a list of Muslim names. Everyone was required to show identification; those Muslims whose names appeared on the list were taken away and not heard from again. They included factory directors, political and community leaders, and other respected citizens.

Between May 18 and 25, the Uzicki corps left Visegrad, taking its heavy equipment with it, and pulled back to a location between Visegrad and the Serbian border. The town fell under the control of the White Eagles on May 25. (Department of State)

**Oct 91:** A 44-year-old Bosnian Muslim was working in Trebinje when the Serbs started the siege of Dubrovnik on October 10, 1991. The witness described how the mayor of Trebinje was very much involved with and in favor of the offensive, welcomed the arrival of the JNA troops, and was an accomplice to the destruction of Dubrovnik. The witness said that Trebinje was the headquarters for the offensive against Dubrovnik. There was a communications

center, helicopter pad, hospital, and two or three JNA military installations.

From October 1991, Muslims could not leave Trebinje because of the JNA presence. At the end of October, the JNA attacked the Croat enclave of Ravno and burned it to the ground.

Following UN protests against the shelling of Dubrovnik, the JNA withdrew and the Serbian Army of Bosnia-Herzegovina took over, in collusion with the Trebinje mayor's police force. Soldiers began looting Muslim homes, extorting money, and requiring Muslims to give up their weapons. By April, most Muslims had fled. (Department of State) ■

### Fast-Track Procedures For Uruguay Round Trade Negotiations

*Opening statement by White House Press Secretary Dee Dee Myers at press briefing, Washington, DC, April 9, 1993.*

The President has asked me to announce today his decision to pursue with Congress the approval of legislation renewing fast-track procedures to conclude the Uruguay Round [of the General Agreement on Tariffs and Trade] of the multilateral trade negotiations. Since taking office in January, this Administration's highest priority has been to strengthen the US economy. We have put forth an ambitious program designed to reduce the budget deficit and increase investments in areas critical to our future economic strength. But while the Administration's economic strategy starts with the enactment of the President's economic program, global economic growth from expanded world trade is a crucial part of our strategy.

The Uruguay Round, involving more than 100 nations, began in 1986. The failure to complete the round has been a source of disappointment and frustration to the United States and many of our trading partners. A successful round would lower tariff and non-tariff barriers around the world and establish new multilateral rules for world trade. It would be the single most important step we could take to open foreign markets

around the world to US manufactured goods, agricultural products, and services.

President Clinton and [US Trade Representative] Ambassador Kantor have spoken with leaders from the EC [and] Japan and other nations and emphasized our strong desire to complete an ambitious Uruguay Round this year. They believe that our trading partners share their commitment to the overriding importance of completing the round.

Consequently, the President has decided, after consulting with Members of Congress, to seek legislation this year needed to complete these important negotiations this year. The draft bill we will send to Congress would extend congressional fast-track procedures to a Uruguay Round implementing bill provided that he notifies the Congress no later than December 15, 1993, of his intent to enter into such agreements before April 15, 1994.

Conventional wisdom says [that] it will be difficult to complete this round—to expand and liberalize trade—at a time when much of the world economy is in the doldrums. But the President believes that is precisely the time we must do it. We ask other nations to join us in taking the sometimes hard steps needed to bring the round to a successful conclusion for the benefit of all nations. □

Former Yugoslavia

## Eighth Report on War Crimes In the Former Yugoslavia

Following is the text of the Supplemental United States Submission of Information to The United Nations Security Council In Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 780 (1992), dated June 17, 1993.

*Editor's Note: This report contains graphic descriptions.*

This is the eighth submission by the United States Government of information pursuant to paragraph 5 of Security Council Resolution 771 (1992) relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia. As in our previous reports, we have focused on grave breaches of the Geneva Conventions and, in accordance with Resolution 771, have provided information that is "substantiated," that is, which rests upon eyewitness testimony directly available to us or that includes detail sufficient for corroboration.

As with previous reports, we have tried to ensure that our collection effort has been even-handed and aimed at gathering information on crimes committed by all parties to the conflict. It should be noted, however, that access to independent sources within the territory of the Republics of Serbia and Montenegro has proved very difficult, due to limitations imposed by authorities in those areas.

We have tried not to duplicate information provided to us from other countries and non-governmental sources, which we understand will submit reports pursuant to Resolutions 771 and 780. We have not repeated individual accounts listed under one category, such as "willful killing," in other categories, such as "torture." The United States has further information substantiating the incidents included in this report, which we will make available on a confidential basis directly to the Commission of Experts, established under Security Council

Resolution 780 or, as appropriate, to the Prosecutor of the International Tribunal, established under Security Council Resolution 827.

Resolution 827, which was adopted since our last submission, ensures that the UN Commission of Experts continues to pursue its work of conducting investigations, establishing a data base, and preparing evidence during the interim period before the appointment of the Tribunal's Prosecutor and the hiring of staff to begin authoritative investigations and preparations for trial of persons responsible for violations of international humanitarian law in the former Yugoslavia. We urge other countries to continue to submit information on a regular basis to the Commission during this interim period and to join us in making financial contributions to the Commission to facilitate its important work.

In accordance with paragraph 1 of Resolution 780, the United States intends to continue providing information that comes into our possession. As in our previous reports, the notations at the end of each of the items indicate the source from which the information was drawn.

For the texts of the first seven reports, see the following issues of *Dispatch*:

Vol. 3, No. 39, p. 732;  
Vol. 3, No. 44, p. 802;  
Vol. 3, No. 46, p. 825;  
Vol. 3, No. 52, p. 917;  
Vol. 4, No. 6, p. 75;  
Vol. 4, No. 15, p. 243; and  
Vol. 4, No. 16, p. 257

For the text of Resolution 771, see *Dispatch* Vol. 3, No. 33, p. 652 or *Dispatch Supplement* Vol. 3, No. 7, p. 44.

For the text of Resolution 780, see *Dispatch* Vol. 3, No. 41, p. 769.

For the text of Resolution 827, see *Dispatch* Vol. 4, No. 23, p. 418. □

### Former Yugoslavia: Grave Breaches of the Fourth Geneva Convention, Eighth Submission

#### *Willful Killing*

**Apr-May 93:** Bosnian Croatian and Muslim forces attacked civilians of each other's ethnic group in Vitez, executing entire families in their homes, from April 15, 1993, for about a week. According to the British commander of the UN troops:

The soldiers have seen some things that will mark them for life—children held in the arms of their mothers and both of them shot. Reports of atrocities are correct. Whole families have been killed. We do not know who is doing this—the bodies do not have names on them.

In Vitez, Bosnian Croat soldiers went from house to house executing Muslims. Some women were murdered as they were taking in the laundry. Multiple rapes by Bosnian Croat soldiers in the Vitez area have also been confirmed. A 36-year-old Muslim refugee, who was shot in the arm, said, "They are shooting every day, every hour, every moment."

On the outskirts of Travnik, a Muslim military police unit attacked Croatian civilians, driving them from their homes.

In Konjic, Croat militiamen engaged in house-to-house fighting.

In Santic, Bosnian Croat gunmen killed villagers and livestock; they burned houses and the village mosque. An UNPROFOR officer described the activity:

Fifteen or twenty (Bosnian Croat militiamen) lobbed grenades through the front windows of Muslim houses, then waited for the people to bolt out the door, and shot them.

In Ahinici, UNPROFOR officials discovered charred bodies in Muslim homes that had been torched by Bosnian Croat gunmen. As of May 4, the Ahinici death toll had reached 103. According to the EC Monitoring Mission in Zenica, "It was a large-scale massacre, organized and well planned." (*The Washington Post*, *The New York Times*, London Press Association, Paris AFP)



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**24 Apr 93:** Residents of Miletici, a village located north of Vitez and consisting of 11 houses, were attacked by a band of locally based Muslims.

The Miletici village men attempted to defend their houses and, during the short and mismatched gun battle, killed one of the "mujahideen" soldiers. According to eyewitnesses interviewed by a UNHCR field worker:

The (Muslim) gunmen maintained that each one of them was worth five villagers. They'd already killed one, so they took four men between the ages of 20 and 40 into a house, held them there, tied up the rest of the villagers, [then] returned to the house to torture and execute the four men.

(Department of State, *Reuters*)

**May 92-Apr 93:** Two Muslim former soldiers, aged 25 and 33, were released on April 21, 1993, after having been in a series of Serbian camps since their capture on May 30, 1992. Both had admitted to being soldiers when they were captured.

After their capture, the men were first sent to a camp in Vlasenica, called Susica, where they were held for only a few days before being transferred to a prison in the same town, where they remained for 2 months. They were then sent to a camp in Batkovic, where they remained for 1 month, then to two different camps in Doboj, where they were held for 6 months, until March 2, 1993. Finally, they were sent to a camp in Bijeljina, until their release on April 21.

The witnesses said Batkovic was the worst of the camps in which they had been held. There had been about 1,600 prisoners in Batkovic when they arrived, all of them from northeastern Bosnia. A number of children and elderly men were moved out of the camp in closed trucks after it was announced there would be an ICRC visit to the camp.

Beatings were common at Batkovic. Zulfo Saracevic, aged 55, died of beatings. A jeweler from Bijeljina died after 3 nights of beatings, the purpose of which was to get him to tell where he had hidden

gold and jewelry. Several elderly men died from the bad conditions at the camp. One of the witness's cousins died of gangrene in a leg wound for which he [had] received no medical care.

On several occasions, they and other prisoners were forced to remove their clothes and perform sex acts on each other and on some of the guards. The two witnesses named the three worst guards, all Serbs from the Bijeljina area.

The witnesses, however, said that the very worst abuses were committed by a fellow Muslim prisoner from Gornja Tuzla, whose nickname was "Pupa." They described this Muslim as a "trustee" similar to the "Kapos" in German camps during World War II. The witnesses said that they had encountered other Muslim prisoners serving in the same capacity in other camps in which they had been held.

The two camps in Doboj were located in a commercial warehouse and in a warehouse at the Bare barracks. The men were not registered with the ICRC in either camp; the ICRC was not permitted to visit either camp during their time there. There were approximately 100 detainees in the 2 camps who were used as laborers to dig military trenches.

The witnesses said that two Serb camp managers in Doboj were "good men" who did not allow abuse of the prisoners. On weekends, however, when these two managers went home to visit their families, the prisoners were beaten. Those beatings were perpetrated by Serb prisoners who often received gifts, including alcohol, from their relatives on weekends. The Serb guards allowed these beatings, but apparently did not participate. (Department of State)

**Jul-Aug 92:** A 30-year-old Bosnian Croatian from Brisevo witnessed the July 1992 movement of JNA forces through the area south of Prijedor and west of Ljubija. Meeting little or no resistance, these forces moved through each town and forced out the remaining inhabitants.

For about 4 days, JNA forces positioned mobile anti-aircraft weapons on the top of a ridge about 2½ kilometers east of Ljubija. Anti-aircraft guns were used to fire on unarmed refugees fleeing along the east slope of the ridge.

In mid-August, a bus arrived from Ljubija with about 20 Muslim prisoners, some from the area of Carakovo, southwest of Prijedor. They were removed from the bus with their hands tied behind their necks with wire and escorted by about 10 guards with assault weapons. After their hands were freed, the prisoners were forced to dig a pit.

The guards beat and shot them, then pushed their bodies into the pit. Before departing, the guards covered the bodies in the pit with dirt. During the last half of August, the witness could see human hands and feet protruding from the mound.

On about August 24, the area of Brisevo southwest of Prijedor was under attack by Yugoslav army mortars. After the mortar attack, infantry troops moved from village to village indiscriminately seeking out and killing inhabitants. Most people were hiding from the shelling in their basements, where the soldiers killed them. Muslims buried about 70 bodies, all of which had suffered multiple bullet wounds. The following is a list of the locations of the graves of some of these 70 victims:

- A.** In Dimaci, on the west side of the paved road, alongside a small creek flowing toward Begac on the sloping field below the house of Stipe Dimaca. This grave contained the badly burned bodies of two males and one female.
- B.** In Mlinari, on the west side of the paved road from Dimaci to Buzuci, 10 meters behind the house of Ivitsa Mlinar. This grave contained six bodies, at least two of which were males.
- C.** About 400 meters west of Mlinari towards Groarac, a grave contained 4 male bodies with multiple bullet wounds. In the same immediate area, about 10 meters from the well near the house of Marko Busuk, three

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males were buried. One had been severely tortured, and his eyes gouged out. The other two were invalids who had been shot.

**D.** On the east side of the paved road from Dimaci to Buzuci, approximately 150 meters northwest of the site described above in C, was the grave of a woman.

**E.** On the west bank of the Stare Nitsa, about 450 meters downstream from the grave described in F, uphill from an old water mill, and among some young "breza" trees, an unidentified man.

**F.** The grave of Ilija Atljija, about 400 meters southwest of the grave site described above in E, on the north side of the Stare Nitsa stream, 5 meters to the right of the front of the house of Ilija Atljija.

**G.** The grave of a man who died from knife wounds, located across the road from a small church that had burned, 300 meters from where the stream joins the road, and behind the house of Jozo Jakara.

**H.** The site of 2 graves, 200 meters from the road south of Lisina near the house of Sreco Ivandic. One grave held the remains of four males and one female; the other contained the bodies of three males and one female. The two graves were about 70 meters apart.

**I.** Graves of two 16-year-old males, located on the Zunica Ravana road northwest of Buzuci, near the church, along a small stream flowing 30 meters from the house of Kata Zunica. One boy was buried on the south side of the stream; the other buried on its north side. Their bodies bore identification stating they were from Rizvanovici. (Department of State)

**6 Aug 92:** A Muslim from Sanski Most witnessed the arrival at Manjaca camp of a convoy carrying 1,300 prisoners from Omarska, and the murder of 15-20 of these men during the lunch hour. Camp guards beat the men to death with wooden boards, bats, and thick electrical cables. Three of the victims were

stabbed repeatedly and their throats were cut. The witness identified Jakupovic and Dedo Crnalnic as two of the casualties. (Department of State)

**Jul-Aug 92:** A 26-year-old Bosnian Muslim from Donja Puharska, a suburb of Prijedor, Bosnia, was imprisoned in Omarska camp on July 13, 1992, and transferred to Manjaca camp on August 6, where he remained until December 19.

On July 13, all of Muslim men remaining in Donja Puharska were arrested and taken to the Omarska camp. On July 21, the witness was transferred to a building called the "White House," where he was kept for 7 days. A Serbian irregular came into the White House on July 26 and declared that he had come from the front, where nine Serbian soldiers had been killed. The irregular stated that three Muslim men would be killed for each of the Serbian soldiers and that he would return at midnight to kill them.

He returned after midnight with a soldier and a truck. The irregular and the soldier entered the room where the 50-60 men were held, grabbed one prisoner, and took him outside. The prisoners heard the sounds of beating and screams for help. The two men returned and grabbed another prisoner and the same thing happened. The irregular and the soldier came back and took one man each time until they had taken 27 prisoners. At 5 am, they came and asked for four volunteers to load the dead bodies on the truck.

On July 27, the witness was called out by two soldiers and taken for interrogation to an upstairs room in the same building, where five men beat him with objects that included a policeman's stick, a whip, a rubber stick, a square metal stick, and a metal ball on a chain. The man with the metal stick kept hitting the witness on the legs, and after a while, his legs grew numb and he felt no pain in them.

Omarska camp contained a building called the "Red House," where victims were killed with knives. The witness saw dead bodies out-

side the Red House each day, some missing arms or legs, and said the stench was unbearable.

On August 6, some of the prisoners were transferred by bus to a camp in Manjaca. Upon arrival, the witness saw guards kill a man named Dzusin. The guards had called him from the bus, took him about 10 meters away, made him kneel, and cut his throat. (Department of State)

**Jul 92:** A 45-year-old Muslim witnessed, from his house in Visegrad, the systematic butchering of about 450 Muslims on a bridge over the Drina River.

On July 11, 1992, a Volkswagen Passat drove backwards onto the "stone bridge" over the Drina and stopped in the middle. The blue-gray car, which had come from the direction of the city center, was crammed with six Muslims and at least one armed Serb. Another group of Chetniks was already waiting for them on the bridge.

The man in charge of this group was a well-known Serb from Arandjelovac or Kraljevo, Serbia. He announced over a megaphone to "Muslims hiding in the surrounding woods" that they would have a "bloody bajram (holiday), Balkan style." He also announced that "every Serb who protects a Muslim will be killed immediately," and that for every Serb killed by a Muslim, a thousand Muslims would be sacrificed.

The group then cut off the heads of the six prisoners, a process that took about three minutes. The time was about 4:15 pm. They threw the bodies into the Drina River. About a half hour later, a van arrived with another eight Muslims. They were killed in the same manner. Women and children were included in a third group that was brought to the bridge about 7 pm. The killing went on through much of the night.

The massacre continued the following day. Victims included a dentist named Dervis, Alia Selac, and Alia's father. At least 20 Chetniks participated in the slaughter on the second day. The witness estimates at least 450 people were killed on the bridge over 3 or 4 days. (Department of State)

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**Jul 92 :** A 68-year-old Bosnian Muslim from Lakat, Bosnia, witnessed the killing of 19 elderly Bosnian Muslims in Borci and on Borasnica mountain, near Konjic, by Bosnian Serb forces on July 9-10, 1992.

On June 28, the Bosnian Muslim residents of Lakat fled their village. Only 20 elderly Bosnian Muslim men and women residents chose to remain. On the morning of July 8, two Bosnian Serbs, also from Lakat, announced that remaining Bosnian Muslims would be evacuated by bus to Buscak where they would be exchanged. That evening, they were put on a military truck destined for Pridvorci.

Two armed guards were stationed in the back of the truck with the prisoners. After going through Pridvorci, the truck continued north for another 10 kilometers to Luka where they stopped. The prisoners were transferred to a 2-ton truck that took them to Borci where the prisoners were put in the basement of a building. There had been three other Bosnian Muslim prisoners inside the basement.

The next morning, July 9, the door to the basement was opened and the prisoners were ordered to come out in pairs. After the first 2 prisoners walked out, they were met by 10 guards who beat them and questioned them about the whereabouts of their sons. The second pair of prisoners, including Osman Demic, was then called. During the questioning, his right ear was cut off, and the other prisoner was beaten unconscious.

Then the third pair was called out. Halil Golos was one of these men. During the questioning, one of his ears was cut off. From the next pair, Salko Demic was beaten to death. From the following pair, Ahmed Hrnacic was also beaten to death. After all the prisoners had been questioned, those who were still alive were taken back to the basement. That same night, four guards returned to the basement and removed Ibro Kajan, his wife Hava Kajan, and Osman Demic. Once outside, the three were lined up and executed.

On the morning of July 10, the prisoners were removed from the basement and ordered to load the bodies of Salko Demic, Ahmed Hrnacic, Osman Demic, Ibro Kajan, and Hava Kajan onto the back of a waiting truck. The guards ordered all to lie down in the back of the truck. The guards killed 80-year-old Urija Golos because she did not lie down quickly enough.

The two vehicles then traveled about 15 kilometers to Borasnica Mountain (Borasnica Planina) in Konjic County (Konjic Obcine), where they stopped on the road. The prisoners were ordered to throw all the bodies down from the vehicle, and then to get out and carry the bodies off the road. When all the bodies and prisoners were about 25 meters from the road, the guards opened fire on the prisoners, killing all except the witness, who they presumed was also dead. (Department of State)

**Jun-Aug 92:** A 38-year-old Bosnian Muslim from Gacko, Bosnia, was interned by Bosnian Serb forces at Bileca camp until August 18, 1992.

On June 1, Bosnian Serb forces detained about 110 Bosnian Muslim and Croatian males in Gacko, Bosnia, until June 5, when they were transferred to the processing center located in the basement of the Samacki Hotel on the southeast end of Gacko.

On June 18, after Bosnian Serb forces had announced that the Bosnian Muslim and Croatian residents could leave the town, a convoy with approximately 100 men, women, and children left Gacko and headed toward neighboring Montenegro. Approximately 7 kilometers south of Gacko, near the Kosuta Motel in Zborna Gomila, the convoy was intercepted by Serbian irregulars from the White Eagles paramilitary organization. All able-bodied males were segregated from the rest of the convoy and ordered to lie down on the road. They were searched individually for valuables. The women and children were then loaded on several military trucks and returned to Gacko. The men were placed on two mili-

tary trucks and taken to the Secretariat for Internal Affairs (SUP) building in Gacko. After the prisoners were interrogated and tortured by two inspectors, they were transferred to the basement of Samacki Hotel.

The witness identified the following prisoners who were killed at the processing center in the Samacki Hotel from June 18 to July 1: Osman Omanovic, about 60, from Domanovic; Mirsad Dzeko, about 35, from Gacko; Arif Jaganjac, about 60, from Gacko; Miralem Voloder, about 32, from Gacko; Edin Sahovic, about 37, from Gacko; Latif Halilovic, about 42, worked in Gacko; Aziz Fazlagic, about 41, from Gacko.

On July 1, about 140 detainees were loaded onto 4 military trucks. While they were boarding the trucks, 55-year-old Aziz Hasanbegovic, who was unable to get on the truck because of his weight, was shot and killed. Two other prisoners were also killed: 33-year-old Senad Memic from Gacko, whose throat was slashed; and 17-year-old Enver Redzovic, from Gacko, who was stabbed in the stomach. Their bodies were loaded onto the trucks.

The convoy with the prisoners arrived in Bileca about 2 hours later. Prisoners were forced to walk between two rows of guards who beat them as they passed. Prisoners were placed in one of the basements where another group of approximately 200 prisoners were already confined. Prisoners were not fed or allowed to go to the restrooms for the next 3 days. They were indiscriminately beaten every day with large wooden and metal sticks by groups of some 10 guards until the guards tired and could no longer beat them.

The following prisoners were beaten to death between July 2-4: Sabit Saric, about 52, from Gacko; Sevko Catovic, about 28, from Gacko; Adem Ramic, about 70, from Gacko; Zecer Krvavac, about 80, from Gacko.

On August 10, the prisoners were taken upstairs for an interview conducted by Radivoje Gutic,

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from the Bosnian Serbian News Agency (SRNA) and Fnu Vulacic, from Belgrade Television, in the presence of Red Cross officials. Days prior to this interview, the prisoners were allowed for the first time to take a shower and shave. After the interview was over, the prisoners were taken to the interrogation and torture room and were tortured for telling the truth about the conditions and treatment received at the camp. These tortures continued until August 18, when 378 prisoners from the camp were exchanged in Stolac, Bosnia. (Department of State)

**May-Aug 92:** A 35-year-old Muslim from Prijedor was held prisoner by Bosnian Serbs from May 30 until August 13, 1992, nearly all of that time at Omarska camp.

Upon his arrival at Omarska on May 30, he and his fellow prisoners were immediately ordered to stand with their hands against a wall while they were beaten with sticks and other objects. At the beginning of his captivity, the witness regularly saw people beaten badly, often until they died, near the entrance of the camp's administration building.

The worst beatings occurred after Serbs from the area were killed in combat. Following the death of six local Chetniks, for example, guards put a mixture of oil and water on the ground to trip up prisoners. Those who fell were beaten badly.

One evening, about halfway through his stay at Omarska, the witness saw a prisoner in the kitchen standing on a chair and complaining about Chetniks. A Serb soldier, after warning him to sit down, shot into the crowd, killing the man and wounding four other prisoners. The witness said he could identify the guard who had done the shooting.

During his imprisonment, the witness saw at least 10-15 prisoners beaten to death between the interrogation area of the second floor of the administration building and the building's entrance. One of the victims, Rizah Hadzalic, was a personal acquaintance. Every night people were taken out of their bunk

facilities: 5, 10, sometimes 15. Some came back badly beaten; many never came back. (Department of State)

**May-Jul 92:** A 30-year-old Muslim was evicted from his family home in Kozarac by Serb militia on May 26, 1992.

On the way from Kozarac to imprisonment at Trnopolje, a group of Serbs threatened to kill him, his father, his brother, and three neighbors. The Serbs lined them against a building wall and cocked their rifles, but were stopped by an anonymous Serb commander. Instead of being shot, they were beaten—in the case of the witness, until his ribs were broken. Later along the route, the witness tried to help an elderly woman who could no longer walk. A Serb soldier ordered him to let her go, and then shot the woman to death.

Also along the route, inside Kozarac, the witness saw armed Serbs, whom he knew, gun down the following five men: Ismet Karabasic, Sejdo Karabasic, Ekrem Karabasic (all brothers), Ekrim Basic, and Edin Basic.

The witness was held inside a school in Trnopolje from where he regularly observed, through a window, guards taking women from a movie theater. During both the day and the evening, on at least 20 different occasions, he saw the women taken either to the courtyard or to the playing field where they were raped. The men were usually drunk. He said that there were many witnesses who could see what was happening. The women usually were returned afterward to the movie house. (Department of State)

**Jun 92:** A 44-year-old Bosnian Muslim from Vlasenica, Bosnia, who was captured by Serbian forces on June 24, 1992, in Vlasenica, was sent to a prison camp in the Susica River valley where he witnessed numerous atrocities committed by local Bosnian Serb troops. The witness knew several key personalities at the camp responsible for atrocities. He was later transferred to a prison in Batkovic on June 30, where he remained until February 20, 1993.

On April 17, 1992, the first Serbian troops entered the village of Vlasenica. The troops that initially occupied the village were from Novi Sad, Serbia, and were led by an unidentified lieutenant colonel who held a megaphone and demanded that all Muslim residents surrender their weapons, and insisted that no harm would come to them.

The troops from Novi Sad left on May 2, when Bosnian Serb troops from Sekovici, Bosnia, took over the town. Local Serbian troops from Vlasenica also assisted the other troops with the occupation of their village. Over the course of 5 weeks, the troops captured residents of Vlasenica at random, took them to the police station for beatings, and then released them.

On June 24, local Serbian troops evacuated about 50 Muslim families who lived on a street in Vlasenica called Ulica Zarka Vukovica. After the evacuation, five houses were set ablaze and the men, women, and children were forced to walk to a prison camp in the Susica River valley, located a few hundred meters from the town's main street. The camp was located on the west side of the highway leading to Han Pijesak. Soon after the residents from Vlasenica arrived on June 24, Durmo Handzic and Asim Zildzic, who had been taken to the camp earlier, died from injuries sustained from beatings suffered on June 22.

In the early morning hours of June 26, a reign of terror began at the Susica camp. At 1 am, two Serbian guards entered the warehouse and forced four men, including Muharam Kolarevic and Rasid Ferhatbegovic, outside. Immediately thereafter, four gun shots were heard outside the warehouse accompanied by screaming from the four men. At 1:30 am, two Serbian brothers from Vlasenica went into the warehouse and took three women away and raped them. Soon after daybreak, two brothers were selected to dispose of the four corpses. The men buried the victims in a grave near the camp.

Food was virtually non-existent at Susica camp. Each person was

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given only one slice of bread for a 24-hour period. As the summer progressed, soup was occasionally given in addition to bread. Prisoners commonly lost consciousness from malnutrition. No exception was made for women or children. The witness's 65-year-old uncle died of starvation. Prisoners who had to use the bathroom were forced to run to a toilet outside; another prisoner was given a stick and forced to beat the individuals while they were defecating or urinating.

On June 30, several prisoners were moved from the Susica camp to one in Batkovic, located approximately 10 kilometers north of Bijeljina, Bosnia. As the men from Susica got off the bus, they were beaten. From the very first day, everyone was subjected to harsh beatings. Many of the guards at Batkovic were brutal men, but the witness identified one of the worst, the man who killed Zulfo Hadziomerovic on July 4 by beating him to death. This guard used the stock of his machine gun to beat the prisoner about 10 times on that day. (Department of State)

**May-Jul 92:** A 31-year-old Bosnian Muslim from Prijedor, Bosnia, was a prisoner at Keraterm camp from May 31 to August 5, 1992.

On May 31, about 300 Muslim men were arrested in a new section of Prijedor located along the road to Bosanski Novi. Five buses took them at first to Omarska camp, then to Keraterm camp.

The harassment and beatings of prisoners began on June 2. Each night, prisoners were taken out, beaten, and killed. Guards would come into the rooms, fire their rifles at the ceiling, and force some prisoners to swallow the empty shells of 7.62mm ammunition. During the day, the guards took the prisoners outside and made them walk on all fours and bark like dogs. The prisoners had to take off their clothes and sit on bottles. A particular guard, whom the witness identified, supervised these "games," and laughed.

On July 26, the witness saw buses loaded with people drive through the gate. The people were

told to get off the buses and were separated into two groups. Each group had to go to a grass-covered area at the end of the building and form a circle. Camp guards were reinforced by a busload of Chetniks who beat the men with bats wrapped in barbed wire and with broken bottles.

This continued for the rest of the night. Then the metal door to Room Three was closed and the soldiers fired inside the room. The prisoners panicked, pressed against the locked door, opened it, and ran outside, where they were machine-gunned. The massacre continued until 5 am the next day.

At 11 am on July 27, a truck came for the bodies of both the dead and those that were still living. Seventy volunteers were taken to load the massacred people on the truck. There were 170 dead and 47 still alive. The dead were loaded first; the injured were loaded on top of them.

At 4:30 am on July 28, the guards fired again into Room Three and killed 27 men. Banja Luka television reported that evening that there had been an escape attempt at Keraterm and that 27 prisoners were shot dead while trying to escape. On August 5, Keraterm was closed and the witness was returned to Prijedor where he remained until January 12, 1993. (Department of State)

**May-Aug 92:** A 34-year-old Bosnian Muslim told of his experiences at the Keraterm and Omarska camps from late May to August 1992.

On May 26, Bosnian Serb soldiers arrested the witness on the road to Prijedor. They brought him to Keraterm for 3 days, then to Omarska. Upon his arrival at Omarska camp, he saw the beating death of 38-year-old Ahiz Dedic, a Muslim ex-policeman, by two men from a Bosnian Serb special unit. After his own torture the next day—he was beaten until he fainted—the witness watched five Chetniks stab Ikrem Alic to death.

The witness was moved to the "electricians' house" from where, about a month later, he watched as a man with his hands against the wall of another nearby building was

beaten by camp guards until he almost fell. One of the guards then took a running jump from several meters, pouncing on the man's back and knocking him down. He then turned the victim over, cut his ears off, and then cut his throat. Another guard turned and killed the man with his revolver.

The witness saw about 30 men killed during his stay at Omarska. Among the victims whose names he knew were: Muharem Kahrmanovic, Emir Karabasic, Jasmin Hrnica, Avdo Mujkanovic, Islam Bahonjic, and Imeoca Grozdanic.

The most sadistic killings were of Hrnica and Karabasic. In the course of a horrible beating, they were forced to bite off each other's sexual organs. Before the final death blows, they were also forced to drink motor oil and chew on dead pigeons.

At the end of August or beginning of September, the witness was taken to Manjaca camp, where he spent half a month. During the trip, he witnessed the beating deaths of Nezir Krak and Dedo Crnic; he identified their killer. Outside Banja Luka, Serb children were encouraged to board the bus and beat the prisoners. (Department of State)

**May-Jul 92:** A 24-year-old Bosnian Muslim witnessed the ethnic cleansing of Kozarac and the Prijedor area from May 26 until his capture 3 days later. From his place of hiding in the woods, he witnessed the killing of Hasan and Zejna Alic; she was shot in the breast, her husband in the head. Two days later, the witness saw the same killer stab a young man, force him to walk away, and then shoot him.

The witness and his friends were captured by Chetniks in the nearby woods on or about May 29. One of the young Serbs who caught him was a school friend who personally took charge of the witness and his brother, and arranged for them to change into civilian clothes taken from a nearby house. His Serb friend warned the two brothers not to admit to Serb prison authorities that they had been "fighters."

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The witness was taken to Keraterm for the first night, then to Omarska. Upon arrival, he witnessed the killing of a detainee by a former taxi driver whom he identified. On June 1, he watched as a member of the "taxi driver's band" killed a Muslim named Jasmin Velic with a pickax. He also witnessed the slow death of Hasic Eno, who had been stabbed in the back and took 5 days to die.

During the witness' second month at Omarska, Azur Jakupovic arrived as a prisoner. With a ring in his nose (the kind used for pigs) and attached to a chain, Jakupovic was dragged into camp on his hands and knees by a young Serb soldier. The victim was naked from the waist up, which revealed a bloody Serb cross carved in his back. The guards announced to Muslim on-lookers that this was the way Serbia's enemies would look. Jakupovic was then tossed onto a burning stack of truck tires, where he died.

The witness said that such killings were often observed by three senior camp officials, from the second floor of the administration building. He identified these camp officials. (Department of State)

**May-Jun 92:** A 26-year-old Bosnian Muslim from Divic, Bosnia, witnessed the ethnic cleansing of his village and atrocities in a Celopek detention facility, where he was detained from May 29 through June 29, 1992.

On May 29, all 174 male citizens of Divic were taken by bus to a movie theater that was part of a cultural center being used as a prison in the village of Celopek, located 7 kilometers north of Zvornik.

On June 7, two Serbian soldiers from Kraljevo murdered Suljeman Kapidzic and Ramo Alihodzic as an example to all prisoners of what would happen if they didn't pay the guards 2,000 German marks immediately. The men collected amongst themselves enough German marks to pay the price.

On June 10, a 35-year-old Serbian soldier took seven pairs of fathers and sons from the group and forced them to walk onto the stage of the theater and disrobe. He

forced the seven pairs to perform fellatio on one another while the other men were required to watch. While this was happening on the stage, the same soldier took Sakib Kapidzic and Zaim Pezerovic from the audience and ordered the men under his command to beat them until they were unconscious, and then ordered his men to stab their victims to death.

The soldier then took a semi-automatic rifle and shot randomly at the men on the stage and into the audience. He also approached a 16-year-old boy, Damir Bikic, and asked him to point out his father in the audience. He asked the father if he had any other male offspring. When the father replied that he did not, the soldier put a rifle in the boy's mouth and killed him. In this sequence of events, this particular soldier killed 10 men. (Department of State)

**May-Jun 92:** A 31-year-old Bosnian Muslim witnessed the JNA attack in late May 1992, the subsequent ethnic cleansing of the Muslim population of Sanski Most, Bosnia, and the destruction of their property. The witness spent 50 days as a prisoner in Sanski Most and then was imprisoned at the detention camp in Manjaca until mid-December 1992.

Between May 23 and 24, the JNA and its military police arrested the Muslim officials in the city government and members of the Muslim intelligentsia. On May 25 and 26, the JNA units attacked Muslims in Sanski Most by throwing grenades in their homes in the Muslim section, Mahala, and by firing at the houses with automatic weapons. This lasted 1 day, during which 11 persons were shot to death in a house on Muhici Street that belonged to a man named Hilmija. Of these, three were women, one of whom was pregnant, and five were young boys.

The men were taken to the local school; women and children were transported to Velika Kladusa. After the "cleansing," the Serbs continued to throw grenades into the houses, then burned them. The ruins were leveled with bulldozers.

Local Serb platoon leaders, whom the witness identified, used their soldiers to carry out the destruction.

The men from the Muslim section of Sanski Most were held prisoner in the local school for 50 days, where there were 1,200 men and no toilet facilities. The men were beaten continuously and forced to beat each other. Frequently, Serbian irregulars armed with knives came to the school and demanded to kill the prisoners, but police guards would not let them in. (Department of State)

**19 May 92:** A 60-year-old Bosnian Muslim described the massacre of Muslim prisoners at a hunting lodge.

Bosnian Serbs in Metaljka detained the witness and drove him to the Mostina detention facility, a hunting lodge in the woods between Metaljka and Cajnice. There were 50 Muslim men held inside the lodge and another 6 held in a shipping container to which the witness was brought.

A Serb from the village of Stakorina, whom he identified, entered the lodge at about 5 pm and opened fire on the prisoners. The witness heard the firing last for about 10 minutes, then heard the man exit the lodge and continue shooting into the air until someone told him to calm down. He responded, "Take me down to Cajnice so I can kill them all."

He did not come to the shipping container where the witness was detained. (Department of State)

**9 May 92:** A Bosnian Muslim from Brcko witnessed the slaying of prisoners by Serbian guards at Luka camp on or about May 9, 1992.

Immediately upon his arrival at Luka, the witness saw a Chetnik beat and kill two men from Zvornik. The incident happened at the door of the camp's warehouse, where the "in-processing" was taking place. The witness had been standing about 15 meters from the shooting.

The next day, the same man who had shot the men from Zvornik drove into camp with a woman named Ahmetovic, the sister of a Muslim ex-policeman whose whereabouts he was demanding to know.

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The Chetnik pulled the woman from the car and beat her with a truncheon, asking again where her brother was hiding. After about 10 minutes, he took a shovel and hit her twice in the head, killing her.

During the same day, the witness also saw another Serb soldier beat and kill a 35-year-old Muslim man named Sead Cerimagic. The witness watched a total of five men get the same treatment from this soldier within an hour. (Department of State)

**May 92:** A 65-year-old Bosnian Muslim from Grapska, Bosnia, witnessed Serb irregular forces enter Sjenina and Grapska in May 1992, during which time residents were ordered to report to the hospital basement. Fearing internment, residents fled to the woods. Later, as they returned to their homes, they were rounded up by the irregular forces.

The soldiers ordered about 45 of them to dig a fresh grave in a cemetery near the mosque. Some of the victims attempted to resist, but were shot on the spot. Those who dug the grave were subsequently killed with automatic weapons and pushed into the grave. After the massacre, the grave was filled in and leveled with earthmoving equipment.

Residents were told they would be taken to Doboj on buses, but were force-marched instead. Individuals periodically were pulled out of the march column, taken a short distance away, and shot. (Department of State)

**Apr-May 92:** A 64-year-old Bosnian Muslim witnessed the April 8, 1992, ethnic cleansing of Zvornik by Serbian irregular forces units, which was organized by the Zvornik chief of police.

The Chetniks burned about 200 houses. As people were forced out of their houses, they were directed to stay in a group in front of a large house. Most of the Chetniks wore scarves or ski masks to hide their faces. Two unidentified Muslim men were taken behind a house and shot. Two other Muslim men, Hamed Cirak and Salikh Dagdagan, were killed in their homes, after which the corpses

were brought out and burned. In all, about 76 people were killed, mostly in their basements. Those who were gathered together were told that younger males must either join the Serbian forces, leave, or be shot. Elderly men, women, and children were allowed to stay.

After a few days, the elderly men from the Kula area were allowed to return to their houses. In mid-April, Serbian forces began using a bulldozer to dig large pits in the Muslim cemeteries southwest of Zvornik proper. The witness saw buses and trucks dumping an undetermined number of bodies into these pits up to three times a day. One of the cemeteries was called Kazambase. He often saw trucks loaded with bodies in Maly Zvornik, in the area of the stone quarry near the Drina Hotel.

In May, Chetnik forces moved into Djulci. They shot 10 residents on sight as they moved into town, as well as another 50 people who had been hiding in a garage. (Department of State)

**Torture of Prisoners**

**Dec 92:** A 24-year-old Bosnian of mixed Croatian Muslim background, from Banja Luka, reported that he had been hiding in his apartment for 8 months when he decided on December 25, 1992, to risk going outside. The witness took some comfort from the Serb mayor of Banja Luka's Christmas greeting to all Croats.

The witness was picked up almost immediately during a roundup of military age men by Serb military police on a bridge in the city district of Mejdan. Two of the bearded Chetniks started beating and verbally abusing him after asking him why he was not fighting.

The witness was taken to a bus loaded with other prisoners. As prisoners were brought on to the bus, each was beaten with a truncheon. All the prisoners had their valuables taken from them. There were four buses carrying a total of about 200 prisoners. The families who gathered around the buses were told their men would be back in an hour.

The buses stopped at a police station and at a military camp on the way to Manjaca. At both places, the men were beaten and interrogated. The witness identified several guards who beat prisoners regularly at Manjaca camp, from which he was released the next month. (Department of State)

**Jun-Jul 92:** A 45-year-old Bosnian Muslim from Sanski Most witnessed the arrival at Manjaca camp of several convoys:

On June 17, a group of 40-45 persons from Sanski Most arrived and were all beaten once they dismounted the trucks that had transported them.

On June 28, a group of 20-25 prisoners arrived, were beaten, and were immediately put in isolation.

On July 7, a group of about 550 persons was brought to Manjaca camp in two trailer trucks and a 3-ton truck. About 24 were already dead when the trucks were unloaded.

The witness singled out the Manjaca "policemen" as the most cruel of the guard contingents. The witness was beaten daily and kept in solitary confinement. He recalls being beaten approximately 20 times. One of his beatings lasted from 4 pm until 9:30 pm. The witness identified many of the sadistic guards, including one nicknamed "Kostolomac" (or bone breaker). (Department of State)

**Abuse of Civilians  
In Detention Centers**

**26 Mar 93:** According to the International Committee of the Red Cross, during a visit on March 31 to Bosnian Serb-controlled Batkovic camp, delegates of the ICRC were informed that 17 detainees might have lost their lives on March 26 when the vehicle transporting them for work at the front was ambushed. Three surviving detainees were able to speak in private with the ICRC delegates.

The ICRC has observed in the past that detainees were being forced to work at the front line. The ICRC noted that to send detainees into a combat zone where they might come under fire is a vio-

lation of the provisions of the Third and Fourth Geneva Conventions. The ICRC also reminded the parties to the conflict that they are responsible at all times for the detainees' safety, and that it is prohibited to compel detainees to do work of a military nature or destined to serve a military purpose. (International Committee of the Red Cross)

**May-Jun 92:** A 26-year-old Muslim, along with family members, was evicted from her family home in Kozarac by Serb militia on May 25, 1992.

After having been held 3 nights in a school in Trnopolje, she was moved to a local private Muslim home. In June, she was able to visit the school each day to bring food to her husband and brother. During these visits, she regularly saw Serbs who had been neighbors roaming the camp (the school and its grounds) and beating prisoners. The first person on a list of Serbs she identified as participants in those beatings was once a classmate of hers.

On her last night in Trnopolje, about June 25, she and other women and children were moved to the movie theater. There were about 500 to 600 women and children inside. At about 10 pm, two men arrived and picked out three women. There were about 10 other Serb men waiting for them outside. At about 6 or 7 am, one of three women returned to the movie theater, holding the wall with one hand and her stomach with the other, bent over, with a swollen face and black and blue marks, and crying. The other two women were never seen again. (Department of State)

#### **Impeding Delivery of Food And Medical Supplies to the Civilian Population**

**11 Jun 93:** Bosnian Croat forces set up roadblocks and mines on a mountain road going through Nova Bila, stalling a humanitarian aid convoy that was moving east from central Bosnia. According to an UNPROFOR spokesperson, "The ill-fated convoy then met with fur-

ther resistance when 24 of the trucks were stopped at Nova Bila and hit by mortars." (*Reuters*)

**1 Jun 93:** Bosnian Serb forces turned back UNHCR humanitarian aid convoys for the eastern Bosnian enclaves of Gorazde and Srebrenica. The Srebrenica convoy was stopped at the border crossing at Zvornik without explanation; the Gorazde convoy was stopped by local Bosnian Serb officials in Sekovici who told them "to get the hell out."

Bosnian Serb forces surrounding Srebrenica continued to prevent access by UN specialists to the town's water purification system. The regular water supply was contaminated and could not be restored without such access, and springs were running dry. (Department of State)

**May-Jun 93:** Renegade forces of Bosnian Croat and Muslim armies have planted mines along roads used primarily for humanitarian aid convoys and journalists. (*The Washington Times*)

**28 May 93:** Bosnian Muslim gunmen fired on a humanitarian aid convoy of Russian vehicles and drivers on the road between Pale and Sarajevo. (Department of State)

**24 May 93:** Bosnian Croat gunmen prevented a UN humanitarian aid convoy from delivering food to the Muslim village of Kruscica. The convoy was forced to return to Vitez, where it had distributed food to Croats earlier in the day. (*Reuters*)

**20 May 93:** Bosnian Muslim forces barred an UNPROFOR convoy access to the Croatian village of Kostajnica, in the Konjic district. The convoy was required to return to Jablanica. (Department of State)

**17 May 93:** Bosnian Serb forces fired on Muslims attempting to collect air-dropped humanitarian aid supplies inside a UN-declared safe area in eastern Bosnia. According to a spokesperson for UNPROFOR:

In Srebrenica, air-dropped relief bundles have been landing near the line of confrontation and Serb forces have fired upon some residents as they tried to retrieve them.

(*Reuters*)

**13 May 93:** Bosnian Croat forces barred the UNHCR from delivering food and other supplies to about 1,475 Muslim civilians detained at Rodic military camp, near the Mostar heliport. The Bosnian Croats on May 9, 1993, had forcibly transported more than 1,000 Muslim women and children out of Mostar.

Conditions at the camp were extremely uncomfortable but not life-threatening. While isolated cases of abuse appear to have occurred during detention, most detainees volunteered that they were being treated well by their jailers, even describing them as kindly and concerned for the detainees' welfare. In general, the main difficulties facing the detainees were extreme overcrowding, insufficient food, and inadequate hygiene. (Department of State, *The New York Times*, *Los Angeles Times*)

**12 May 93:** An UNPROFOR helicopter was struck by a single small arms round from an unknown location following the evacuation of some 35 wounded from Zepa, forcing it to make an emergency landing about 7 kilometers east of Trodor. (Department of State)

**11 May 93:** A Spanish UNPROFOR lieutenant was seriously wounded in the neck, arms, and leg while trying to move blood and medical supplies into Mostar during fighting between Bosnian Croats and Muslims. (*Reuters*)

**10 May 93:** Bosnian Croat forces (HVO) assaulted a UNHCR humanitarian assistance convoy in Prozor. HVO soldiers pulled the Bosnian drivers from their trucks and beat them. Four drivers were injured and six vehicles were damaged extensively. (Department of State)

**27 Apr 93:** Unidentified forces wounded a British aid worker and a Bosnian driver when they shelled a humanitarian assistance convoy 3 kilometers north of Visoko on the road to Zenica. The shelling also damaged another truck in the convoy, which was returning empty from Tuzla. (*Paris AFP*)



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**30 Apr 93:** Bosnian Serb forces continued to prohibit doctors from entering Srebrenica, and specifically turned back a team of physicians from Medecins Sans Frontieres, which had attempted to accompany a UNHCR convoy. The medical situation in Srebrenica deteriorated; scabies was rampant, particularly among children. (Department of State)

**19 Apr 93:** A UNHCR humanitarian assistance convoy was stoned while traveling through Bosnian Serb-held territory on the way to Srebrenica. Despite protective steel grills over the windshields, several truck windshields were broken and two drivers were injured. UNHCR reported that blocks weighing 15-20 pounds were thrown at the trucks.

In recent instances, Bosnian Serb police have stood by and watched as youths pelted the UNHCR trucks from elevated embankments as they drove past. UN convoys going to Tuzla also encountered instances of stoning. (Department of State)

#### Deliberate Attacks On Non-Combatants

**8 Jun 93:** Bosnian Muslim militiamen fired machine guns at Bosnian Croat civilians as they ran from their homes in Guca Gora, a village northeast of Travnik, according to UN peace-keeping officials. UN troops saw Muslims shooting civilians as they fought from house to house, and confirmed that hundreds of Croat civilians had died as a result of the Muslim action. A UN spokesperson said:

There is strong evidence of atrocities. For example, a door forced, apparently kicked open, and the civilian occupant found dead in the garden, shot in the head.

(Department of State, *The Washington Post*, *The New York Times*, *Reuters*)

**4 Jun 93 :** A mortar attacked 1 of 4 buses carrying 95 Muslim and Croatian men, women, and children to Tuzla, at a Croatian forces checkpoint south of Vitez, in an area where Muslims and Croatians were fighting each other. The mortar

killed two of the passengers and injured an Austrian humanitarian aid worker, Jasmin Arzberger. (*Reuters*)

**2 Jun 93:** An unidentified sniper killed Dominique Lonneux, a Belgian journalist working for a Mexican television service, while he was traveling with a UN humanitarian aid convoy that was traveling near Dreznica, outside Mostar. The car in which Lonneux was traveling was clearly marked "TV." (Paris *AFP*)

**1 Jun 93 :** Bosnian Serb mortar crews shelled a soccer game in the Sarajevo suburb of Dobrinja where about 200 Bosnians, celebrating a Muslim holiday, were watching the game. The attack killed at least 11 people and wounded at least 80, about 25 of whom received life-threatening injuries.

Bosnian Serbs shelled a 12-truck humanitarian aid convoy carrying food and heading for Maglaj, killing five—including two Danish drivers—and wounding seven, some seriously. According to an UNPROFOR statement:

Three things are very clear. This has been a deliberate attack on a UNHCR convoy. The attack was from the direction of Serbian-held territory, and tank rounds were used.

Snipers seriously wounded two French soldiers who were guarding Sarajevo airport; one sustained serious head injuries. (Department of State, *The Washington Post*, *The New York Times*, Paris *AFP*, *Los Angeles Times*, *The Washington Times*)

**29 May 93:** A gang of about 30 gunmen, wearing Bosnian Army uniforms with Muslim insignia, shot and killed three Italian humanitarian assistance workers on the road between Gorni Vakuf and Novi Travnik, northeast of Split, at a place known as the "fish hatchery." They were in a group of five Italians who had been transporting food in Bosnia with the Food for Aid organization, and were pulled from their vehicles and robbed. The two survivors stated, on June 1 in Grnica, that the gunmen had

fired at their feet as they ran from the ambush. The perpetrators of this crime are still unknown. (Department of State, *The Washington Times*, *Reuters*, API)

**21 May 93:** Bosnian Serb forces fired on Sarajevo, killing 4 people and wounding more than 30, many of them children. The wounded included Deputy Prime Minister Zlatko Lagumdžija, who was shot in the leg. (API, *Reuters*)

**25 Apr 93:** A UN Security Council mission to Srebrenica called the Muslim enclave "an open jail" where Serbian forces were planning "slow-motion genocide." Serbian nationalist forces had cut off water and electricity supplies to Srebrenica, reportedly in retaliation for similar actions against Serbian villages earlier in the war, when the Muslims still controlled the source. (*The New York Times*)

**22 Apr 93:** Gunfire from Croat troops near Gospić killed a Slovak member of UNPROFOR and wounded another peace-keeper. Another attack hit a Czech and Slovak UNPROFOR control point near Licki Osik. Fog made it difficult to determine whether this shelling had come from either the Croatian or Serbian forces. (API, Paris *AFP*)

**16 Apr 93:** Unknown assailants launched a mortar attack that killed a Ukrainian soldier with the UN peace-keeping force while he was on patrol in the Grahoviste district of Sarajevo. (*Reuters*)

**12 Apr 93:** Serb nationalist forces shelled Srebrenica twice on April 12, once from 2:15 pm to 3:20 pm, and the second time from 3:50 pm to 4:10 pm. Most or all of the dead were civilians, including 15 children.

Rounds fell first at the north end of town and proceeded toward the south end of town. At least 14 children were found dead in the school yard, where they had been playing football.

During the next barrage of direct shelling, a child of about 6 years of age was decapitated. The UNHCR representative who witnessed these attacks said:

I will never be able to convey the sheer horror of the atrocity I witnessed on April 12. Suffice it to say that I did not

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look forward to closing my eyes at night for fear that I would relive the images of a nightmare that was not a dream.

As of April 13, total casualties in the town of Srebrenica were 56 dead and approximately 100 wounded. A senior UN official in Zagreb called the Srebrenica shelling a violation of international conventions prohibiting attacks on civilian targets. "It is an atrocity," he said. (Department of State, API, *The Washington Post*, *The New York Times*)

**Other, Including Mass Forcible Expulsion, Deportation of Civilians, Mass Graves, and Wanton Destruction of Property**

- 9 Jun 93:** Bosnian Serbs have detained hundreds of Croat males from the Travnik area at Manjaca camp. (Department of State)
- 20 May 93:** UN personnel discovered that both Bosnian Croats and Muslims were practicing ethnic cleansing in the southern Bosnian city of Mostar. According to a UNHCR spokesperson:

Most of the ethnic cleansing is being done by the Croats, (but) there is evidence of Croats being forced out of the Muslim area in Mostar also.

(Paris *AFP*)

- 11 May 93:** Bosnian Croat forces used a large military ambulance—marked with the distinctive red cross—to move more than a dozen armed soldiers and a recoilless rifle into the Mostar area. (*The New York Times*)
- 11 May 93:** Bosnian Serb forces reopened a former prison camp, the ceramics factory at Keraterm, where they detained a large group of Muslim men from Prijedor. A Serbian civil servant, who had confirmed the action, said the Muslims were to be used as hostages in case of U.S. military intervention. After a few days, some of the men were released after relatives had paid a ransom; many more reportedly remained. (Department of State, Hamburg *DPA*)
- 7 May 93:** Bosnian Serbs blew up the 1587 Ferhad-Pasha mosque and the 1587 Arnaudija mosque, both lo-

cated in Banja Luka. Yugoslav President Cosic issued a statement calling the bombing an "act of barbarity" and "the final warning to all reasonable and responsible people on all warring sides to act resolutely, immediately, and with all means at their disposal to stop the war and destruction." (*The New York Times*)

**May 93:** According to the International Committee of the Red Cross, the civilian population in Banja Luka is under constant pressure by armed groups who repeatedly beat, rob, and threaten persons belonging to minorities. The houses of such persons in Banja Luka and nearby villages are regularly attacked and burned by uncontrolled elements.

On May 2, a local Red Cross office in Banja Luka was destroyed by fire. On May 6, three mosques in Banja Luka were severely damaged by explosives. (International Committee of the Red Cross)

**3 May 93:** Bosnian Serbs expelled about 230 Muslim men, women, and children from Banja Luka. The Muslims, who were sent by bus through the Serbian lines at Turbe to Travnik, were required to pay 100 German marks for each adult and 50 marks for each child prior to departure, and to sign away all their property. (*Reuters*, Paris *AFP*)

**Mar 93:** After having been detained in Bosnian Serb camps almost continuously from May through September 1992, a 42-year-old Bosnian Muslim was released upon the intervention of an influential Serbian friend.

The witness was not permitted to return to his home in Brcko, which had been "cleansed" of Muslims and Croats, but forced to move to Bijeljina where he resided until mid-March 1993.

During this time, Bosnian Serb military and civilian authorities exercised great pressure on the Muslim and Croatian population to resettle elsewhere. All Muslims lost their jobs and were subject to a curfew and to searches of their homes. They had no income and were not allowed to sell any of their property.

On March 14, 1993, 2 days before the witness' departure from the area, the Serbs blew up all six mosques in Bijeljina, completely destroying them. Subsequently, they removed all the remains and plowed over the area. By chance, the BBC learned of the razing of the mosques and was able to film the debris of one before it could be cleared away. (Department of State)

**1992-93:** A 42-year-old Muslim described the leaders of the "exchange committee" for prisoners of war and civilian prisoners in Brcko.

The witness also described "mafia-like" organizations run by the "Arkanovci" to enrich themselves. One group, for example, controlled the bridge over the Sava River in Bosanska Raca, located 20 kilometers north of Bijeljina, where they demanded payment of 500-800 German marks for each Bosnian who wanted to cross the bridge to Serbia. Groups of other military irregulars operated similar "services" across the Drina River, east of Bijeljina.

In addition to controlling the bridges, Serbians also operated small boats. For a fee of up to 1,000 German marks for each person, and with the knowledge of local authorities, Muslims willing to resettle were transported across the river by the Serbs. Each group of Serbs (the "Arkanovci," "Draganovci", etc.) controlled their own territory and refrained from infringing on the territory of others. Under the guise of aiding the "voluntary resettlement" of the Muslims, Serbs robbed them of their last coin. Many people at all levels were involved in these practices. (Department of State)

**May-Jun 92:** A 45-year-old Bosnian Muslim witnessed the ethnic cleansing of Sanski Most.

Serbian authorities expelled all Bosnian Muslims from the local police forces by April 1992. Similarly, the locally stationed JNA detachments were purged of Muslims. By sometime in April, the Serbian-controlled militia demanded that all Sanski Most inhabitants turn in their weapons to the police.

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On May 26-28, 1992, Sanski Most was subjected to intense bombardment. Up to 400 buildings were destroyed and all the mosques were dynamited. On May 27, the bombardment temporarily stopped and Muslims were told to gather in a field so they could be "protected" from the incoming fire. Approximately 2,000 people left their houses, reported to the authorities, and went to a sports arena. Once there, they were told to return to their homes and raise white flags over their houses to show they had no weapons and had "surrendered." About 3,000 Muslims were displaced in this phase of "cleansing."

The witness described some of the detention facilities in Sanski Most: the Betoniarka concrete factory, the Hasan Kikic school, the Gradska Dworana (used to house women), the Narodni Front school, and the Krinc factory. Additionally, people were locked in pigsties.

Up to four shifts of guards worked each day at Betoniarka, where the witness was detained. He recognized men from the civil militia, the Serbian reservist militia, and paramilitary groups, who administered beatings continuously. Some names of victims of these beatings were read off lists, others were former inhabitants from villages where Serbs had suffered casualties, and some were victims of private vendettas. (Department of State)

**May 92:** A 60-year-old Bosnian Muslim described the ethnic cleansing of his village of Borajno, which is located in the Cajnice district.

On May 10, Serbian forces from Plejvlja, across the border in Montenegro, came to Borajno asking everyone to surrender their weapons. On May 16, the soldiers ordered the Muslims to move to the other side of the village, at which time the Serbs bombed the empty houses. The next morning, the soldiers began shooting in the air and, by 3 pm, the commander of one of the local Serbian units ordered the Muslims to leave the village.

The villagers ran into the woods. Immediately thereafter, the Serbian forces started bombing the woods from the mountains. The witness was able to return to Borajno on May 18, but he found the village deserted. (Department of State)

**Apr-May 92:** A 50-year-old Bosnian Muslim witnessed the occupation of Doboj by some of Arkan's paramilitary groups. Some of these troops were native Serbs; others were from the Knin region in Croatia.

When the paramilitary forces first took over Doboj, they set up artillery next to the health center and shelled the city's two mosques and Roman Catholic church, setting them on fire. They ordered Croats

and Muslims to remain indoors while they searched their homes, often arresting the men. The soldiers "inflicted terrible beatings" on some residents, and looted and burned during their forays, which continued until August. (Department of State)

**Apr 92:** A Bosnian Muslim in her mid-thirties witnessed the bombardment of Zvornik by Yugoslav National Army (JNA) forces, the Serbs' rounding up of Muslim citizens, and their looting of Muslim homes.

In the beginning of April, the Serbian community began evacuating many of its citizens from Zvornik. On April 8, the witness saw Serbian snipers shooting at Muslim homes from apartments that had been vacated by local Serbs. JNA forces placed barricades in town.

The witness spent that night with a Serbian friend who had decided not to evacuate. During the night, JNA forces stationed in Celopek and Serbia proper bombed Zvornik. The next morning, the "Arkanovci" came by each house requesting to see people's identification. She witnessed Serbian soldiers driving through town in large trucks collecting Muslims out of the basements to which they had fled. The Muslims were put on the trucks with their hands above their heads. (Department of State) ■

## **APPENDIX C**

Appendix C: Arabic-Language Books on the Bosnia Crisis

1. *Bosnia-Herzegovina: The Tragedy, the Issue, and the Position of the Kingdom [of Saudi Arabia]* [*Al-Būsna wal-Harsak: al-Ma'āsāh al-Qaḍiya wa-Mawqif al-Mamlīka*]. Riyadh: Ministry of Media, Saudi Arabia.
2. *Bosnia-Herzegovina: Tragedy of the Age* [*Al-Būsna wal-Harsak: Ma'sāt al-'aṣr*]. Beirut: Dār al-liwā' lil-ṣiḥāfa wal-nashr, 1995.
3. *Bosnia-Herzegovina: Story of a Muslim People Facing Aggression* [*Al-Būsna wal-Harsak: Qiṣṣat Sha'b Muslim Yuwājih al-'udwān*]. Aīn M'lila, Algeria: Dār al-hudā lil-ṭibā'a wal-nashr wal-tawzī', 1992.
4. *Collected Poems on Bosnia-Herzegovina: Selections from Poets of the [International] League [of Islamic Literature]* [*Dīwān al-Būsna wal-Harsak: Mukhtārāt min Shu'arā' al-Rābiqa*]. Amman: Dār al-bashīr, 1993.
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6. 'Abd al-Ma'būd, Salwā. *Two Letters from a Muslim Woman Whose Heart Burns to (1) Muslim clerics in the Islamic World (2) Leaders of the Orthodox Churches of the World* [*Risālatān min Imra'h Muslima Qalbhā Yaḥtariq Ilā (1) 'ulamā' al-Muslimīn fil-'ālam al-Islāmī (2) Qāda al-Kanā'is al-Urthūdhukiyya fil-'ālam*]. Cairo: Dār al-Naṣr lil-ṭibā'a al-islāmiyya.
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11. al-'Asalī, Bassām. *The Muslims in Bosnia-Herzegovina* [*al-Muslimūn fil-Būsna wal-Harsak*]. Beirut: Dār al-Bayāriq, 1993.
12. al-Aṣwar, Khālid. *Bosnia-Herzegovina: Facts & Figures* [*al-Būsna wal-Harsak: Ḥaqā'iq wa-Arqām*]. Da'wat al-Ḥaqq. Vol. 166, Mecca: World Muslim League, 1996.
13. Būliḥiya, Nizār. *Diplomacy of Assassins: International Stances on the Bosnia Disaster* [*Diblūmāsiyyat al-Saffāhiyyīn: Mawāqif Duwwaliyya min al-Miḥna al-Būsniyya*]. Rabat: al-Jam'iyya al-maghribiyya li-musānadat muslimī al-Būsna wal-Harsak, 1995.
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# **EXHIBIT C**





Challenging Extremism | Promoting Pluralism | Inspiring Change

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## **EXPERT WITNESS & PERSONAL TESTIMONY**

### **USA vs. BABAR AHMAD USA vs. SYED TALHA AHSAN**

**Sheikh Dr. Usama Hasan PhD MA MSc  
15<sup>th</sup> April, 2014**

#### **Part 1: About Quilliam**

Quilliam is the world's first counter-extremism think tank, launched in 2008 to address the unique challenges of citizenship, identity, and belonging in a globalised world. Quilliam stands for religious freedom, equality, human rights and democracy.

Challenging extremism is the duty of all responsible members of society, not least because cultural insularity and extremism are products of the failures of wider society to foster a shared sense of belonging and to advance liberal democratic values. With Islamist extremism in particular, we believe a more self-critical approach must be adopted by Muslims. Westophobic ideological influences and social insularity need to be challenged within Muslim communities by Muslims themselves whilst simultaneously, an active drive towards creating an inclusive civic identity must be pursued by all members of society.

Quilliam seeks to challenge what we think, and the way we think. It aims to generate creative, informed and inclusive discussions to counter the ideological underpinnings of terrorism, whilst simultaneously providing evidence-based recommendations to governments for related policy measures.

In October 2013, Quilliam facilitated the departure of Tommy Robinson and Kevin Carroll, founders and leaders of the English Defence League, a far-right UK group with violent links, from the group and their subsequent move towards mainstream, nonviolent democratic engagement. This move was widely covered by national and international media. Before that, Quilliam had consistently argued that Islamist and far-right extremism had a symbiotic relationship with each other and that extremists, including violent extremists, can be made to renounce violence and become engaged, mainstream, democratic citizens.

For more information about Quilliam, please refer to our website.

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**Part 2: About the Author (fuller resume in Appendix)**

1. My name is Sheikh Dr. Usama Hasan. I am 42 years old, and a certified Islamic scholar, imam and scientist, having specialised in Islamic studies, theoretical physics, artificial intelligence and astronomy. I have served for 30 years as an imam (mosque prayer-leader), having completed memorising the entire Qur'an aged 11, and have authored a number of Islam-related academic papers and translations. When younger, I was one of the leaders of the influential UK salafi group known as JIMAS. I am recognized as an expert and authority on Islam and Muslim groups globally, and on issues related to jihad and terrorism. E.g. I am quoted several times in R. Meijer, *Global Salafism – Islam's New Religious Movement* (Hurst 2009 / OUP 2014).
2. In 1990-1, at the age of 19, whilst an undergraduate student in physics at Cambridge University, I travelled to Afghanistan and spent 10 days with anti-communist *jihad* fighters (*mujahideen*) there, including a week at a military training camp for Arabs in Kunar, Eastern Afghanistan, and a day and night at the front line. The training at the camp consisted of scriptural study, learning simple guns (AK-47, M-16, pistols and hand grenades) and military tactics. At the front line, the largest gun used was 76mm cannon. I am therefore familiar with the experience of *jihadi* training and fighting.
3. My group, JIMAS, sent dozens of fighters to Afghanistan between the late 1980s and early 1990s, and hundreds to Bosnia during the war there, 1992-5. Some of our group were killed during the fighting in Bosnia, and we regarded them as martyrs. These included David Sinclair, aka Dawud al-Britani, whom I knew personally.
4. After 9/11 and especially 7/7 the leaders of JIMAS, including myself, began to publicly criticise and critique extremism and terrorism. For example, I served on the seven-strong steering committee of the unique international Summit Against Violent Extremism (SAVE) Steering Committee, 2010-11, at the invitation of Jared Cohen, founder and Director of Google Ideas and former member of the US Secretary of State's Policy Planning Staff and an advisor to Condoleezza Rice and later Hillary Clinton until 2010. The SAVE Summit itself, held in Ireland in 2011, featured no less than five current and/or former Quilliam staff as major delegates.
5. Due to my experience, I am intimately familiar with salafi and jihadi discourse from within Muslim communities, and from positions of intellectual, academic and community leadership. My current work includes being approved (2012-present) by the UK Home Office / Office for Security and Counter-Terrorism as an "Intervention Provider," i.e. a mentor to individuals vulnerable to being recruited by terrorists.
6. I have experience of being an expert witness in a number of fields, including one terrorism-related trial in the past: I served as Expert Witness to Kingston Crown Court (written submission) at the invitation of Defence Counsel (Piers Marquis & James Wood QC, Doughty St. Chambers) regarding REGINA v JUBAYER CHOWDHURY AND OTHERS, November 2013 – relating to alleged terrorist activity and Jihadism in Syria.

**Part 3: Answers to Questions (in italics) asked by Defence Counsel as an Independent, Expert Witness**

***UK Muslim Community in the 1990s***

1. *Describe the atmosphere in the Muslim community in the UK during the war in Bosnia (1992-1995), then Kosovo (1998-1999), then Chechnya (1999-2001).*

Hundreds of young British Muslim men went abroad to attend training camps and fight Jihad in Afghanistan (especially 1987-92, during the latter days of the Soviet occupation plus the final years of the communist government), Bosnia, Kashmir and even Kosovo and Chechnya during the 1990s.<sup>1</sup> UK intelligence services estimated that around a thousand went to fight in Bosnia, the destination that probably attracted the largest number of fighters, although a similar number may have trained in Pakistan, a base for militants operating in both Afghanistan and Kashmir. Thousands more organized and participated in humanitarian aid convoys to Bosnia.<sup>2</sup>

At that time, the number of Muslims in the UK was around 1.5 million, so the above numbers represent a tiny, but not insignificant proportion, of UK Muslim communities. Since each fighter would have a circle of family and friends numbering 10-20 on average, many UK Muslims would have known someone who fought in, or at least took humanitarian aid to, Bosnia. Hence, tens of thousands of British Muslims knew someone involved in the Bosnian war. The effect was smaller for Kashmir, and especially for Kosovo and Chechnya.

2. *What impact did these conflicts have on the Muslim community in the UK?*

The graphic videos of “ethnic cleansing,” a term widely regarded as a euphemism for “massacres” or “genocide,” of Bosnian Muslims caused shock and outrage within British Muslim communities, especially in activist circles that were dominated by Islamist organizations (those linked to Hizb-ut-Tahrir, the Iranian regime, the Muslim Brotherhood, Jamaat-e-Islami and political/jihadi salafist trends). Footage of ethnic cleansing from Bosnia that was available on mainstream news and/or smuggled out of Bosnia was regularly shown at mosques, community events and charity fundraisers in aid of Bosnia. For example:

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<sup>1</sup> For Afghanistan, see e.g. Usama Hasan (Cambridge graduate), BBC Hardtalk interview, November 2007; for Kashmir, cf. the story of Omar Sheikh (LSE graduate), currently on death row in Pakistan for the 2002 murder of Daniel Pearl; for Bosnia, cf. Babar Ahmad (Imperial College graduate), BBC interview April 2012 and *emel* magazine April 2012; for Afghanistan/Kashmir/Burma, see Sheikh Manwar Ali, *The founder of the Jihadist movement in the UK speaks of his experience and why he abandoned the jihadi path*, Agenfor Media, February 2014, <http://www.youtube.com/watch?v=f140721M5FY>

<sup>2</sup> For example, the leading British Muslim theologian, Sheikh Abdal Hakim Murad (Dr. Timothy Winter), currently of the University of Cambridge, chaired the “Oxford Committee for Aid to Bosnia” during the Bosnian war, when he was a student at Oxford University, and personally participated in humanitarian aid convoys there.

(a) the annual summer conference of the Jamiat Ahl-e-Hadith, the largest UK salafi organization for middle-aged and elderly people, in 1992-5 had substantial coverage of the Bosnian war. This conference (in Urdu and English) was attended annually by approximately 2,000 people at the large Green Lane Mosque in Birmingham, the UK's second largest city. In one of those years, the conference was even addressed by Abu Abdul Aziz Bahaziq, a Saudi national of Indian origin who served as Commander of Arab jihadi fighters in Bosnia, apparently as an official division of the Bosnian army.<sup>3</sup> Abu Abdul Aziz spoke at this conference about the virtues of Jihad, and called for British Muslim men, both young and old, to join the war effort on the side of the Bosnian Muslims. In 1992, the suffering of Bosnian Muslims was the subject of verses composed by the conference poet, Maulana Abdul Rabb.

(b) the annual summer conference of JIMAS (*Jamiat Ihyaa' Minhaaj al-Sunnah* or "The Society to Revive the Way of the Messenger"), the largest UK salafi organization for young people, in 1992-5 also had substantial coverage of the Bosnian war. This conference (in English) was attended annually by approximately 5,000 people at the University of Leicester, one of the UK's leading universities.

(c) During the above period, JIMAS also held a separate one-day "Jihad in Bosnia" conference at the Islamic Cultural Centre or Regent's Park Mosque in London, known as London's Central Mosque and one of the UK's top Muslim venues. This conference, attended by 500-1,000 people, was also addressed by Abu Abdul Aziz, the Saudi Commander of Arab jihadi fighters in Bosnia. Abu Abdul Aziz again called for British Muslims to help the Jihad in Bosnia, and appealed to journalists to write in support of lifting the international arms embargo on Bosnian Muslims that was in place at the time.

(d) In 1993, Hizb-ut-Tahrir organized a weekend "Bosnia Conference" at the London School of Economics, part of the University of London and one of the world's leading academic institutions. This conference was attended by approximately 3,000 people: the narrative was that Bosnian Muslims were facing genocide; humanitarian work was the equivalent of fattening the victims before their inevitable slaughter; the only solution was military Jihad, a precondition for which was the establishment of a true Islamic state or caliphate.

(e) In 1993-4, the Muslim Institute headed by Dr. Kalim Siddiqui, a national UK organization that was at the time a satellite of the Islamist regime in Iran, openly fundraised to buy arms and supply these to Bosnian Muslim fighters in defiance of the international arms embargo mentioned above. (At the time, Iran was breaking this embargo and supplying arms to Bosnian Muslim forces, and the Muslim Institute is

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<sup>3</sup> Abu Abdul Aziz was nicknamed "Barbarossa" ("Red Beard") by Serb and Western intelligence, due to his long, grey beard that was dyed red with henna, in accordance with Islamic tradition. Abu Abdul Aziz is referenced on pp. 18-19 of *Expert Report I: U.S. v. Babar Ahmad* (Evan F. Kohlmann, February 2014)

thought to have connected with this Iranian effort.)

3. *In the UK was it considered an extremist, terrorist or fringe cause to support Muslim resistance fighters in Bosnia, Kosovo and Chechnya during the 1990s?*

As the above details demonstrate, a variety of Muslim activist groups who were otherwise bitter rivals and enemies for political and sectarian reasons, e.g. Hizb-ut-Tahrir, the salafi-Wahhabis of JIMAS and Jamiat Ahl-e-Hadith, the Muslim Brotherhood and Jamaat-e-Islami groups and the Muslim Institute (an alliance of Shia and Sunni Sufi groups), came together in a united purpose of what was seen as a Jihad of self-defence by Bosnian Muslims against Serb and Croat, Christian aggression.

The Muslim enmity towards the Serbs that was especially generated by this episode carried over to the Kosovo conflict, when British Muslim opinion was firmly in support of the Kosovar Muslims against what was again seen as Serb aggression.

The enmity towards the USSR generated by the Afghan “Jihad” of the 1980s also continued into the Chechnya conflicts from 1999 onwards: British Muslim opinion was now firmly in support of Chechen Muslims, seen as fighters for freedom and independence, victims of the ruthless and imperialist Russian forces.

Amongst Muslim activist circles, that were large and very active, it was certainly not regarded as extremist, terrorist or fringe to support the Muslim causes in Bosnia, Kosovo and Chechnya during the 1990s: on the contrary, such support was mainstream and regarded as legitimate resistance by oppressed freedom fighters, seen as very similar to the Afghan mujahedin fighters against the USSR (1979-1989) who were supported by the US and CIA via Saudi Arabia and Pakistan.<sup>4</sup>

For an example of this, Imam Zaid Shakir, an influential US-based Afro-American convert to Islam, once wrote in the late 1990s in *emel* magazine<sup>5</sup>, widely-read in British Muslim activist circles, “We are able to go for jihad in Bosnia and Chechnya, but we are unable to tell our neighbour about Islam.”

4. *Was it common in Muslim circles in the UK for the question to be asked “Where and when is the next Bosnia going to be?”*

The phenomenon of “ethnic cleansing” during the Bosnian war, of which Muslims were the main victims, was akin to “genocide” in the minds of many Muslim community activists. This perception was especially strengthened after the Srebrenica massacre of

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<sup>4</sup> The pro-mujahedin sentiment in popular US culture is clear from the Hollywood film *Rambo III* (1988), starring Sylvester Stallone.

<sup>5</sup> [www.emel.com](http://www.emel.com)

8,000 Bosnian Muslim men and boys in July 1995. The fact that Bosnian Muslims had been relatively irreligious, non-devout and apparently well-integrated with Bosnian Serbs and Croats before the war, made this near-genocide especially shocking to Muslims around the world, but especially in Europe. Since Muslims in Western Europe were then (and still are) largely recent immigrants, they are not as integrated as the Bosnian Muslims were and these events led to widespread fear amongst British Muslims and the feeling that Western Muslims were therefore more vulnerable to attack than even the Bosnian Muslims had been.

### ***Counter-Terrorism in the UK***

5. *What role can former terrorism prisoners play in dissuading young Muslim men from joining terrorist groups or adopting terrorist ideologies and methods? Please give some examples where former terrorism prisoners have been successful in such efforts.*

Leading international think-tanks agree that “former violent extremists,” or “formers” for short, are often best-placed to help others move away from violent extremism (including terrorism), since they understand the mindsets and processes of extremism best. For example, Google Ideas (a think-tank set up by Google) and the Council on Foreign Relations (CFR) co-organized the “Summit Against Violent Extremism” in Dublin, Republic of Ireland in June 2011, bringing together over 80 “formers” and “survivors” of violent extremism for discussions around fighting such violence.<sup>6</sup>

### **Examples of former violent extremists**

Examples of former violent extremists who have renounced violence and actively campaign against terrorism and promote bridge-building and peacemaking, are:

(i) **Manwar Ali**<sup>7</sup> (UK), who speaks candidly in one interview about fighting Jihad in Afghanistan, Kashmir and Burma in the 1980s-90s as well as sending fighters to Bosnia and Chechnya during the 1990s<sup>8</sup>, but who actively warns young British Muslims from fighting in Syria now.<sup>9</sup>

(ii) **Amir Farshad Ebrahimi**, former Ansar-e-Hezbollah, Iran<sup>10</sup>

<sup>6</sup> For more information, see CFR, *Summit Against Violent Extremism (SAVE)* - <http://www.cfr.org/projects/world/summit-against-violent-extremism-save/pr1557>; Cohen, Jared, and Brendan Ballou. *SAVE Supporting Document: Becoming a Former*, Council on Foreign Relations. March 2012 - <http://www.cfr.org/united-states/save-supporting-document-becoming-former/p27056>; Google Ideas, *Summit Against Violent Extremism* - <http://www.google.com/ideas/events/save-2011/>; Russia Today, *Ex-terrorist network? 'Facebook' for former extremists* - <http://rt.com/news/former-extremist-social-network-176/>;

<sup>7</sup> Cf. <http://www.google.com/ideas/events/save-2011/formers/#muhammad-manwar-ali>

<sup>8</sup> <http://www.youtube.com/watch?v=f14072IM5FY>, 1 February 2014

<sup>9</sup> JIMAS, *Should I Travel to Syria for Jihad?* <http://www.youtube.com/watch?v=3L9r3TTCKXs>, 5 February 2014

<sup>10</sup> Cf. <http://www.google.com/ideas/events/save-2011/formers/#amir-farshad-ebrahimi>

(iii) **Henry Robinson**, former Irish Republican Army (IRA) terrorism prisoner who is a founding member of Families Against Intimidation and Terror (FAIT), UK<sup>11</sup>

(iv) **Imam Muhammad Nurayn Ashafa**, former leader of the violent Islamist extremist Izala group committed to chasing all non-Muslims out of northern Nigeria. In 1995, committed to dialogue with adversaries, Ashafa teamed up with former enemy Pastor Wuye and formed the Muslim-Christian Interfaith Mediation Centre.<sup>12</sup> Ashafa is featured in the film, *The Imam and the Pastor*.<sup>13</sup>

(v) **Pastor James Movel Wuye**, former violent Christian extremist, Nigeria.<sup>14</sup> In 1995, committed to dialogue with adversaries, Wuye teamed up with former enemy Imam Ashafa and formed the Muslim-Christian Interfaith Mediation Centre. Wuye is also featured in the film, *The Imam and the Pastor*.

(vi) **Letlapa Mphahlele**, former violent activist, South Africa<sup>15</sup>

(vii) **Mallam Ibrahim Isa Kufena**, former member of the violent Islamist extremist Izala group committed to chasing all non-Muslims out of northern Nigeria.<sup>16</sup> Muhammad has been part of, and responsible in, the coordination of Muslim-Christian peace-building since 1995. He is a signatory of the Kaduna Peace Declaration of Religious Leaders.

(viii) **Mubin Shaikh**, former Islamist, now a counter-terrorism practitioner who helped to foil the notorious “Toronto terrorist plot” in Canada<sup>17</sup>

(ix) **Nahum Pachenik**, former violent settler and founder of Eretz Shalom (Land of Peace), an organization committed to the rights of Jewish people and Palestinians to peacefully live side by side with equality, Israel<sup>18</sup>

(x) **Noman Benotman**, former commander of the Libyan Islamic Fighting Group (LIFG) who was instrumental in the negotiations with the Libyan government leading to the disbanding of the LIFG, now based in the UK<sup>19</sup>

(xi) **Noor Huda Ismail**, former Darul Islam terrorist, Indonesia. Noor's Institute of International Peacebuilding in Indonesia offers training for former radicals alongside

<sup>11</sup> Cf. <http://www.google.com/ideas/events/save-2011/formers/#henry-robinson>

<sup>12</sup> Cf. <http://www.google.com/ideas/events/save-2011/formers/#imam-muhammad-nurayn-ashafa>

<sup>13</sup> <http://www.uk.iofc.org/imam-pastor>

<sup>14</sup> Cf. <http://www.google.com/ideas/events/save-2011/formers/#james-movel-wuye>

<sup>15</sup> Cf. <http://www.google.com/ideas/events/save-2011/formers/#letlapa-mphahlele>

<sup>16</sup> Cf. <http://www.google.com/ideas/events/save-2011/formers/#mallam-ibrahim-isa-kufena>

<sup>17</sup> Cf. <http://www.google.com/ideas/events/save-2011/formers/#mubin-shaikh>

<sup>18</sup> Cf. <http://www.google.com/ideas/events/save-2011/formers/#nahum-pachenik>

<sup>19</sup> <http://www.quilliamfoundation.org/about/staff/noman-benotman/>

classes that offer alternatives to a career in radicalism.<sup>20</sup>

**(xii) Ntobeko Peni**, former South African terrorist who later worked for the Amy Biehl Foundation, named after the activist whom he helped to murder<sup>21</sup>

**(xiii) Patrick Magee**, former IRA terrorist who planted the “Brighton bomb” targeting the UK Prime Minister, Margaret Thatcher, in 1984 but now works with the daughter of one of his terrorist murder victims in the “Building Bridges For Peace” project<sup>22</sup>

6. *What value can former terrorism prisoners add that others cannot? Why? I.e., are young Muslim men more likely to listen to anti-terrorism messages from a government-affiliated individual or an independent former terrorism prisoner?*

Former terrorists have a “street cred” that others do not, since they have “been there, done that.” People vulnerable to becoming violent extremists, particularly young people, are far more likely to listen to “formers” than they are to statutory authorities, especially since the latter are linked to government, who are seen as “The Establishment” and therefore worth “rebellious against.”

#### ***Training Camps and British Muslims***

7. *What does Islamic theology say about a Muslim man learning how to defend himself, his family and his community?*

The original Qur’anic teaching in the face of persecution was to have patience and perseverance, to forgive and to “withhold your hands,”<sup>23</sup> i.e. not to physically retaliate. Later verses allowed using violence for the sake of self-defence (*Jihad*), e.g. 4:74-76, 9:13, 22:38-41. According to tradition (*hadiths*), the Prophet Muhammad (peace be upon him) taught, “Whoever is killed whilst defending his family or property is a martyr,” thus emphasizing the importance of self-defence. The Qur’an also speaks of preparation and training for Jihad in self-defence, e.g. 8:60, 9:46. Several hadiths also encourage the learning and teaching of martial arts such as archery, horse-riding and swimming as Islamic, communal duties for the sake of self-defence. Until 9/11, *mujahideen* training camps abroad were largely seen as bases for the fulfilment of such training and preparation duties, with militant action being only a possibility.

8. *Is it accurate to say that hundreds of British Muslims, if not more, went to training camps overseas (including in Afghanistan) during the 1990s?*

During the 1990s, the Guardian newspaper (UK) quoted UK intelligence sources as saying that at least 1,000 British Muslims went to fight in Bosnia. The UK-based group JIMAS

<sup>20</sup> Cf. <http://www.google.com/ideas/events/save-2011/formers/#noor-huda-ismail>

<sup>21</sup> Cf. <http://www.google.com/ideas/events/save-2011/formers/#ntobeko-peni>

<sup>22</sup> <http://theforgivenessproject.com/stories/jo-berry-pat-magee-england/>

<sup>23</sup> Qur’an 4:77



itself sent dozens of volunteers to training camps in Afghanistan and Kashmir during the 1990s, and at least a hundred to fight in Bosnia. There were several other UK groups and networks involved in similar activity, so it would be more accurate to say that a few thousand British Muslims went to training camps overseas (including in Afghanistan) during the 1990s.

9. *Is it correct to say that British Muslims who went to obtain military training in Afghanistan during the 1990s did not go to join UBL/AQ (who were still relatively unknown at that point) in their war against the United States, but to learn how to defend their fellow Muslims “when” (not if) the next Bosnia happened?*

This is correct. Usama bin Ladin (UBL) and Al-Qaeda (AQ) were largely unknown to British Muslims until 9/11: people went to training camps to fulfil what they saw as their Islamic duty to gain training for self-defence.

10. *What parallels, if any, are there between the Muslim world post-Bosnia and Jewish communities post-Holocaust? Is it accurate to say that Muslims all over the world were urgently motivated to obtain military training in order to defend their fellow Muslims in the same way that Jews after the Holocaust were urgently motivated to train militarily in order to defend their fellow Jews?*

I am not familiar with this aspect of Jewish history, but it is certainly true that the Bosnian war, culminating in the Srebrenica massacre of 1995, shocked Muslims around the world. As I stated in a public speech in 2007, later transcribed into a human rights magazine article,

“Continuing on the subject of grievances, just as the Holocaust is very strong in the Jewish consciousness, and 9/11 and 7/7, quite rightly, are very powerful and strong in the American, western and British consciousnesses, so too is Srebrenica for European Muslims. Many people forget, or do not realise, that the entire debacle around the Bosnian war of the 1990s is a massive source of grievance in the Muslim world. So again, the sense of grievance is not entirely false. I still remember being shocked, as all of us were, when a massacre of 8,000 unarmed men and boys was carried out in Srebrenica with the Dutch UN troops looking on. I remember one of the leading and senior Saudi clerics of his day, Sheikh Ibn Uthaymin, who has since passed away, actually giving a sermon about the Srebrenica massacre.

This was unprecedented in Saudi Arabia, the official religious authorities are very strongly controlled politically – they rarely give khutbahs, Friday sermons, about political matters, and certainly not hard-hitting ones.

I remember being shocked myself that a senior Saudi cleric had actually spoken so openly. The wounds of Srebrenica ran very deep. It is pleasing that 16 June is the first day of the hearing for the case brought at The Hague against the UN by Hasan Nuhanovic, who was the official interpreter for the Dutch UN troops in Srebrenica and was separated from his family. His mother, father and brother were literally standing next to him, but they were taken away and never seen again. He begged for them to be safeguarded by the Dutch UN troops, but this was refused. They safeguarded Hasan’s life because he was their interpreter.

He asked to be allowed to join his family and die with them, but his own father told him to stay and continue his important work. Hasan has published a book called *Under the UN Flag*, documenting the numerous cases where the UN troops, Dutch and others, failed to protect the civilian population in various villages around Bosnia. And finally, after many

years of struggling, the hearing began. Justice needs to be done, and needs to be seen to be done in this case, partly to benefit the Muslim world. Mainstream media has a duty to highlight this particular case, because it does have very far-reaching implications.

One would imagine that Srebrenica looms large in al-Qaeda vocabulary as one of a long litany of grievances. So there are some grievances that do need to be dealt with, and justice needs to be seen to be done. The whole Israeli-Palestinian situation is, of course, another one: we desperately need progress in the Middle East.”<sup>24</sup>

**It is also plausible that the thousands of British Muslims who had already received militant training for self-defensive Jihad by the mid-1990s felt that this was a duty to be continued to counter any future existential threats to Muslims in Europe.**

*Taliban Rule of Afghanistan 1996 – 2001*

11. *Is it accurate to say that many Muslims around the world initially supported the Taliban government not because they agreed with all of its policies but because they saw it as possibly the first Islamic State in the world in 70 years (since the “fall” of the Ottoman Caliphate in 1924)?*

It should be remembered that the Taliban’s accession to power in 1996 was widely welcomed in many parts of Afghanistan and the wider Muslim world, although not all. This was due to a civil war that began in the 1970’s, followed by the Soviet occupation 1979-1989, the continuing anti-communist war 1989-1992, followed by the brutal intra-mujahideen civil war 1992-6. The Taliban came to power swiftly, disarming many of the warlords who had wreaked havoc for two decades.

Furthermore, it should be remembered that the Taliban proclaimed an Islamic emirate or state in Afghanistan, a slogan that resonated well with Islamists around the Muslim world who dreamed of a caliphate to replace the Ottoman empire that finally fell in 1924. However, there had been many other countries that proclaimed themselves to be Islamic states, including the Kingdom of Saudi Arabia (1932-), the Islamic Republic of Iran (1979-), the Islamic Republic of Pakistan, the Islamic Republic of Afghanistan (1992-6 & 2001-).

12. *Is it correct to say that Afghanistan under Taliban rule was seen as a sanctuary where every Muslim would be safe, just like Jews saw (and see) the State of Israel as a global sanctuary for Jews?*

This was the idealist view of many Islamists around the world, and may well have been the policy of the Taliban. It should be noted that the Islamist-influenced government of Sudan also passed a law in the 1990s granting citizenship in principle to any Muslim, analogous to the situation of Jews with the state of Israel.

In the early to mid-1990s, I knew a young British Muslim man who travelled to Afghanistan

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<sup>24</sup> U. Hasan, *History Lessons: Islam’s Tradition of Debate*, Index on Censorship Magazine, Vol. 37 No. 3 (2008), reproduced at <http://www.indexoncensorship.org/2011/03/history-lessons-islams-tradition-of-debate/>

to live and train there under the pre-Taliban Islamic emirate, 1992-6. He became disillusioned with the increasing extremism he saw from some of the mujahideen groups, specifically the calls for jihad against Western countries, and returned to Britain, settling into family life and teaching at a local primary school. This was an example of how “Islamic states” served as magnets for idealistic young men and women seeking to live in a Muslim utopia.

**Part 4: Answer in Personal Capacity to Question (in italics)**  
**asked by Defence Counsel**

13. *What role can Mr. Ahmad, specifically, play in anti-terrorism efforts in the UK?*

a. *(Could be based on personal knowledge about Mr. Ahmad and/or current legal situation)*

**My personal conviction is that Mr. Ahmad is firmly opposed to terrorism and, given his proven leadership qualities, including charisma, intelligence, eloquence and the ability to lead colleagues by example, he will be a crucial asset in the work of counter-terrorism in the UK in the future. This conviction is based on the following considerations:**

(i) I have known Mr. Ahmad personally for over 20 years: we first met at Cambridge University in 1992 and overlapped at the Imperial College of Science, Technology & Medicine (University of London), where Mr. Ahmad served as President of the students’ Islamic Society (1993-4) and I succeeded him (1994-5). During the period 1992-5, I was aware that Mr. Ahmad was instrumental in taking one or two groups of young, male British Muslims to Bosnia during their summer holidays for the purposes of training in the camps there and fighting Jihad in defence of Bosnian Muslims. I knew of another Imperial College student who travelled to Bosnia as part of a larger group of British men via Mr. Ahmad’s connections. In 1995, Mr. Ahmad held a study circle at the prayer room of the Imperial College Islamic Society, attended by about 30 young men and women, where he described his experience of military experience with *mujahideen* in Bosnia. This included the claim that the *mujahideen* “were able to take a key mountain from Serb forces within a few days that Hitler had been unable to take after trying for several weeks during the Second World War.” Having known Mr. Ahmad personally for over two decades, I can personally vouch for his integrity, honesty and sincerity.

(ii) Mr. Ahmad has grappled with the intellectual arguments around Jihad and terrorism ever since I’ve known him. For example, we met briefly in London in late 2001, in Mecca in February 2002 during the annual Hajj pilgrimage and again in London in November 2002; each time, we briefly discussed the 9/11 attacks, jihad, terrorism and the “war on terror.” In the latter, brief conversation, Mr. Ahmad and I discussed whether or not attacking civilians was justified in retaliation for the killing of Muslim civilians elsewhere, with reference to the then recent attempted shooting down of an Israeli airliner over Kenya on 2<sup>nd</sup> November 2002. We discussed the views of Islamic clerics, both pro- and anti- such action.

(iii) I visited Mr. Ahmad at his home in London on 31<sup>st</sup> December 2003, soon after he had been released without charge following his arrest by UK police under anti-terrorism laws on 2<sup>nd</sup> December 2003. As part of our conversation, he asked me for a religious ruling – this was not unusual since whenever we met, he would consult me on religious matters, knowing

my background in the religious sciences. The religious ruling requested was on the following matter, in Mr. Ahmad's approximate words: "Suppose you overhear a couple of brothers, e.g. in a swimming pool during a Muslim men-only session, plotting to attack civilians in this country. What should you do?" The clear implication of the question was that he himself had experienced such a hypothetical situation, and that the dilemma was between the following two options: (i) Tell the authorities (e.g. police) about the plot, or (ii) Keep silent, to protect your Muslim brothers. The mere fact that Mr. Ahmad asked this question showed that he was still mentally grappling over the "terrorism question," i.e. about targeting civilians in retaliation for the (real or alleged) killing of Muslim civilians. Furthermore, the question itself implied that killing civilians is a crime, else there would be no dilemma: at the time, we were both committed Islamists, and the brotherhood of Islam dictated that one never betrays their Muslim brother unless the latter is guilty of a criminal act.

(iv) Although I had an instinctive answer to this question at the time, I promised to consult senior religious scholars and get back to him. In January 2004, I travelled to Dublin, Ireland, to attend a 3-day meeting of the European Council for Fatwa and Research, an Islamic theological-jurisprudential body, as an observer. During this visit, I asked Sheikh Abdullah al-Judai, a leading progressive, traditional British-Iraqi Islamic scholar about Mr. Ahmad's question. Sheikh al-Judai confirmed my instinctive view: "It is my opinion that it is a religious obligation to do whatever it takes to prevent such an attack from happening, since the British people are our fellow citizens and we must prevent murder." Upon my return to London, I conveyed this answer to Mr. Ahmad in a telephone conversation later in 2004.

(v) After Mr. Ahmad's arrest in August 2004, I followed his story loosely. We wrote each other one letter c. 2004-5. Mr. Ahmad wrote a number of articles whilst in prison, that were circulated amongst some Muslim circles. In one of these, he described reading Nelson Mandela's autobiography, *Long Walk To Freedom*, and the profound, inspiring impact this had had on his thinking. In April 2010, I bumped into Dr. Irshad Hussain, a brother-in-law of Mr. Ahmad, at a wedding reception held at the London Central Mosque in Regent's Park. Dr. Hussain happened to be on the phone to Mr. Ahmad and handed me the phone to talk to Mr. Ahmad. I suggested to the latter that his thinking must have developed and evolved after spending seven or eight years in prison with much time to ponder, read and reflect, and that he should write an intellectual autobiography that would help his legal case by clarifying his views. Mr. Ahmad replied, "There is a story waiting to be told, but my lawyers have advised against it for now." To me, this was confirmation that Mr. Ahmad had indeed engaged in years of mature reflection whilst in prison.

(vi) In April 2012, Mr. Ahmad stated clearly and publicly in a BBC television interview that he was firmly opposed to terrorism: "I absolutely reject any allegation that I supported terrorism in any way, in any place, whether in Afghanistan, Chechnya or any other part of the world. I believe terrorism to be wrong and I believe the targeting and killing of innocent people to be wrong."<sup>25</sup> **I understand the above declaration to be proof that Mr. Ahmad has unequivocally settled the "terrorism question" in his mind, and has firmly decided in favour of an anti-terrorism position.**

(vii) According to a leading think-tank, a "former violent extremist" is someone who fulfils four criteria:

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<sup>25</sup> Babar Ahmad appeals for trial to be held in UK, BBC, 5 April 2012, <http://www.bbc.co.uk/news/uk-17614935>

- a) they were once part of an extremist group,
- b) they have publicly renounced violence,
- c) they are willing to speak out using their real name, and
- d) they are actively and publicly working against their previous violent organizations.<sup>26</sup>

(viii) As a UK Home Office-approved intervention provider in counter-extremism and counter-terrorism, and as a member of the international Summit Against Violent Extremism (SAVE) Steering Committee, 2010-11, **I am extremely confident that Mr. Ahmad, upon his return to the UK and release from prison, will be a powerful “neo-Former” voice against terrorism, particularly given his “street cred” as a former mujahid in Bosnia and as a record-breaking UK prisoner under anti-terrorism legislation: although Mr. Ahmad may never have been part of an extremist group, because of his history he certainly has the credibility to speak out on these issues.**

(ix) The example of another British former mujahid, Sheikh Manwar Ali, who fought in Afghanistan, Kashmir and Burma but who actively discourages foreign nationals from going to fight in the current Syrian civil war (where many groups glorify their actions also as “jihad”), has already been cited.<sup>27</sup>

(x) Furthermore, there is a huge danger that an excessive prison term for Mr. Ahmad will be used by extremist groups for recruiting purposes. The general theme of terrorism prisoners being glorified as “persecuted mujahideen” has been a favourite of Al-Qaeda-type groups for decades: examples of such prisoners in US/UK jails whose stories are used for terrorist recruitment include Omar Abd el-Rahman, Abu Qatada al-Falastini and Abu Hamza al-Masri. E.g., the US-Yemeni Al-Qaeda ideologue Anwar al-Awlaki, whose speeches and writings have helped to inspire dozens of recent terrorist plots and attacks worldwide, began his influential pro-terrorist essay *44 Ways to Support the Jihad*<sup>28</sup> with the following words: “*Jihad is the greatest deed in Islam and the salvation of the ummah [Muslim nation] is in practising it. In times like these, when Muslim lands are occupied by the kuffar [non-believers], when the jails of tyrants are full of Muslim POWs, ...*” (emphasis added) Although Mr. Ahmad’s case is far less serious compared to the above notorious names, extremists may well use his example as a case in point to argue that “the West” is unjust, since Mr. Ahmad was not even part of Al-Qaeda and yet he was treated unduly harshly.

**Thus, based on all of the above considerations and in my considered opinion, the lightest possible sentence for Mr. Ahmad, accompanied by his earliest repatriation to the UK, will be an important boost for counter-terrorism work in the UK.**

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<sup>26</sup> Becoming a Former: Identity, Ideology, and Counter-radicalization, SAVE Supporting Document, Authors: Jared Cohen, Adjunct Senior Fellow, and Brendan Ballou, Associate, Google Ideas, <http://www.cfr.org/united-states/save-supporting-document-becoming-former/p27056> - note that a co-author of this report, Jared Cohen, was previously a member of the Secretary of State's Policy Planning Staff and an advisor to Condoleezza Rice and later Hillary Clinton until 2010. In this capacity, he focused on counter-terrorism, counter-radicalization and other issues.

<sup>27</sup> JIMAS, *Should I Travel to Syria for Jihad?* <http://www.youtube.com/watch?v=3L9r3TTCKXs>, 5 February 2014

<sup>28</sup> This treatise is widely available online.

## Appendix: Author's Resume

### ABOUT USAMA HASAN

Sheikh Dr. Usama Hasan is Senior Researcher at Quilliam and was a founding advisor to the organisation in 2008. He has over 10 years' of extensive interfaith and media experience, and is regularly quoted in national and international, mainstream media.

Usama has ample experience of Muslim student life, having spent 8 years studying at top UK universities and having served as President of the student Islamic Societies at Cambridge, King's College London and Imperial College. As a lecturer for 9 years at Middlesex University, Usama also provided pastoral care to members of the student Islamic society there.

Fluent in English, Urdu and Arabic, Usama completed memorizing the entire Qur'an by the age of 11. He has served as a part-time imam since his teens and is a certified transmitter of the Qur'an and Hadith scriptures and has translated a number of Islamic texts from Arabic and Urdu into English, including the Islamic Foundation's "Way of the Prophet" (2009). He served as Imam at Al-Tawhid Mosque in London, 1984-2011.

Before joining Quilliam, Usama was a Senior Lecturer in Engineering at Middlesex University, 2003-2012. He holds a PhD, MSc & MA in Physics and Artificial Intelligence from the Universities of Cambridge & London and is a Fellow of the Royal Astronomical Society. As an astronomer, he served as Planetarium Lecturer at Royal Observatory Greenwich, 2006-8. He also served as Director and Trustee of the City Circle, 2008-12, and is Visiting Lecturer at Cambridge Muslim College (2010-) where he teaches Science, Astronomy and Ethics to graduates of Islamic seminaries.

As Quilliam's Senior Researcher, Usama engages in ongoing reform, outreach and media work. He addresses key questions on Islam and gender-equality, human rights, personal freedoms and penal codes, seeking to harmonise tradition and reason, faith and science, and developing the Sharia in keeping with the original Prophetic spirit of mercy, and away from rigid ritualism.

### EDUCATION

- 2003 *Ijaza* (traditional certification) in Qur'an from Sheikh Suhail (Pakistan)
- 1998 *Ijaza* (traditional certification) in Qur'an from Imam Ahmad Dahduh (Morocco/UK)
- 1998 *Ijaza* (traditional certification) in Hadith from Sheikh Ghaffar (Pakistan) & Sheikh Suhaib (UK)
  
- 1993 - 1997 *Imperial College of Science, Technology & Medicine – University of London*  
**PhD in Artificial Intelligence**
  
- 1992 - 1993 *King's College London (KCL) – University of London*  
**MSc (Distinction) in Mathematics**
  
- 1989 - 1992 *University of Cambridge*  
**MA (Hons.) in Physics & Theoretical Physics**

### CAREER HISTORY

1. **Senior Researcher in Islamic Studies, Quilliam Foundation, May 2012 - present**
2. *Senior Lecturer in Engineering & Information Sciences*, Middlesex University, 2003-2012
3. **Visiting Lecturer in Astronomy, Science & Ethics, Cambridge Muslim College, 2010-present**
4. **Fellow, Royal Astronomical Society, 2010-present**
5. *Trustee*, City Circle (London), 2009-12
6. *Director*, City Circle (London), 2008-9
7. *Planetarium Lecturer*, Royal Observatory Greenwich, 2006-8
8. *Imam & Khatib*, Al-Tawhid Mosque, London, 1984-2011
9. *Vice-Chairman*, Al-Tawhid Mosque, London, 2001-2012
10. *Visiting Associate Professor*, National University of Sciences & Technology, Pakistan, 2002-3
11. *Automatic Number-Plate Recognition System developer*, Golden River Traffic Ltd., UK, 2001-3
12. *SAS/Enterprise Miner - Data Mining Consultant*, Niklas Data Ltd., Slough, 1999-2001
13. *Neural Scientist (credit-scoring & fraud-detection)*, Neural Technologies Ltd., 1997-9

### PUBLICATIONS ON ISLAM

1. U. Hasan & C. Cooper, "*DEMOCRACY IS HYPOCRISY!*" *European Muslims, democratic malaise and Islamist extremism - Queries*, Journal of Foundation for European Progressive Studies, Issue 3, Winter 2013-1014, pp. 68-73  
<http://www.queries-feps.eu/Queries%203.pdf>
2. U. Hasan, *Women's Rights & Gender Equality in Islam – Between Traditionalism and Rationalism*, in *Speaking in God's Name: Re-examining Gender in Islam*, Inspire, 2014 (forthcoming)
3. U. Hasan, *No Compulsion in Religion – Islam and the Freedom of Belief*, Quilliam, 2013
4. U. Hasan, *The Balanced Nation – Islam, Fundamentalism and Extremism*, paper presented at a workshop on fundamentalism organised by the International Research Network on Religion and Democracy at Corvinus University, Budapest, May 2013
5. U. Hasan, *Health, Sickness, Medicine, Life and Death in Muslim Belief and Practice*, in *European Journal of Palliative Care*, Volume 19 Number 5, September-October 2012, pp. 241-5.
6. U. Hasan, *The Balance of Islam in Challenging Extremism*, Quilliam, 2012
7. U. Hasan, *The Veil: Between Tradition & Reason, Culture & Context in Islam and the Veil*, ed. Theodore Gabriel & Rabiha Hannan, Continuum Books, 2011
8. U. Hasan, *Allah & The New Physics*, paper presented at the *God & Physics* John Polkinghorne Memorial Conference, Oxford, 2010
9. *When Words Are Immutable (On Qur'an-Commentary)*, Comment Is Free, Guardian, 2010
10. *The Triumph of Traditionalism – Can Islam Be Reconciled With Science?* Comment Is Free, Guardian, 2009
11. Abdul Ghaffar Hasan, *Way of the Prophet*, trans. U. Hasan, Islamic Foundation, UK, 2009

12. U. Hasan, *The Threat From Extremism To Islam and the World*, keynote paper, *The Message of Peace in Islam* conference, Damascus, 2009
13. U. Hasan, *History Lessons: Islam's Tradition of Debate*, Index on Censorship Magazine, Vol. 37 No. 3, 2008, reproduced at <http://www.indexoncensorship.org/2011/03/history-lessons-islams-tradition-of-debate/>
14. *Knowledge Regained (On Islam & Evolution)*, Comment Is Free, Guardian, 2008
15. Al-Ajurri, *The Character of the People of the Qur'an*, trans. U. Hasan, Al-Quran Society, London, 2002
16. Ibn al-Qayyim, *The Journey of Love*, trans. U. Hasan, Al-Quran Society, London, 2002
17. Ibn Taymiyyah, *Tolerance Within Islam*, trans. S. Siksek & U. Hasan, Al-Quran Society, London, 2002
18. Suhaib Hasan, *Introduction to the Science of Hadith*, ed. U. Hasan, Al-Quran Society, London, 1994
19. Muhammad Nasiruddin al-Albani, *The Prophet's Prayer Described*, trans. U. Hasan, JIMAS, Ipswich, 1993
20. Ibn Taymiyyah, *The Concise Legacy*, trans. F. Abbas & U. Hasan, JIMAS, Ipswich, 1993

#### RECENT RELEVANT WORK

1. Invited delegate, US-based Brookings Institution/State of Qatar-sponsored US-Islamic World Forum, Qatar, June 2014
2. Invited speaker at *Violent Extremism in Europe* conference co-organised by the Institute for Strategic Dialogue & hosted by Belgium Home Affairs Ministry, Brussels, March 2014
3. Invited delegate, *Countering Violent Extremism Post-Arab Spring* conference, St George's House, Windsor Castle, November 2013
4. Participant, *EuRad – Faith to Counter Radicalisation* project, 2013-14 – [www.euradinfo.eu](http://www.euradinfo.eu)

#### EXPERT WITNESS EXPERIENCE

1. Expert witness to Kingston Crown Court (written submission) to Defence Counsel (Piers Marquis & James Wood QC, Doughty St. Chambers) regarding REGINA v JUBAYER CHOWDHURY AND OTHERS, November 2013 – relating to alleged terrorist activity and Jihadism in Syria
2. Expert witness (written and oral submission of evidence) to the All-Party Parliamentary Group (APPG) on International Religious Freedom, House of Lords, 5<sup>th</sup> February 2013 (convened by Baroness Berridge)
3. Expert witness (written submission) for Employment Appeal Tribunal, Audit House, 58 Victoria Embankment, EC4Y 0DS, 30<sup>th</sup> October 2009. Case: Razwan Khan vs. Vignette Europe Ltd.



# **EXHIBIT D**



**ADVICE FOR THE FEDERAL DEFENDER FOR THE DISTRICT OF  
CONNECTICUT IN THE MATTERS OF UNITED STATES V. BABAR  
AHMAD and UNITED STATES V. SYED TALHA AHSAN**

**RED LION CHAMBERS**

**Terms of Reference**

We have been asked to advise you in relation to the three questions set out below:

*Question 1:* Whether, under applicable UK law, it was legal for UK citizens to travel to Bosnia during the 1992 to 1995 time period and to take up arms to defend Bosnians under attack.

*Question 2:* Whether, under applicable UK law, it was legal for UK citizens to travel to Chechnya during the 1996 to 2001 time period to aid the Chechen resistance by providing supplies and/or by fighting in support of the Chechen resistance.

*Question 3:* Whether, under applicable UK law, it was legal for UK citizens to travel to Afghanistan for the purpose of obtaining training as an end in itself in areas such as the use of weapons, the use of explosive devices, survival skills, and navigation skills during the 1999 – 2001 time period.

We have not attempted to explore or resolve ambiguities in the questions themselves. For example, we have not asked you to provide details of what ‘supplies’ were being provided to Chechen ‘resistance’ or the details of the particular groups in Chechnya that were being supported etc.

We have tried, in so far as is possible, to remain within the terms of reference you have provided. We have interpreted each question literally. We have included a short history of anti-terrorism legislation in the UK so that the court has a full picture of the provisions before, during and after the periods specified in your questions. Each question is set out in full and the advice is provided in numbered paragraphs for ease of reference.

**The Legal Background to UK Counter Terrorist Laws**

1. In the nineteenth and early twentieth centuries terrorists were indicted under the ordinary criminal law. The main terrorist threat at that time was from organizations dedicated to the establishment of an independent Irish Republic. The Fenian Brotherhood and Irish Republican Brotherhood<sup>1</sup> were two such groups.<sup>2</sup>
2. The *Explosive Substances Act 1883* (“ESA”) was introduced in the wake of the Fenian and anarchist bombings in London in the 1870s. Many terrorist offences today are prosecuted under that Act. This was followed in 1887 by the *Criminal Law and Procedure (Ireland) Act* which outlawed ‘unlawful associations’. This was a precursor to the regime of proscription which appeared in subsequent legislation and is part of the current landscape of terrorist legislation. Until the 1970’s antiterrorist legislation was a matter for Ireland alone and not for the mainland United Kingdom.

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<sup>1</sup> The Irish Republican Brotherhood (IRB) was founded in 1858. It is distinct from the Irish Republican Army (IRA). It was a small movement with no more than 2000 members dedicated to establishing an independent Ireland. The organization was dissolved in 1924.

<sup>2</sup> The approach to anti-terror legislation was not formed by British experiences in Ireland alone. The anti-colonial campaigns in Palestine, Kenya, Malaysia, Cyprus and Aden would have shaped the approach to interrogation techniques, special powers and proscribed organisations.

3. It is of note that under the *Prevention of Terrorism Act 1989* the only two proscribed organisations were the Irish Republican Army and the Irish National Liberation Army<sup>3</sup>. Successive statutes have considerably expanded the number of proscribed organisations. The first version of the *Terrorism Act 2000 (Schedule 2 Proscribed Organisations)* contained fourteen organisations all linked to Ireland<sup>4</sup> and the latest version contains sixty seven of which the majority are extremist Islamic groups.
4. The first *Prevention of Terrorism Act*<sup>5</sup> (“PTA”) was rushed through Parliament in 48 hours following the bombing of two pubs in Birmingham on 21 November 1974. The extension of jurisdiction to the UK was a direct result of the Provisional IRA extending its activities to the mainland. It was viewed as a temporary response to terrorist activity and was subject to renewal every six months.
5. The *Suppression of Terrorism Act 1978* extended jurisdiction further so that UK courts had jurisdiction to try terrorist activities that took place in those countries which were signatories to the European Convention on the Suppression of Terrorism<sup>6</sup>. This was the beginning of the UK’s attempts at countering international terrorism.
6. During the 1990s the UK’s anti-terror laws were reviewed to consider the need for semi permanent security measures contained in successive *PTAs*. The most recent review was by Lord Lloyd of Berwick whose two volume report identified that the terrorist threat to the mainland from Ireland would diminish following the initiation of the peace process, but that the threat from global terrorism would increase and demanded a response.
7. The *Terrorism Act 2000* (“TA 2000”) reflects many of Lord Lloyd’s recommendations. It is the direct result of decades of anti-terrorist laws. The principal innovation is the new definition of terrorism which is far wider than that contained in the *PTAs*.
8. Section 1 defines terrorism as the use or threat of certain types of action where the use or threat is designed to influence the government or to intimidate the public or a section of the public, and the use or threat is made for the purposes of advancing a political, religious or ideological cause. The action can take place outside the United Kingdom, and can be directed towards a government or people outside the United Kingdom.
9. For purposes of definition, the relevant actions are any of those which: involve serious violence against a person; involve serious damage to property; endanger a person’s life (other than the life of the person committing the action); create a serious risk to the health and safety of the public or a section

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<sup>3</sup> Schedule 1 of the Prevention of Terrorism (Temporary Provisions) Act 1989

<sup>4</sup> There are fourteen different versions of Schedule 2 the first was in force on 19 February 2001 and the current version was last updated on 13 December 2013.

<sup>5</sup> The Prevention of Terrorism Acts were issued between 1974 and 1989.

<sup>6</sup> The Convention was signed in Strasbourg on 27 January 1977. It entered into force in the relevant country if there were three ratifications.

of the public; or is designed to interfere with or seriously disrupt an electronic system.

10. There is no requirement in s.1 that the government which the prohibited action is designed to influence be democratic or legitimately established. The threat or use of action against an undemocratic or illegitimate government anywhere in the world for a political, ideological or religious purpose is therefore terrorism according to the *TA 2000*.
11. The definition in s.1 was considered in *R. v F [2007] 2 Cr. App. R. 3* where F was charged with being in possession of information likely to be useful to a person committing an act of terrorism. He contended that the activities were not terrorism as they were targeted at removing the government of Libya when that government was Colonel Gaddafi. The court held that given the broad terms of s.1 all governments were within its scope and there was no exemption where the acts were motivated by an allegedly noble cause.
12. The definition in s.1 was considered by the Supreme Court in *R. v Gul (Mohammed) [2013] UKSC 64*. Gul was a UK national who uploaded videos onto various internet sites which showed attacks by insurgents on coalition forces in Afghanistan and Iraq accompanied by commentaries praising the bravery and martyrdom of those carrying out the attacks. At trial he contended that he was not encouraging terrorism because the use of force shown was justified as it was in self defence by people resisting invasion. The Supreme Court held that the definition of terrorism in s.1 (as amended by s.34 of the *Terrorism Act 2006*) was very wide and covered any violence or damage to property if it was carried out with a view to influencing a government in order to advance a cause. The court rejected the defendant's argument that such a definition was contrary to, or inconsistent with, the norms of international law. There was no accepted norm in international law as to what constituted terrorism and, whilst there was significant support for the idea that terrorism did not extend to the acts of insurgents or "freedom fighters" in non-international armed conflicts, any such support fell far short of amounting to a general understanding which could properly be invoked as an aid to statutory interpretation. Accordingly, there was no rule of international law which required the court to read down s.1 *TA 2000*.

**Question 1: Whether, under applicable UK law, it was legal for UK citizens to travel to Bosnia during the 1992 to 1995 time period and to take up arms to defend Bosnians under attack.**

13. Individuals travelling to Bosnia to participate in armed conflict could have been prosecuted under the provisions of s. 4 or s.9 of the *Offences Against the Person Act 1861 (OAPA 1861)*.<sup>7</sup>

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<sup>7</sup> These activities pre-date the coming into force of the Terrorism Act 2000 which consolidated previous terrorism legislation and expanded the definition of terrorism. The relevant provisions of that Act came into force from 19 February 2001.

14. *S.4 OAPA 1861* makes it an offence to solicit or conspire to commit murder. It provides that: “*whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any person, to murder any other person, whether he be a subject of Her Majesty or not, and whether he be within the Queen’s dominions or not, shall be guilty of a misdemeanor, and being convicted thereof shall be liable...*”
15. *S.9 OAPA 1861* makes it an offence to commit murder or manslaughter abroad. It provides that: “*Where any murder or manslaughter shall be committed on land out of the United Kingdom, whether within the Queen’s dominions or without, and whether the person killed were a subject of Her Majesty or not, every offence committed by any subject of Her Majesty in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, . . .*”
16. *S.4 and s.9 OAPA 1861* are not subject to any territorial limitations.
17. We can find no recorded case of any prosecutions in the UK (both within and outside the specified time frames) of individuals who participated in armed conflict in Bosnia. UK prosecutors are required to apply a two-stage test when considering prosecution. The first stage is whether the evidence is sufficient to provide a reasonable prospect of conviction and the second stage is whether there is a public interest in bringing the case to court.
18. It is impossible to say from the records available to me whether the Crown Prosecution Service (“CPS”) ever considered bringing charges under *OAPA 1861* against individuals who participated in the conflict in Bosnia.
19. Your question specifically asks the position regarding those ‘taking up arms to defend Bosnians under attack’. Under UK law an individual may be entitled to rely on the defence of self defence at common law against charges brought under the *OAPA 1861*. At common law a person is entitled to use such force as was reasonably necessary to protect himself or another or property: *R v Duffy [1967] 1 Q.B. 63*. The courts most often tend to refer to the common law defence of self defence, but it may be appropriate in the circumstances you outline for an individual to rely on *s.3(1) of the Criminal Law Act 1967* (“*CLA 1967*”) which provides: “*A person may use such force as is reasonable in the circumstances in the prevention of crime...*”.
20. For the defence of self defence (at common law or under *s.3 CLA 1967*) to succeed it would be necessary for the use of force to have been reasonable on an objective assessment. An honestly held belief that the force used was reasonable is insufficient: *R v Jones; Ayliffe v DPP; Swain v DPP [2007] 1 A.C. 1367, HL*.
21. *Addendum: We were asked a further question on 15 April 2014 “whether, under applicable UK law, it was legal for UK citizens to travel to Bosnia during the 1992-1995 time period and to take up arms to defend Bosnians under attack by fighting as part of and under the command and*

*control of the Bosnian Government army"*

22. Simply fighting for the army of a foreign state would be unlikely to lead to a criminal prosecution. That would be the position both under the TA 2000 and under the previous legislation as the question relates to the period between 1992 and 1995.

**Question 2: Whether, under applicable UK law, it was legal for UK citizens to travel to Chechnya during the 1996 to 2001 time period to aid the Chechen resistance by providing supplies and/or by fighting in support of the Chechen resistance.**

23. UK citizens travelling to Chechnya to aid the Chechen resistance by providing supplies would not be committing an offence under UK law in the time period you specify.
24. UK citizens travelling to Chechnya to aid the Chechen resistance by fighting may have been committing offences under UK law in this time period. They may have been committing the offences under *s.4 and s.9 OAPA 1861* outlined in paragraphs 3 and 4 above. If they were actively fighting rather than defending then they would not be able to rely on the common law defence of self defence or *s.3 of CLA 1967* unless the use of force was to defend others from being hurt or murdered or to defend property.
25. We have considered whether any offences were being committed under the *Suppression of Terrorism Act 1978*. The Act was in force during the specified time periods. Sections 4 and 5 of the Act give UK courts jurisdiction in respect of certain offences, such as murder and the possession of firearms to endanger life, committed outside the UK<sup>8</sup>. However, in order to establish jurisdiction under s.4 the criminal acts must take place in a 'convention country'. S.8 defines 'convention country' as a country which is a party to the European Convention on the Suppression of Terrorism signed in Strasbourg on 27th January 1977. The convention entered into force in Bosnia and Herzegovina on 4 January 2004 and in Russia on 5 February 2001<sup>9</sup>. S.5 of the Act gives power to apply section 4 in non-convention countries but only in relation to Commonwealth countries, colonies and countries with which there is an arrangement under the *Extradition Act 1870 (under s.2)* or *Extradition Act 1989*. Neither Bosnia nor Chechnya (or indeed Russia) fall into these categories.
26. We have considered whether any offences were being committed under the *Criminal Law Act 1977 ("CLA 1977")*. S.1A came into force on 4 September 1998 and made it an offence to enter into a conspiracy to commit offences abroad. However, under s.1(A)(3) it is a condition that "the act...constitutes

<sup>8</sup> Under the version of the Act then in force jurisdiction is given for such offences as are included in Schedule 1.

<sup>9</sup> The convention countries can be viewed at the following link

link: <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=090&CM=&DF=&CL=ENG>.

an offence under the law in force in that country or territory". If individuals were travelling from the UK to Chechnya to participate in armed conflict then it is likely an agreement to commit offences abroad was made in the UK<sup>10</sup>. However, satisfying s.1(A)(3) may prove problematic. If the law in force in Chechnya at the material time was Chechen law then it is unlikely to have been an offence to defend the country against invasion. During the relevant period Chechnya was on one view an independent state which had presidential and parliamentary elections in January 1997. It was at least a quasi independent state, but with limited international recognition. The requirement in s.1(A)(3) is that the act is an offence under the law in the country or territory so even if it was not recognized as an independent state, but was recognized as a 'territory' then the applicable law is likely to have been Chechen law with the result that satisfying the condition in s.1(A)(3) would be difficult, if not impossible.

27. If the participation in armed conflict in Chechnya was not restricted to Chechen territory (and included for example incursions into Russia) then it is highly likely the conditions of s.1(A)(3) would be satisfied because under Russian law such activity would be prohibited.

**Question 3: Whether, under applicable UK law, it was legal for UK citizens to travel to Afghanistan for the purpose of obtaining training as an end in itself in areas such as the use of weapons, the use of explosive devices, survival skills, and navigation skills during the 1999 – 2001 time period.**

28. In the time period specified in your question there was no prohibition on travel to Afghanistan. Even if the purpose of this travel was to obtain training in the use of weapons and explosive devices etc. this would not have been illegal.<sup>11</sup>
29. If, however, the purpose of receiving the training was to enable the UK national to cause explosions in the UK this could be admissible evidence where it forms one stage of a conspiracy that comes to fruition in the UK.<sup>12</sup> The defendant in these circumstances could be charged with a conspiracy to cause explosions under s.3 of the *Explosive Substances Act 1883*. The evidence that he attended training camps for the purpose of causing the explosions would be admissible in the UK trial. Where there is no evidence that the individual sought to cause explosions in the UK or Republic of Ireland it would not be possible to sustain a charge under s.3.<sup>13</sup>

MAX HILL Q.C

*(assisted by Faras Baloch and Susan Bryant)*

<sup>10</sup> It is likely, though not certain, that the conditions of s.1A (2),(4) and (5) would be satisfied.

<sup>11</sup> The Terrorism Act 2000 s.54 came into force on 19 February 2001. This made it an offence to receive instruction or training in the making or use of- (a) firearms (b) explosives or (c) chemical, biological or nuclear weapons. The offence is committed in circumstances where the purpose of the training was for assisting, preparing or participating in terrorism.

<sup>12</sup> The training itself could not found a charge of conspiracy to cause explosions under s.3 Explosive Substances Act 1883. The act must take place in either the UK or Ireland.

<sup>13</sup> S.3(1)(a) Explosive Substances Act 1883 (as in force until 12 April 2006 when it was amended by the Terrorism Act 2006 s.17(5))



**RED LION CHAMBERS**

**6 April 2014**

**EXHIBIT E**  
**(Filed Under Seal)**

# **EXHIBIT F**

**Expert Report**

*US vs. Talha Ahsan*

*US vs. Babar Ahmad*

Felix Kuehn  
Leah Farrall  
Alex Strick van Linschoten

April 2014

## **I. Executive Summary**

### **A. Introduction**

Much of the popular perception of 'terrorist training camps' in Afghanistan, al-Qaeda, and the Taliban from the time of the jihad against the Soviets through to the fall of the Taliban in late 2001, is more myth than reality. Accounts often suffer from a conflation of al-Qaeda with a wide array of other militant groups. At various times too, the Taliban has been conflated with al-Qaeda -- as have all other foreign militant groups (and some non-militant groups) in Afghanistan during this time-frame. Because al-Qaeda has been the subject of the most attention, a consequence has been our understanding of these other groups and the role of foreign fighters in Afghanistan more generally has tended to be framed in their (often misunderstood and misrepresented) relationship to al-Qaeda.

The reality is that the only group that can accurately be conflated with al-Qaeda is a splinter faction of the Egyptian Islamic Jihad, which merged with the organisation in mid-2001. However, as our report shows, even this seemingly clear-cut example is mired in complexity. Closer inspection of the history of the two groups reveals the Egyptian Islamic Jihad worked intimately with al-Qaeda in its early years, then separated, and in fact had a contentious relationship with the organisation, even severing relations in the mid-1990's, before a splinter faction merged with al-Qaeda in mid-2001, largely because its ten members felt they were left with little other choice.

In the case of all other groups, conflating them with al-Qaeda has only further clouded rather than aided our understanding of their evolution and training activities. A relevant case in point is the Khalden training camp, alleged by the US administration in the aftermath of the 9/11 attacks to have been a part of the al-Qaeda apparatus, and its leaders, a part of al-Qaeda. This initial assessment has now rightfully been reconsidered, as reflected in recent US government submissions in the case of key Khalden figure Abu Zubayda wherein it acknowledges Khalden and al-Qaeda were separate entities.<sup>1</sup>

Defining the relationship between groups, if any, requires close attention to detail and the facts on the ground so as to not fall prey to simplistic and erroneous conclusions based on 'links' that are more perceived than real. As the authors of the 9/11 Commission's Monograph on Terrorist Financing noted on the related subject of financing:

Understanding the difficulties in disrupting terrorist financing, both in the United States and abroad, requires understanding the difference between seeing 'links' to terrorists and proving the funding of terrorists. In many cases, we can plainly see that certain nongovernmental organizations (NGOs) or individuals who raise money for Islamic causes espouse an extremist ideology and are 'linked' to terrorists through common acquaintances, group affiliations, historic relationships, phone communications, or other such contacts. Although sufficient to whet the appetite for action, these suspicious links do not

demonstrate that the NGO or individual actually funds terrorists and thus provide frail support for disruptive action, either in the United States or abroad.<sup>2</sup>

A similar statement could be made about the goals and ideologies of those individuals who trained in the camps in Afghanistan. While there might appear to be a correlation between attending a training camp and joining al-Qaeda or carrying out acts of international terrorism, there is not necessarily causation. Some people who carried out acts of international terrorism (or who joined al-Qaeda) did train in camps in Afghanistan. However, it would be factually incorrect to conclude that everyone who attended a training camp in Afghanistan automatically ended up carrying out attacks or joining or assisting al-Qaeda.

The network of individuals and groups that operated training camps in Afghanistan following the rise of the Taliban was not static. There was a high turnover of individuals and groups operating in this space, and their objectives were fluid. Many of the groups and networks that operated camps focused on nationally-oriented struggles -- against their home governments in Egypt, Libya, Syria or Jordan, or for the liberation of what they held to be 'Muslim territory' in places like Chechnya, Palestine or Bosnia.<sup>3</sup> The nature of the relationship between these different groups is complicated. The commonly held belief that these movements and groups are the same as al-Qaeda overlooks their very different objectives and priorities, and more esoterically, confuses vastly different strains of jihadism/ideology and their manifestation.<sup>4</sup> These nationally focused groups did not share the ideological worldview and targeting objectives al-Qaeda's leadership came to hold by the late 1990s: that the United States of America was the main enemy.

Despite these differences, some of the groups sometimes operated in the same broad locations, shared resources such as trainers, or even worked alongside one another on select projects in Afghanistan. However, at the same time they remained distinct entities and often fundamentally disagreed with each other on ideological matters as well as targeting. Indeed, the history of militant jihad in the late twenty-first century is -- to this day -- a story of competition for recruits and resources, factionalism, infighting, and often-irreconcilable internal debates over the legitimacy and value of targets, strategies and objectives.

The only moment in time that saw a temporary unity among most of these different groups was when they came together to attempt to coordinate the defence of Afghanistan following the invasion of the country by the United States of America and its allies in late 2001. This unity, however, was short-lived and did not last beyond the withdrawal of the Taliban and foreign fighters in early December 2001 on Taliban leader Mullah Mohammed Omar's orders.

Regarding the motivations of those who travelled to Afghanistan to train, it is clear that the majority did not do so with the intent of joining al-Qaeda or even with a shared sense of al-Qaeda's unique anti-American program and ideology. Many travellers were, in fact, unaware of al-Qaeda, its goals, or its organization. While specific numerical breakdowns are difficult, the predominant motivation for travel to Afghanistan and attendance in a training camp was interest in classical, or defensive, jihad, like that in Bosnia, or a desire to fulfil the religious obligation of jihad in the form of receiving military training -- sometimes followed by fighting on

an open front (such as Bosnia). This desire is often described as ‘holiday jihad’ or ‘jihad tourism.’

## **B. Summary of Findings**

- Jihad is not synonymous with the goals, strategies or objectives of al Qaeda.

### **The Afghan Jihad**

- During the Afghan jihad against the Soviet Union, which began in 1979, Abdullah Azzam’s Services Office (Maktab al-Khidmaat) was the pivotal structure for channelling foreign fighters into Afghanistan.
- Abdullah Azzam established the Services Office in 1984, with funding from Usama bin Laden and support from several other individuals.
- Bin Laden’s role was largely restricted to financing the Services Office.
- The Services Office had other functions and departments focused on supporting the Afghans rather than the armed conflict specifically.
- The broad portfolio of the Services Office was consistent with the views of Azzam, who believed jihad to be more than a violent struggle; it also stood for helping fellow Muslims such as Afghan refugees.
- This was reflected in the fluid blend of activities undertaken by the Services Office, which encompassed humanitarian assistance and education as well as supporting the fight.
- Bin Laden ceased funding the Services Office in 1986 after he and Azzam split.
  - The split was as a result of a difference of opinion between Bin Laden with Azzam about the role of the Services Office and mismanagement of resources.
  - Bin Laden believed the Services Office should not be involved in humanitarian activities but rather focus its energies of supporting the mujahedeen. Azzam did not.
  - Bin Laden and Azzam’s split was not made public nor was bin Laden’s cessation of funding for the Services Office.
- Following his split with Azzam, Bin Laden began his own activities inside Afghanistan, which following the 1987 Battle of Jaji, led to the emergence of al-Qaeda.
  - There was cooperation between al-Qaeda and the Services Office, on issues such as the joint coordination of Afghan Arab matters. However, they operated as fundamentally different groups with different agendas.
- The Services Office disintegrated as Afghanistan fell into civil war in the early 1990s. Other militant groups used its networks and remaining infrastructure. Al-Qaeda was not among them.

### **Foreign Volunteers Under Taliban Rule**

- In the period 1996-2001, al Qaeda was one of 14 groups operating in Afghanistan and recognized by the Taliban.
- There was considerable strife among the various groups operating in Afghanistan in the period 1996-2001. Conflicts existed over competition for volunteers and resources as well as competition over which group, if any, should lead the foreign fighter brigade who were active in combat alongside Taliban forces in its efforts against the Northern Alliance.
- Pre-2001, al-Qaeda experienced limited success recruiting other organizations and groups to its banner. Its success was limited to a faction of the Egyptian Islamic Jihad it managed to convince to merge with the organisation.
- Other groups attempted to remain independent and even chose to close rather than operate under al-Qaeda leadership, such as was the case with Khalden.
- The majority of those volunteers who trained in camps did not arrive for, or train with, the intent of carrying out attacks against the West.
  - Most people who undertook training, arrived with the intent of seeking training for participating in combat at an 'open front' of jihad, such as the conflict in Chechnya or Bosnia, or on the Taliban's front against the Northern Alliance; or they arrived solely for the purpose of obtaining training.
  - Both of these motivations have often been called 'holiday jihad' or 'jihad tourism,' because participation tended to be only on a short-term basis and most people returned to their home countries after a stint of training or combat and did not take any further action. It was a fulfilment of what they viewed as a religious obligation.
  - They did not arrive with the intent of joining al-Qaeda and many claim they were not aware of the organization at that time.
  - Many were diverted to al-Qaeda, either through social networks or as a result of the closure of the Khalden camp.
- The most famous and well-populated camp for the training of foreign volunteers in Afghanistan in the period 1996-2000 was Khalden, and its 'sister camp' Darunta.
  - Al Qaeda considered Khalden as a strategic threat because Khalden attracted volunteers it wished to recruit. Al-Qaeda repeatedly sought to have the camp come under its command. The camp closed in early 2000 after its leaders refused to bring it under al-Qaeda's authority.
  - Khalden and Darunta offered training on a 'grocery store' approach.
  - Training was offered and volunteer trainees could take what they wanted without subscribing to a particular ideology or program.



- Volunteer trainees in both camps were not subject to an intensive recruitment campaign in which they were lobbied to join an organization.
  - Khalden taught defensive jihad in keeping with the teachings of Abdullah Azzam.
  - Al-Qaeda taught the benefits of jihad against America as characterized by undertaking attacks against the US and its interests.
- Throughout its history al-Qaeda operated a number of camps. In the period following its 1996 return to Afghanistan up to September 2001 these can be outlined as follows:
- Khost 1996-August 1998: Four camps called Jihad Wal, al-Faruq, al-Siddiq, and Khalid bin Walid. These camps were closed following the August 20, 1998 US Cruise missile strikes.
  - Lowgar (Mes Aynak) mid to late 1999: One camp referred to as Mes Aynak, and also as al-Faruq. This camp was never in regular operation, and is not known to have provided formal training following the 1999 session.
  - Kandahar (Garmabak) mid to early 2000-September 2001: One camp called al-Faruq. This camp opened around the time the Khalden camp closed, and operated more as an 'open training camp.' This was done to ensure a larger recruit stream was attracted including those who would have previously gone to Khalden as well as those wanting training for its own sake or to fight on the Taliban fronts.
  - Kandahar (Airport complex/Tarnak Farm) late 1999 to September 2001: One 'camp' called Abu Ubaydah al-Banshiri Camp. In reality it was a sectioned off part of the complex.
- Al-Qaeda's global agenda does not appear to have been appealing to most volunteers arriving for or diverted to training in its camps, even after they became aware of the organization's existence and specific objectives.
- Al-Qaeda offered training as a means of recruitment for its organization, even when operating an 'open camp' in the period early to mid 2000 to September 2001.
- Al-Qaeda had to expend significant amounts of resources to radicalise volunteers to its cause and was usually only successful when these volunteers were already in the confines of its camps.
- Once volunteers were no longer proximate to al-Qaeda's camps there seems to have been a high level of attrition.
- Al-Qaeda did experience some success in radicalisation and recruitment, however, this was -- given the numbers it trained -- more atypical than typical.
- Fighting in the foreign brigade operating in Afghanistan did not mean a volunteer was a member of al-Qaeda.
- These volunteers are often assumed to have been a part of al-Qaeda's apparatus.

- They were not -- in fact in early 2001 Mullah Mohammad Omar gave the leadership of this brigade to the military commander of the Islamic Movement of Uzbekistan.
  - Fighting under the leadership of an al-Qaeda commander in the brigade did not necessarily translate to membership of the organization, or even support of its objectives. Nor did providing this commander with a pledge, oath or covenant of obedience necessarily translate to membership of the organization, or even support of its objectives. Rather, such an undertaking was limited to the space and time context of combat activities of the brigades and its specific leadership, which operated under a chain of command separate to that of al-Qaeda.
  - The only possible exception would be if an al-Qaeda commander in the brigade was authorized by bin Laden to take and receive a membership pledge (the pledge of allegiance to bin Laden) and no evidence has been located to suggest this ever took place in the brigade.
- A range of mechanisms existed whereby trainees came under the command and control hierarchies for camp administration.
- Some of these involved the provisions of oaths, covenants and pledges relating to the veracity of the information they supplied, their undertakings to obey the camp's leadership, or their agreement to particular policy.
  - These were not the same as the pledge of allegiance which governed membership to al-Qaeda and which was given to bin Laden.
  - Khalden had no such pledge process or recruitment approach. No evidence exists to indicate it had such procedures in place.

#### **The Taliban's Relationship With Al-Qaeda and Foreign Groups**

- The Taliban's relation with foreign military groups was complex.
- Some foreign militant groups did not accept the legitimacy of the Taliban. There were splits among the foreign militant groups over this issue.
  - Foreign militant groups competed for influence over the Taliban, and for leadership of the foreign militant presence in Afghanistan.
- Al-Qaeda and the Taliban did not share the same ideology or worldview.
- There were splits among the Taliban over how to deal with al-Qaeda and the other foreign militant groups.
- Some senior Taliban figures did not support al-Qaeda's presence in the country.
- Bin Laden never directly gave a pledge of allegiance to Mullah Muhammad Omar.

- Their relationship was fraught with tension over al-Qaeda's activities in Afghanistan and its attacks overseas.
  - These attacks were not undertaken with the permission of Mullah Muhammad Omar.
  - The Taliban did not have foreknowledge of al-Qaeda's attack plans
  - Bin Laden planned and ordered attacks and continued his media campaign against the expressed will of the Taliban leadership
- In December 2001, the Taliban, after Mullah Muhammad Omar decided to order a withdrawal of forces from Afghanistan, asked foreign fighters remaining in the country to leave.

### **C. Methodology, Sources, and Intent**

Since the early 1990s, Afghanistan has been in a constant state of conflict, beginning with the civil war that followed the exit of the Soviet Union in 1989 and the subsequent fall of the communist government in 1992, continuing through the rise of the Taliban in the mid 1990s and its conflict with the array of groups known as the Northern Alliance, followed by the U.S. led invasion after September 11, 2001, and the ensuing conflict that continues to the current day. The difficulties of fieldwork in such a setting are compounded by additional and unique problems specific to the theme, i.e., assessing the reliability of intelligence gathered from detainees at locations such as Guantanamo, which was in some cases obtained through the use of 'enhanced interrogation techniques,' and its attendant effects on veracity.

Additional difficulties are presented by language and culture. The languages of Afghanistan include Pashtu, Dari, and Urdu; additional relevant sources are in Arabic, Farsi, German, French, and English; access to human sources is hampered by language barriers, a lack of trust and, sometimes, a fear of prosecution, should the source be a current or former member of a proscribed group or suspected of affiliation with such. Even access to primary source written material often involves significant legwork; the archive of sources relevant to Afghanistan's modern history is still in development -- a process the authors are leading.

However, primary source materials -- whether in the form of interviews with actors present at the time or contemporaneous written documents -- are essential to ensure reliability. Unfortunately, many public presentations on this topic have not engaged with primary sources or made efforts to locate these sources, which results in replication of errors and the misleading conflation between al Qaeda and other groups.

In both their published work and this report, the authors have privileged the following methods: first, accessing primary source witnesses over the course of years spent in the field, in relevant countries including Afghanistan, Pakistan, Libya, and Egypt; second, cross-checking claims made across written primary sources, in the original languages. Reliance on translations or second-hand accounts can be misleading as a document once mistranslated can then have its errors transmitted across numerous additional sources.

All claims made in the report have been subject to corroboration, from more than one source. Where there is a lack of corroboration for a specific claim, a note has been made; similarly so where the evidence conflicts or is ambiguous. The claims that are cited to secondary sources (or the authors' own work) have been corroborated to primary sources, both in written form as well as through the authors' own interviews with various actors in the historical proceedings.

A note on our intent in producing this report: we have been ever cognisant of the fact that although the majority of persons who travelled to Afghanistan to undertake military training did not do so with a view to joining or supporting al-Qaeda or a jihadi organisation more generally, there are indeed instances where that did occur. Our report makes no judgement on whether that is or is not the case in the current legal proceedings as it is not our place to do so.

We have not shied away from explaining where and how people were recruited and the strengths, weaknesses and relative successes of training and recruitment processes. We have done so with the view to providing a report in keeping with our research ethics of neutrality and impartiality and supporting the justice system with information that is, to the best of our knowledge and expertise, accurate, and which outlines that both of these processes were at play: some people did travel with little to no foreknowledge of what they were getting themselves into and struggled to navigate their way out. Others travelled with full knowledge.

The broader point we hope our report effectively communicates is the importance of ensuring the conflation of groups and networks does not cloud or misrepresent the relationships between people, places and organisations as they relate to foreign volunteers present in Afghanistan who sought out training for jihad, their purpose in seeking out such training, and the intended versus actual use or (non-use) of training after it was obtained.

#### D. Credentials

Felix Kuehn and Alex Strick van Linschoten have co-authored and co-edited a number of books and reports on the Taliban, al-Qaeda, and modern history of Afghanistan. Together, they edited, annotated and published the peer reviewed memoir of a founding member of the Afghan Taliban movement and ambassador to Pakistan, Mullah Abdul Salam Zaeef, entitled *My Life With the Taliban* (Columbia University Press, 2010), with a forward by Barnett Rubin, the former Senior Adviser to the Special Representative of the President for Afghanistan and Pakistan in the U.S. Department of State. Peter Bergen, author of *Holy War, Inc.* and *The Osama bin Laden I Know*, wrote that "if President Obama wanted a window into the thinking of the Taliban today he couldn't do better than this." It has been used in university courses and listed on recommended pre-deployment reading lists by senior American and British military commanders.

Their second book was a peer reviewed history of the relationship between al-Qaeda and the Taliban, entitled *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010* (Oxford University Press). The journal *International Affairs* stated "the authors' research and scholarship make a powerful case and their book is likely to become the definitive text on the matter." It garnered additional praise from former U.S. and U.K. ambassadors to Afghanistan, who described it as "essential reading" that is "directly relevant to policy considerations of today's war in Afghanistan."

A summary report version of the book was commissioned by New York University's Center on International Cooperation under the title "Separating the Taliban from Al-Qaeda: The Core of Success in Afghanistan" and played a key role in informing US policy towards the Taliban for President Obama's new government.

Their most recent book was an edited volume of translated Taliban poetry and songs entitled *Poetry of the Taliban* (Columbia University Press, 2012). Thomas Hegghammer, author of *Jihad In Saudi Arabia* and co-editor of *al-Qaida in its Own Words*, called it a "highly original and extremely important book." It generated a debate in the United Kingdom about the Taliban and about their future role in the Afghan state.

Both Mr Kuehn and Mr Strick van Linschoten received their Bachelor of Arts from the School of Oriental and African Studies (SOAS) in London, Mr Kuehn in Arabic and Development Studies and Mr Strick van Linschoten in Arabic and Farsi (Persian). They are both completing their PhD's at the War Studies Department of King's College, London. Their dissertations study different aspects of the Afghan Taliban movement pre-2001 -- political, religious, cultural, and diplomatic.

The two work in several languages, both written and spoken, including Arabic, Pashto, Farsi, and German. Between 2006 and 2012, both were based full-time in Afghanistan, primarily in Kandahar, but as well in the locations of several of the camps mentioned in this report, where they interviewed dozens of individuals connected with their research, including local participants and observers of the historical events as well Western government officials. Interviewees have included

former affiliates of al-Qaeda, associated groups and their leaders, as well as supporters of their ideas and ideology. Their research has involved interviews and field studies in Pakistan, Iran, Lebanon, Libya, Yemen, and Somalia.

Leah Farrall holds a B.A. in Government, a M.A. in International Relations and Asian Politics from the University of Queensland (Australia), and a PhD from Monash University (Australia). She is currently a Senior Lecturer in Security Studies at Massey University in New Zealand and a Research Associate at the United States Studies Centre at the University of Sydney. Her doctorate focused on the organisational, doctrinal and ideological evolution of al-Qaeda, which also drew in an extensive comparison study of competitor groups to the organization, specifically those of Khalden, Ibn al-Khattab's International Brigade in Chechnya, Abu Musab al-Suri's 'al-Ghuraba' grouping, and the Islamic Movement of Uzbekistan.

Between 2000 and 2002, Ms Farrall was a lecturer at the University of Queensland, coordinating and delivering the course offering on Terrorism, Revolution and Insurgency. Between 2002 and 2008, she was a Senior Intelligence Analyst with the Australian Federal Police (AFP). During her tenure, most of her positions were in the service of the organisation's counter terrorism portfolio, including the following:

- The Intelligence Briefing / Product team, serving as the subject matter expert on terrorism;
- Counter Terrorism Intelligence, serving as a senior counter terrorism Intelligence analyst on the Convergence team, with responsibility for reviewing all domestic counter terrorism operations to identify domestic and international convergences in support of counter terrorism investigations. The team and its methodology was established as a result of the work of Ms Farrall and a fellow analyst;
- Operation Pendennis, as senior analyst in what was then Australia's largest counter terrorism investigation. Her work directly contributed to successful prosecutions;
- The Jakarta Regional Cooperation Team, serving as Senior Intelligence Member, assisting the Indonesian National Police to assist its efforts to apprehend wanted terrorists and build its counter terrorism capabilities;
- The Middle East/South Asia Team, serving as Senior Counter Terrorism Intelligence Analyst and Acting Team Leader, with responsibilities for covering 17 of the 19 groups then proscribed by Australia. In this role she provided and coordinated tactical, operational and strategic intelligence product in support of national and international criminal investigations;
- In addition to her operational roles, Ms Farrall was responsible for training counter terrorism investigations teams and providing training and/or program assistance to other government agencies, both nationally and internationally, on al-Qaeda and its affiliated groups, as well as terrorist use of the internet (particularly in relation to the diffusion of IED expertise and online radicalisation and recruitment).

After leaving the Australian Federal Police, Ms Farrall worked as a consultant and ad hoc analyst for, among others, the Control Risks Group (London) and Jane's

IHS (Washington D.C.); the Australian Department of Defence Senior NCO Training; and for a joint European Union / Association of Southeast Asian Nations capability-building project aimed at strengthening border security and responses to transnational crime, including counterterrorism in the region. She ceased consulting work to allow for a neutral and impartial return to academia to finish her dissertation, after which she spent two and a half years in Egypt doing academic fieldwork research.

Her research on the subject of al-Qaeda and militancy have been published in *Foreign Affairs*, *Foreign Policy*, *The Atlantic*, *CTC Sentinel* (the journal of the Combatting Terrorism Center at West Point) and in *Jane's Intelligence Review*. Most recently, she has completed a book (peer reviewed and due for publication in the United States by Oxford University Press in September 2014 and in the United Kingdom by C. Hurst & Co Ltd. Publishers) entitled *The Arabs at War in Afghanistan*, co-written with Mustafa Hamid. This work, the outcome of her time in Egypt, is a ground-breaking cooperation between one of the protagonists in the history of Arab fighters in Afghanistan and a former counter-terrorism analyst to produce a history of the involvement of Arabs in Afghanistan post-1980s and their subsequent spread to other parts of the world. The work makes an important contribution to the historical record and early reviews of the manuscript have indicated it provides the defining account of the foreign volunteers in Afghanistan.

Between them, the three authors have been interviewed on/by the BBC, ABC, SBS, VOA, CBC, CNN, Al-Jazeera English, Der Spiegel (Germany), The Sydney Morning Herald, The Australian, The New York Times, The Telegraph (UK), The American Prospect, The Washington Independent, The Atlantic, The Wall Street Journal, The Washington Post, The Australian Financial Review, Reuters, Macleans, The Economist, El Mundo (Spain), The Times (UK), The New Yorker, Frankfurter Allgemeine Zeitung (Germany), The Independent (UK), and The Guardian (UK).

They have participated in or presented at panels hosted by The Frontline Club (UK), New York University (USA), Council on Foreign Relations (USA), Carnegie Endowment for International Peace (USA), the School of Oriental and African Studies (UK), International Institute of Strategic Studies (UK), The British Defence Academy (UK), the London School of Economics (UK), King's College London (UK), Chatham House (UK), Cambridge University (UK), Uppingham School (UK), Oxford University (UK), Princeton University (USA), the Brookings Institute (USA), the United States Senate (USA), the United States War College (USA), the Middle East Institute (USA), the Naval Postgraduate School (USA), Harvard University (USA), the Norwegian Institute of International Affairs (Norway), the University of Sydney and Monash University (Australia).

## 2. The Afghan Jihad, Foreign Fighters, and al-Qaeda

### (a) The Afghan Jihad

In December 1979, the Soviet Union sent its fortieth army to Afghanistan, nominally on the request of the Afghan government, with which it was closely aligned so beginning what is commonly referred to as the Afghan jihad.<sup>5</sup> The origins of the Afghan jihad are complex, but generally speaking trace to a conflict between the Afghan regime and conservative forces in Afghanistan who were angered by the socialist reform program the Soviet-backed regime had put in place. Conservative elements sought to fight the regime, rallying behind religious edicts as local Mullahs declared the conflict a jihad. Afghans who took up the struggle against the central government and its allied foreign forces were known as mujahedeen.<sup>6</sup>

The Afghans were loosely organised into seven main mujahedeen groups through which foreign money and support (from Saudi Arabia and America, among others) was channelled. These groups were:

- Gulbuddin Hekmatyar's Hizb-e Islami
- Yunis Khalis's Hizb-e Islami
- Sayyaf's Ittehad-e Islami
- Nabi Mohammadi's Harakat-e Inqelab-e Islami
- Burhanuddin Rabbani's Jamiat-e Islami
- Pir Gailani's Mahaz-e Milli
- Sibghatullah Mojaddidi's Nejat-e Milli<sup>7</sup>

The Afghan mujahedeen were soon joined by foreign fighters who came to help them expel the Soviet Union from Afghanistan.

### (b) History of Foreign Volunteers

The outbreak of war in Afghanistan in 1979 was not initially met with a massive influx of foreign volunteers -- as narrative accounts sometimes suggest. Initially, the number of foreign volunteers (who came to be known as Afghan Arabs) travelling to join the Afghan jihad was small. Estimates of early numbers of volunteers arriving to join the fight in the period 1979 through until the mid 1980's range in the low hundreds.<sup>8</sup> While fundraising among Gulf Arabs to support the Afghan jihad began almost immediately, it was not until after 1984 that foreign volunteer numbers significantly increased. The efforts of Abdullah Azzam and the media campaign led by the Services Office (Maktab al-Khidmaat) played a crucial role in driving the increase in numbers.

Azzam, a Palestinian cleric who had earlier fought in Palestine in 1969-1970 is renowned for the important role he played in popularising the Afghan conflict throughout the world.<sup>9</sup> Azzam's fatwas (religious edicts) and speeches calling for all Muslims to join the jihad in Afghanistan were particularly influential. His fatwa, commonly known as *The Defence of Muslim Lands* and published in 1983, broadly



speaking constituted a reinterpretation of jihad. It was first published in *Al-Mujtama* in Kuwait in 1983 and later expanded into the now widely known book form. Azzam wrote:

If the infidels (Kuffar) infringe upon a hand span of Muslim land, jihad becomes the greatest obligation (Fard 'ayn) for its people and for those near by. If they fail to repel the Kuffar due to lack of resources or due to indolence, then the obligatory duty (Fara'id) of jihad spreads to those behind, and carries on spreading in this process, until the jihad is Fard' ayn upon the whole earth from the East to the West.<sup>10</sup>

He further wrote:

That if a piece of Muslim land the size of a hand span is infringed upon, then jihad becomes Fard Ayn (global obligation) on every Muslim male and female, where the child shall march forward without the permission of its parents and the wife without the permission of the husband.<sup>11</sup>

Where jihad was normally seen as a duty carried out by those whose land was under direct attack, and with support from the umma, Azzam called for all Muslims wherever they were to join the fight in defence of Muslim lands. It was this expansion of scope and responsibility that was highly influential in driving up volunteer numbers in Afghanistan. In essence, Azzam was advocating for a classical jihad; a defensive jihad against invaders on Muslim soil, but arguing the umma itself should step beyond a support role into a more active role including participation in combat to liberate the land. Azzam reinterpreted jihad as the duty of each and every Muslim, no matter where they were located. Previously, jihad had been understood as an undertaking that should be governed on the basis of proximity and sufficiency; that is Muslims closest to the area of conflict should be the first to be involved in liberating occupied lands, and that the obligation to join the jihad existed only until there were sufficient numbers for the defence of the territory under occupation. Participating in jihad was also bound by a complex set of rules surrounding permissions, which Azzam, as cited above, argued no longer applied. Instead, Azzam argued Muslims everywhere should be active participants in the liberation of occupied Muslim lands.<sup>12</sup>

While Azzam's fatwa was highly influential among those who decided to travel to Afghanistan, political developments inside the Arab world were also crucial in driving up volunteer numbers. At that time, there was unrest and upheaval in a number of Arab countries, much of which was targeted at what were seen by many as corrupt ruling regimes that suppressed their people and allowed no dissent. Arab rulers cracked down on Islamist movements that had appeared in numerous countries, leading scores of men to travel to Afghanistan seeking to escape the crackdowns, or leaving after their resistance efforts had been defeated.<sup>13</sup>

Some regimes encouraged people to volunteer for the jihad, believing their departure would help reduce "the political temperature" in their countries and prevent further unrest.<sup>14</sup> This, in addition to the travel to Afghanistan of those who were influenced by Azzam's fatwa and the media efforts of the Services Office, translated into an influx of foreign volunteers. As the number of volunteers began to

increase, discussions began about building a superstructure to better manage foreign volunteers and also to coordinate the growing aid and assistance being offered to the Afghan mujahedeen in a more organized and effective manner. It was from these discussions and proposals that the Services Office was established.

### **(c) The Services Office**

Although volunteer numbers remained low for the first years following the Soviet Union's invasion of Afghanistan, aid and support quickly flowed. However, owing to the lack of infrastructure as well as competition among the Afghan groups for resources, this aid was often mismanaged, resulting in those at the fronts not receiving adequate equipment and support. Mustafa Hamid, who would come to be known as Abu al-Walid al-Masri, was among the first Arabs at the Afghan fronts and was eyewitness to extensive supply and logistics problems that were impacting the ability of the Afghans to fight effectively. In 1983 he wrote a concept paper suggesting ways to overcome these problems. In particular he recommended the formation of an Arab committee to oversee aid dispersal, logistics and supplies, as well as training, education and media efforts. The paper would eventually make its way to Abdullah Azzam, who established the Services Office (Maktab al-Khidmaat) in 1984, with funding from bin Laden and support from several other individuals.<sup>15</sup>

Although the Services Office is often conceived as an organisation that was founded to support the Afghan mujahedeen, its activities were broader and involved the provision of humanitarian assistance not only to the Afghan mujahedeen, but also to the huge Afghan refugee population in Pakistan. The Services Office would in fact grow to become the pivotal structure for channelling foreign fighters into Afghanistan. However, it had other functions and departments, many of which were focused on supporting the Afghans rather than the armed conflict specifically. This broader focus under Azzam's leadership was because he believed jihad to be more than a violent struggle; it also stood for helping fellow Muslims such as Afghan refugees. This was reflected in the fluid blend of activities undertaken by the Services Office, which encompassed humanitarian assistance and education as well as supporting the fight, and is clearly visible in its institutional setup.

The Services Office was led by Abdullah Azzam. As amir (leader), Azzam served as the overall director of its activities.<sup>16</sup> A management body called the Majlis al-Shura oversaw the administration of subsidiary departments and committees.<sup>17</sup> Humanitarian activities undertaken by the Services Office included the support of orphanages, hospitals, and distribution of aid to Afghan refugees -- as well as educational programs.<sup>18</sup> A logistics department dealt with facilitating transport of individuals while the procurement department bought goods for distribution to orphanages and refugees.<sup>19</sup>

The existence of these committees and departments makes clear the organisation defies strict analytical categorization. This is particularly so given that at various levels across the Services Office cooperative relationships with a range of other entities including international charities were developed. These charities ranged from those operating in support of the Afghan jihad to others restricting their focus to assisting the ever-growing Afghan refugee population in Pakistan.

The main activity of the Services Office contrary to popular perception was not military participation, but rather fundraising and propaganda. An in-house publishing department produced its flagship publication, *Al-Jihad*, a magazine about the Afghan jihad circulated throughout the world.<sup>20</sup> During the 1980s, Azzam went on numerous fundraising trips around the world. He would come to establish an informal network of representatives to distribute information as well as to gather donations for the Services Office to finance its activities.

Entities such as the al-Khifa organisation would fulfil this function with branches in Atlanta, Boston, Chicago, Pittsburgh and Tucson.<sup>21</sup> The affiliates of the Services Office, along with many other Islamic organisations held fundraising events featuring mujahedeen speakers or presentations with videos and photos. They would distribute magazines and leaflets outside mosques, collecting small donations and selling books in order to raise money. Not all donors, even in the early 1980s, would have been aware some of their funds would be directed to supporting armed militants.

The blurred nature of the organisation's activities meant funding intended for humanitarian ends could be used to purchase weapons and organise military training camps for volunteers.<sup>22</sup> Dedicated guesthouses were established to host volunteers and training camps opened, most notably the Sadda camp in 1986 and Khalden camp in 1988, which were run by Abu Burhan al-Suri, the chief 'trainer' in the Services Office.<sup>23</sup>

#### **(d) The Origins of Khalden**

Training camps in Afghanistan for foreign volunteers were first established in 1984, although these were not permanent arrangements, presumably owing to the still small numbers of volunteers arriving to join the jihad. By 1986, when volunteer numbers had begun to increase, and the lack of training and poor performance of the Afghan Arabs became a significant issue, the Services Office established the Sadda camp, which served as its main training location.<sup>24</sup> Inexperienced and untrained volunteers were not considered a useful contribution to the jihad and so a training program was developed. Training was initially of a poor standard until the arrival of Abu Burhan al-Suri in 1986, after which time training became more advanced and regimented.

The Services Office established Khalden in the period late 1988 to early 1989 when its main Sadda camp came under increasing scrutiny after it began training volunteers in the use of explosives.<sup>25</sup> Such training extended beyond what was believed to be required for participation in the Afghan jihad and many Arab governments were concerned volunteers trained in explosives would use this skill to target regimes in their own countries when they returned home from the conflict. Efforts to monitor Sadda were thus intensified, and drove the establishment of Khalden, where training could continue in a more secure location.<sup>26</sup>

Abu Burhan al-Suri, the chief trainer for the Services Office, was in charge of Khalden until his retirement in the early 1990's when the organisation began to disintegrate.<sup>27</sup> Abu Burhan compiled the first 'Encyclopaedia'<sup>28</sup> of training materials for jihad, which was comprised of the training that took place in the camps of the

Services Office, as well as additional material he was able to source.<sup>29</sup> Under Abu Burhan's leadership, training at Khalden was often sought-after by militant groups, who sent their members to the camp for additional courses they lacked the expertise or resources to provide.

Khalden attracted a range of persons and organisations during its early years. While its training regime under Abu Burhan was strict, accommodation was made for holiday jihadists, mostly from the Gulf, who came for short periods of time some of whom were wealthy or had good connections. Allowing them to train on a more lenient regime was important to the Services Office and its funding.

During its early period Khalden also provided training services for organisations that required training. Among them was the Indonesian group Jemaah Islamiyyah, whose members were also attending other training facilities in the area, before they expanded sufficiently to warrant establishing their own camp, which was located for a time near Torkham Gate.<sup>30</sup> Khalden would later send some of its Algerian trainers to a Jemaah Islamiyyah camp in the Philippines, when in the mid-1990's the organisation relocated to the country.<sup>31</sup>

Following the disintegration of the Services Office, Khalden was taken over by one of Abu Burhan's former protégées, Ibn Sheikh al-Libi. He in turn enlisted the help of Abu Zubayda to run Khalden's supporting infrastructure such as guesthouses where volunteers stayed prior to and after attending the camp. Abu Burhan delayed his retirement by a year in order to help them in the handover transition, which included not only taking over the remaining Services Office infrastructure, but also changing the location of the camp.<sup>32</sup>

Khalden moved across the border to an area in Khost, Afghanistan.<sup>33</sup> This move was precipitated by Pakistan's crackdown on Afghan Arabs remaining in the country after the end of the Afghan jihad and its descent into civil war following the spring 1992 collapse of the Najibullah regime. At that time, many Afghan Arabs returned to their home countries or travelled to newly emerging fronts of jihad, which over the following years would open in Algeria, Chechnya, Bosnia and elsewhere. Although Khalden moved across the border to Khost, much of its infrastructure -- such as its Pakistan-based guesthouses -- remained in operation, and was headed up by Abu Zubayda. The Khalden camp remained in its Khost location until around 1999, when it moved to Jalalabad and then later, to Kabul before finally closing around June 2000.<sup>34</sup>

It is commonly believed that when the Services Office disintegrated in the early 1990's al-Qaeda took over its remaining networks, and because of this, the Khalden camp and Abu Zubayda and Ibn Sheikh al-Libi were a part of al-Qaeda. However, bin Laden and Azzam had parted ways some years earlier as their views on how to support the Afghan jihad diverged. As a result bin Laden ceased his support for the Services Office.

#### **(e) Bin Laden and the Services Office**

Although bin Laden and Azzam agreed as to the necessity for jihad in Afghanistan, their views came to differ on how the Afghan Arabs should best

support the Afghan jihad, and the scope of their responsibilities and duties. Bin Laden wanted to train and form an Arab combat group, which while focusing on the fight inside Afghanistan, would operate separate to Afghan forces.<sup>35</sup> He thought such a group should not be involved in any aid or humanitarian endeavours.<sup>36</sup> Azzam, meanwhile, thought the Services Office and any other Afghan Arab organization operating in the arena should help Muslims arriving to join the jihad by providing training, but that such volunteers should then fight with one of the Afghan mujahedeen factions.<sup>37</sup> He also argued a broader focus beyond the fight was necessary and that humanitarian assistance and education was vital.<sup>38</sup> Bin Laden came to view this type of assistance as wasted effort and believed that resources should be directed primarily at supporting the fight.<sup>39</sup> Bin Laden ceased funding of the Services Office in 1986.<sup>40</sup>

The turning point of bin Laden's views on the matter was after a visit into Afghan territory. According to Hamid, in 1986 bin Laden had travelled to the fronts on an un-chaperoned visit and seen the harsh conditions of the fighters for himself, whereas normally Arabs, especially those of Azzam and bin Laden's rank, were accompanied by Afghan leaders and did not see these conditions.<sup>41</sup> This time spent with the Afghans on the fronts led bin Laden to believe his money could be better served by directly supporting the Afghans, and by his own direct involvement in doing so.<sup>42</sup> Bin Laden's visit ultimately set the stage not only for his split with the Services Office, but also for the eventual emergence of al-Qaeda -- an organization founded and led by him until his death in 2011.

The history of this fundamental division between the two men is not widely known, because neither man had an interest in such a divergence being made public. It therefore remained accessible only in a range of primary materials and first hand accounts from those who were there and witnessed these events.

Azzam in particular was heavily focused on unity, not only among the various Afghan mujahedeen groups, but also among the Afghan Arab groups and volunteers.<sup>43</sup> He believed the Afghan Arabs should lead by example through a unified effort.<sup>44</sup> In various accounts of the Services Office's history it is clear Azzam would often choose not to voice his differences or let others continue for the sake of unity, even when he disagreed with their programs. Thus, when bin Laden opted to cease funding the Services Office in late 1986 and go his own way, owing to their differing views, Azzam said very little on the matter. Similarly, when bin Laden's efforts in 1987 and 1988 caused concern among a range of Afghan Arab figures for what they saw as his reckless endangerment of the youth at an exposed location in Jaji, he was managed and mollified rather than being directly challenged; perhaps as a result of a fear that doing so would affect Afghan Arab funding from the Gulf, owing to his influence with financiers.<sup>45</sup>

By 1988, following the Jaji battle, al-Qaeda and the Services Office, while cooperating on issues such as the joint coordination of Afghan Arab matters, were operating as fundamentally different groups with different agendas. Azzam continued his multi-track focus with the Services Office and its humanitarian, education and jihad facilitation and participation efforts. By this time, the Services Office had both its Sadda and Khalden camps in operation, where volunteers were housed and trained prior to their dispatch to the Afghan fronts. Al-Qaeda,

meanwhile, had begun to open its own camps, and had its own volunteer inflow.<sup>46</sup>

Azzam and bin Laden would really only come together again to cooperate for the 1989 battle of Jalalabad, for which bin Laden provided a good deal of monetary support and lobbied the Afghan Arabs of the Services Office along with other groups to join behind him in supporting the Afghan mujahedeen's efforts to take the city.<sup>47</sup> The efforts of the mujahedeen to take Jalalabad were a failure and their defeat resulted in great loss of life, with bin Laden narrowly avoiding capture as his forces were forced to retreat over several days in July under heavy bombardment.<sup>48</sup>

The aftermath of Jalalabad battle and the defeat the mujahedeen suffered is extremely important to understanding latter day relationships among the various mujahedeen groups in Afghanistan. This is because the defeat and failure at Jalalabad was of such proportions that it fundamentally damaged the reputation of both Azzam and bin Laden, and resulted in the Afghan Arab youth in the arena turning away from them both and setting up their own training camps in the Jalalabad region.<sup>49</sup> These camps, and the youth who led them would in some instances go on to become strategic competitors to al-Qaeda, and the influence of this competition continues to be felt until the present day in the conflict, competition and fragmentation that characterizes the global jihadist milieu. Unfortunately, as a result of the all too common conflating of foreign militant groups operating in Afghanistan under the Taliban with al-Qaeda, this important history has been largely overlooked.<sup>50</sup>

In the aftermath of the Jalalabad defeat and faced with a strong backlash, Bin Laden left the arena, ostensibly having business in Saudi Arabia to attend to and thus leaving Azzam to deal with the negative fall out.<sup>51</sup> Soon thereafter, Azzam, along with two of his sons was assassinated in Peshawar (in November 1989).<sup>52</sup> The Services Office would limp along for a few more years before eventually disintegrating around the same time the Afghan jihad ended with Afghanistan's descent into civil war.

Under Azzam, the Services Office set up funding structures that were later inherited by those who took over its infrastructure, namely Ibn Sheikh al-Libi and Abu Zubayda, although much of this infrastructure disintegrated when Afghanistan fell into civil war and the Services Office ceased operations. Nonetheless, the networks that did remain were used by a number of groups to pursue their own agenda. Significantly, however, al-Qaeda was not among them as we now move to explore; having had from the outset its own sources of funding, namely its founder's personal wealth.

#### **(f) Al-Qaeda (1987-1996)**

Although al-Qaeda is often conceived as an organization with a cogent ideology and strategic agenda, for much of its history the organization lacked consistency. It was not until the late 1990's that a clear program of action was formulated and followed. Even then, within the militant milieu al-Qaeda was often thought to lack focus, and was at times accused of trying to be everything to everyone; with its causes and justification for its actions stretching from Yemen to Saudi Arabia, to Iraq, to the United States, to Palestine, the cause of Muslim

Prisoners, and finally to the West writ large.<sup>53</sup>

Al-Qaeda's origins trace to the years of the Afghan jihad after bin Laden ceased his support of the Services Office and branched out to form a new group together with a small number of men who worked with him to establish a camp in the Jaji region. The camp was the location of the famous 1987 Jaji Battle between its inhabitants and Soviet Special Forces. The battle itself, while insignificant for the Afghan-jihad, was a major propaganda boost for bin Laden, and in its aftermath volunteers rushed to join him. What therefore began initially as an informal gathering of people around bin Laden quickly grew into a much larger group.<sup>54</sup>

It is within this context that al-Qaeda as an organisation began sometime between the 1987 Jaji battle and 1988. A number of documents retrieved from a computer found in an office of the Benevolence Foundation in Bosnia that are dated to August 1988 seem to suggest they are the founding memos of the group.<sup>55</sup> However, by this time al-Qaeda was already openly operating. It had a committee structure and its own magazine and was recognized as an independent group on the Afghan Arab Shura -- as the accounts of numerous persons close to the organization, on this Shura and/or familiar with its early history attest.<sup>56</sup> Closer examination of the documents seized in Bosnia along with others from this time frame reinforces these accounts, and it becomes clear the documents reflect efforts by al-Qaeda figures to formalize an operating structure for the group, develop new projects and put in place specific protocols for interacting with other groups operating in the Afghan Arab milieu, namely the Services Office.

Al-Qaeda's early goals were to form a distinct group of foreign fighters who would fight under their own command within Afghanistan although at least one Afghan Arab leader alleges that even at this early stage bin Laden was trying to secure leadership over other groups.<sup>57</sup> This early incarnation of al-Qaeda had yet to develop its final doctrine; it was at that time an organisation dominated by classical jihadist thought in which its members sought to fight a defensive jihad against the Soviet occupation of Afghanistan. Neither America nor Saudi Arabia had come into focus as targets for the group or its leader.<sup>58</sup>

Al-Qaeda's fortunes rose quickly until mid-1989 when, following the disastrous defeat in the battle of Jalalabad, bin Laden and the Afghan Arab forces fighting alongside al-Qaeda were forced to withdraw among heavy loss of life and equipment.<sup>59</sup> It was a catastrophe for bin Laden and al-Qaeda as well as other Afghan Arab leaders who had followed him into battle such as Abdullah Azzam because they were heavily criticised.<sup>60</sup> While victory at Jaji had seen the al-Qaeda organization quickly emerge and swell to large numbers, the aftermath of the defeat at Jalalabad saw it crumble.

At its apogee when entering into the Jalalabad battle, al-Qaeda had a core membership of several hundred men -- along with combat formations of Afghan Arabs who fought under its command during the battle but were not members of the organisation. However, by the time it left for Sudan just two or so years later, al-Qaeda's membership had dropped to less than 150 members.<sup>61</sup>

A key reason for this was that bin Laden put a moratorium on al-Qaeda's

members participating in fighting following the Jalalabad defeat. This caused the combat groups who had aligned with al-Qaeda to leave, along with a number of its core members.<sup>62</sup> Many of them went on to align with, or form, their own independent groups.<sup>63</sup> The Services Office also suffered. Indeed the loss of stature of bin Laden and Azzam in the eyes of the youth, not only for the Jalalabad defeat but for their decision in its aftermath to withdraw and exercise more caution in the dispatch of men to the fronts, saw a number of youth seek to form their own camps and groups for fighting in Afghanistan.<sup>64</sup>

The majority of these groups set up camps in the surrounds of Jalalabad. Some would disintegrate, some would become national groups and some would change focus from fighting in the Afghan jihad to joining the jihad in Chechnya such as was the case with Ibn al-Khattab.<sup>65</sup> Others such as Osama Azmarai turned their focus towards targeting the West and subsequently formed close working relationships with the Khalden camp in the mid to late 1990's consolidating what Hamid labels 'the Jalalabad School'.<sup>66</sup> However, at this time these groups were beyond the reach and influence of al-Qaeda or Azzam, despite their best efforts to bring them under control.

When, following the Jalalabad defeat, bin Laden travelled back to Saudi Arabia, leaving what remained of al-Qaeda in the hands of its commanders, they sought to refashion it into a training institution.<sup>67</sup> However, being restricted to training was unappealing to most members, and over the next two or so years al-Qaeda would continue to shrink and seemed all but dead. Mustafa Hamid recalls asking al-Qaeda's leaders for some men to support his operation in Gardez and it being only able to supply 60 trained men, which was its entire trained 'force'.<sup>68</sup> Ultimately they did not participate in conflict because the city surrendered, but it is clear from his account the organization was fundamentally weakened.

Another factor that weakened al-Qaeda's strength was its loss of Egyptian Islamic Jihad cadres who until then had operated across organizational lines, training and fighting with al-Qaeda members.<sup>69</sup> By this time, the Egyptian Islamic Jihad cadres had lost interest in Afghanistan and had begun dispatching personnel to Sudan and Yemen. From there, they planned to reconstitute their efforts against the Egyptian regime, the overthrow of which was their founding objective.<sup>70</sup> Before departing, the Egyptian Islamic Jihad tried to no avail to convince bin Laden to direct al-Qaeda's energy and resources to jihad in Egypt.<sup>71</sup> It was not the only organization attempting to secure al-Qaeda's support, despite its weakened status, which bin Laden sought to keep private.<sup>72</sup>

Despite the presence of such offers and lobbying efforts, there seemed to be little plan for taking al-Qaeda forward. Bin Laden himself had not voiced a particular cause or focus for the group, but privately was looking to Yemen.<sup>73</sup> When his efforts there failed, and the Afghanistan conflict ended and Pakistan became less hospitable to Afghan Arabs, bin Laden's focus turned to finding a home for the 150 or so persons remaining in al-Qaeda.<sup>74</sup>

It was at this point bin Laden decided to relocate al-Qaeda to Sudan in East Africa. He ordered all facilities in Afghanistan and Pakistan liquidated.<sup>75</sup> Sayf al-Adl, al-Qaeda's then head of security, intervened and lobbied for the camps to be kept



open on a skeleton staff.<sup>76</sup> This was in part motivated by a request from his father-in-law, Mustafa Hamid, who was lobbying for al-Qaeda to take up the training of a Central Asian force to be comprised of Tajiks. Al-Qaeda ultimately declined the project, so Hamid instead took it upon himself to provide the training, having secured permission from al-Adl to use the al-Faruq camp, which would have otherwise been closed.<sup>77</sup>

At the nearby Jihad Wal camp, al-Qaeda's main camp in Khost, a skeleton staff was to remain. Jihad Wal had been established in 1988 at the height of al-Qaeda's apogee in an area controlled by Hekmatyar's faction of Hizb-e Islami.<sup>78</sup> As al-Qaeda quickly expanded in 1989 other camps such as al-Faruq, al-Siddiq, and Khalid bin Walid were added.<sup>79</sup> When al-Qaeda left Afghanistan a few years later, roughly a dozen individuals stayed in the Jihad Wal camp, ostensibly to keep it open. The other smaller camps consisted of a few buildings, and for the duration of their existence, were used only intermittently.<sup>80</sup> Al-Faruq was closed, with al-Qaeda's people and materiel transferred to the Jihad Wal camp, leaving Hamid the camp ground to undertake his own Tajik training project.<sup>81</sup>

During its time in Sudan al-Qaeda largely focused on non-jihad activities although it did provide funding to an Algerian group as well as the Egyptian Islamic Jihad. Owing to disagreements with both of these groups in 1995, funding was ceased.<sup>82</sup> For the most part, however, al-Qaeda's primary focus was on what some of its members, angered by the absence of opportunities for jihad, derisively called 'civilian' work.<sup>83</sup> Concerned that they too might leave, al-Qaeda's leaders consolidated jihad opportunities in Somalia, after a Somali group had earlier approached it for training assistance.<sup>84</sup> Al-Qaeda members were encouraged to travel to Somalia as a way of allowing them to participate in training of combat groups but remain tied to the organisation.<sup>85</sup>

While in Sudan bin Laden remained engaged with issues in Saudi Arabia, as is reflected in the numerous letters and statements he released on political issues within Saudi Arabia and with regard to the continuing presence of US troops on Saudi soil in the aftermath of the first Gulf War.<sup>86</sup> Bin Laden was also watching with concern the rise of a takfiri current in Saudi Arabia, which he believed threatened the security and stability of the state, and in which his letters and urging of the youth to exercise patience before undertaking action, were in part an attempt to counter.

Despite the conflict in Bosnia raging during al-Qaeda's early years in Sudan, and contrary to popular perception, al-Qaeda was not formally involved in the conflict. Bin Laden admitted as much in later media statements.<sup>87</sup> The Arab presence in Bosnia was dominated by Gamaah Islamiyyah and by some by Gulf Arabs outside of al-Qaeda's influence who had trained in their own camps in the surrounds of Jalalabad following the 1989 defeat and subsequently went on to join the fight in Bosnia and elsewhere.

Later, bin Laden would focus heavily on drawing back in these Gulf Arabs, achieving some success with a group that referred to themselves as the Northern Group.<sup>88</sup> Significantly, however, he was unable to attract those within the group who had led camps in Jalalabad, such as Ibn al-Khattab, whom he had from his Jalalabad days until the latter's death in 2002, considered as competition.<sup>89</sup> Rather

than join al-Qaeda Ibn al-Khattab instead travelled on to Chechnya where he rose to become the commander of the foreign fighters in what became the most popular and high profile jihadi conflict during the 1990's. Ibn al-Khattab's link to Khalden, and the return of most Afghan Arabs to this camp, and not al-Qaeda saw Khalden continue to provide training while al-Qaeda's camps lay mostly empty, even after the organisation's 1996 return to Afghanistan.

However both Khalden and al-Qaeda -- after its return to Afghanistan -- soon found themselves dealing with a challenging situation that initially caused both to doubt their safety and ability to operate in the country. This was the rise of the Taliban movement, which owing to Hekmatyar's recruitment of some Afghan Arabs to fight with him against the Taliban led the Taliban to initially view the presence of Arabs in Afghanistan with great suspicion.

### **3. Foreign Fighters and Volunteers under the Taliban**

#### **(a) The Rise of the Taliban**

Most of those who would later form the Taliban in 1994 were too young to play more than minor roles in the war against the Soviet Union. They participated as members of fronts composed of religious students (Taliban) and formed the bulk of the fighting force of the two madrasa-based parties of the Afghan resistance.<sup>90</sup> The founding members of the Taliban had had little to no contact with foreign fighters during the 1980s jihad against the Soviet Union including those who would subsequently join al-Qaeda or other foreign militants later present in Afghanistan.<sup>91</sup> Their conception of jihad remained almost apolitical -- an individual duty of resistance to invasion by non-Muslims -- and the majority returned to their religious studies or communities after the withdrawal of the Soviet forces in 1989.<sup>92</sup>

Following the withdrawal of Soviet forces from Afghanistan in 1989, the Afghan Communist government (under Najibullah) maintained their rule over Afghanistan for three more years. The Soviet Union continued to bankroll Najibullah's government, which managed to leverage the financial and military resources to extend the reach of the state. In 1992, however, the Soviet Union stopped supporting Najibullah and the Afghan state subsequently collapsed. Efforts among the mujahedeen groups to form a united government failed, and they soon fell into war with each other. As Afghanistan descended into civil war, and security in southern Afghanistan deteriorated as commanders feuded over control and resources, international interest in the country subsided because the Soviets had withdrawn and so the strategic impetus for involvement no longer remained. The Afghan civil war of the early 1990s was devastating and large parts of the country descended into chaos and anarchy.<sup>93</sup>

The civil war era is remembered in Southern Afghanistan as the time of the *topakiyaan* ('the men with guns') or as 'the time of the chains'. Mujahedeen commanders lost control over some of their fighters who would set up checkpoints, placing chains across the roads, and extract taxes from merchants and travellers. They stole, raped and murdered at will. The situation, as described by those who lived through it, describes an anarchic scene that saw the population being exploited and tormented by the men with the guns.<sup>94</sup>

The individuals who formed the Afghan Taliban were not involved in the chaos. After the withdrawal of the Soviet forces from Afghanistan in 1989, the 'taliban' or religious students who had fought in and around Kandahar province returned to their madrasas and mosques and continued with their education. They stayed out of the civil war chaos until early 1994, when several small groups of the 'students' began to organize in response to the dire situation. As former fighters and religious students (some of whom were young mullahs and respected members of society) they were known to the community, which approached them asking for help to stop the chaos, as Mullah Abdul Salam Zaeef recalls in his autobiography.<sup>95</sup>

In 1994, a group of former mujahedeen from the Taliban fronts mobilized against criminal gangs west of Kandahar City. This early Taliban movement was a

local group reacting to the situation in its area. It mobilized a blend of local culture and a literalist interpretation of Islam to try to impose order on a chaotic situation. It was not a movement concerned with anything beyond local circumstances. Several Taliban groups appear to have started at the same time around the province of Kandahar. Their goals were initially limited to promising security and justice and they grew quickly on the back of broad public support for such a focus. Within a month of their early formation, the Taliban took the city of Kandahar in November 1994. The individuals who had first formed the movement had taken a personal pledge of allegiance to Mullah Mohammad Omar who subsequently became Amir ul-Mumineen, or 'the leader of the faithful', in April 1996.<sup>96</sup>

In contrast to the warring factions who had clashed for the previous few years, the Taliban considered themselves to be a new group that had come to end the civil war, rather than one that was participating in it. Afghans initially welcomed the Taliban because it was setting an end to the chaos and promising to deliver security and justice.<sup>97</sup> After its initial swift successes, the Taliban also soon gained the support of Pakistan as well as foreign governments. Afghan groups regarded the Taliban as potential allies that could tip the balance of power if brought in as part of an alliance, while foreign powers saw the Taliban as a group who could end the civil war.

As the movement gathered momentum, it advanced from Kandahar province to Zabul, on to Helmand and Uruzgan, capturing Herat in September 1995 and Jalalabad and Kabul in September 1996 after which time the emirate was declared and Mullah Muhammad Omar announced as Amir ul-Mumineen.<sup>98</sup> The pledge and his appointment played an important role within the movement, but its significance extended far beyond this. The title Amir ul-Mumineen held historic significance for Muslims and his appointment was widely discussed and debated by Muslim scholars and foreign fighters present in the country. It further exacerbated the debate among foreign jihadis who had previously (during the 1980s jihad) criticised the Afghan mujahedeen on various matters of religious doctrine and practice.

In particular, the foreign takfiri groups considered the Taliban to be innovators. In comparison to other Afghan mujahedeen, the Taliban had little to no contact with foreign fighters during the 1980s jihad, and only a very limited number were present in Kandahar. The majority of Taliban leaders had then belonged to the Harakat-e Inqelab-e Islami, which had poor contacts with Saudi Arabia and limited access to resources.<sup>99</sup> It was only with the Taliban's expansion towards the southeast and east that they inherited not only the remaining foreign fighters (or in the case of al-Qaeda the returnees) but their ranks began to include individuals who had close and old ties. Jalaluddin Haqqani -- a figure of prominence in the southeast of Afghanistan -- joined the Taliban reluctantly in 1995, and he had worked closely with the foreign fighters in the past.<sup>100</sup>

The five years that followed saw the Taliban struggle to conquer central and northern Afghanistan and consolidate their hold over the country and its diverse population while imposing highly conservative social policies. The Taliban's unprecedented rise was enabled in part by ongoing support from the government and security apparatus of Pakistan and the arrival of madrasa students from across the border.<sup>101</sup>

The Taliban's evolution is complex and somewhat unprecedented in Afghanistan. Starting as a small local movement drawn from the rural areas from southern Afghanistan, the group rose to control most of Afghanistan. Untrained, and poorly equipped to carry out the project of state building and governance the group struggled to maintain control and order. While early on trying to establish good relationships with the international community, the Taliban government was only recognized by three countries, Pakistan, the United Arab Emirates, and Saudi Arabia.<sup>102</sup> It was subject to sanctions due to its harboring of Osama bin Laden and other foreign fighters.<sup>103</sup> The Taliban's internal and external problems grew considerably throughout its time in power, and it never succeeded in driving out the last resistance of the Northern Alliance, against which it fought for full control of Afghanistan.

While the United States did not recognize the Taliban, it had contact with the movement as early as 1995. Several documents have since been released that outline the failed diplomatic engagement that took place.<sup>104</sup> The sum of these engagements over the time of the Taliban's time in power were that Mullah Muhammad Omar came to believe that meeting American demands would not solve the fundamental problem and that it would continue to take issue with the movement even if it handed over bin Laden whom it inherited after coming to power. Mullah Muhammad Omar ultimately sacrificed his country on the strength of this belief.

#### **(b)The Return of the Afghan Arabs**

The period of 1994-1996 was described as "the phase of diaspora and temporary safe havens," where many foreign jihadi groups were travelling in search of new bases and causes.<sup>105</sup> These developments were spurred on by the increasing scrutiny of Pakistan, which after the end of Afghan jihad and descent of Afghanistan into civil war was no longer amiable to the continued presence of foreign fighters along its border. By 1994, there were relatively few Arabs left in Pakistan, and still fewer (if any in any significant numbers) remaining in Afghanistan.

It was only after 1996 that number of foreign fighters in Afghanistan began to slowly rise again. By the end of the 1990s over a dozen distinct groups and freelancers were operating in Afghanistan.<sup>106</sup> The groups had significantly different ideologies. Some of the groups that had come to Afghanistan were takfiri groups that supported neither al-Qaeda nor the Taliban.<sup>107</sup>

The number of groups and training camps operating during this period as outlined by various individuals present at the time differs. Groups would leave, training camps close or move and numbers of foreigners in Afghanistan fluctuate. In his book *The Global Islamic Resistance Call* Abu Musab al-Suri listed fourteen training complexes registered by the Taliban.<sup>108</sup> As the list shows, al-Qaeda was only one organisation amongst many that was involved in running the training camps.<sup>109</sup>

Al-Suri's list gives an overview of the groups and individuals that trained and operated in Afghanistan, much of which has been confirmed by other sources. He

identifies three non-Arab groups:

- The Uzbek mujahedeen, known as the Islamic Movement of Uzbekistan under the leadership of its amir Tahir Yuldashov, and his deputy Juma Bey Namangani. They were concerned with Uzbekistan, and declared jihad against the Uzbek government in 1999.
- The mujahedeen of Eastern Turkestan, known as the East Turkestan Islamic Movement led by Abu Muhammad al-Turkistani who were fighting for the liberation of Xinjiang province from Chinese rule.
- A small grouping of Turks and Kurds.

Al-Suri lists eleven Arab groups:

- Al-Qaeda, led by Osama bin Laden.
- The Libyan Islamic Fighting Group led by Abu Abdallah al-Sadiq
- The Moroccan Islamic Fighting Group led by Abu Abdallah al-Sharif.
- The Egyptian Islamic Jihad Organisation led by Ayman al-Zawahiri.
- The Egyptian Islamic Group.
- An Algerian jihadi formation.
- An Tunisian jihadi formation.
- The group of Abu Musab al-Zarqawi who were mostly Palestinian and Jordanian.
- The Khalden camp, a 'general training camp' led by Ibn Sheikh al-Libi, and Abu Zubayda.
- The Sheikh Abu Khabab al-Masri camp.
- The Al Ghuraba Camp, led by al-Suri.

It would not be until early 2001 that all of these groups would be present in Afghanistan; with some only returning very late to the country. Of those who did leave the region following the end of the Afghan jihad, al-Qaeda was the first to return.

### **(c) The Taliban Inherits Bin Laden**

Osama bin Laden, along with his small entourage returned to Afghanistan in early May 1996, landing in the eastern city of Jalalabad, which at the time was not under Taliban control. The Taliban were neither aware nor involved with his return.<sup>110</sup>

The Taliban captured Jalalabad and Nangarhar province on September 11, 1996, and it was at this point that the movement inherited Osama bin Laden. As an organization, the Taliban in the 1990s displayed a paradoxical structure that seemed to be highly centralized at the top but displayed great diversity, independence and informal command structures towards the regional and lower ranks. While it is commonly stated that the Taliban controlled up to 95% of the country towards the

end of their rule, they did so only to the extent that all Afghan governments did, which is to say in varying degrees depending on the part of the country. At times individual commanders exercised considerable autonomy from the central leadership, or in other cases the local population would effectively govern themselves having reached a tacit agreement with local Taliban forces.<sup>111</sup> This being said, as a movement, besides individual accommodation on a local basis, the Taliban had no existing relationship to bin Laden and his al-Qaeda organization, nor to any other foreign militant group (this does not necessarily include Pakistani groups).<sup>112</sup>

The two groups knew little about each other. In fact, al-Qaeda and the Taliban were deeply suspicious of each other, since they had had no prior experience or shared history. Bin Laden and Arab jihadi affiliates' initial knowledge of the Taliban seems to have been just as poor as the Taliban's understanding of them. Mustafa Hamid has written that "[a]l-Qaeda did not have a clear idea about the Taliban Movement, and in general, they were not ready to trust any Afghan party."<sup>113</sup> The majority of the Afghan Arabs had early on sided with Hekmatyar's Hizb-e Islami, a group that had been involved in the fighting against the Taliban. Among some of the Arab Afghan groups were strong takfiri leanings, and they considered the Taliban to be innovators that needed to be fought.<sup>114</sup>

Bin Laden's decision not to side with any side as Taliban forces approached the city of Jalalabad would not have gone unnoticed by the Taliban. Furthermore, Jalaluddin Haqqani, who had had contact with bin Laden and knew who he was, had already joined them.<sup>115</sup> Bin Laden was likely a somewhat known entity to the approaching forces. He was a mujahed who had fought in Afghanistan against Soviet and communist soldiers, and was famous for his riches. While the Taliban were wary, they regarded bin Laden and his followers as guests who held potential benefits for Afghanistan and their movement. His misadventure in Sudan and his poor financial state at the time is unlikely to have been known by them at the time.

Mullah Mohammad Omar seemed to be largely unaware of bin Laden and what his objectives were.<sup>116</sup> The Taliban were occupied by the war effort and the imminent threat inside Afghanistan. It did not take long, however, until they were approached by foreign governments over bin Laden's activities. Saudi Arabia almost immediately exerted considerable pressure on the Taliban to hand over bin Laden.<sup>117</sup>

Nevertheless, bin Laden received assurances that he would be not turned over to the United States. According to Najwa and Omar bin Laden, Osama bin Laden's first meeting with a Taliban official took place in Mawlawi Yunis Khalis house in Jalalabad. In this meeting Mullah Ehsanullah Ehsan assured bin Laden he would not be handed over to the United States, explaining that the Taliban as a fundamental principle would never hand over a fellow Muslim to non-Muslims, let alone a mujahed who had fought against the Soviet forces.<sup>118</sup>

While this assurance may have been given, a great deal of mistrust still existed. At that time bin Laden and his affiliates had little to no knowledge about the Taliban, and generally distrusted Afghan parties.<sup>119</sup> The first meeting between bin Laden and Mullah Mohammad Omar took place in the "winter of 1996," highlights

this.<sup>120</sup> Bin Laden was summoned to meet Mullah Muhammad Omar, and feared that at that meeting he would face a harsh sentence, even execution for his continuing media campaign after he had been told to cease such activities.<sup>121</sup> Instead, the Taliban leader took bin Laden to task over his statements calling for a jihad against the United States in August 1996.<sup>122</sup> Another point was allegedly covered: that of the presence of “Americans and Jews” in Saudi Arabia.<sup>123</sup> Hamid says that bin Laden made a strong case for the importance of expelling these foreigners, but Mullah Mohammad Omar argued that the civil war in Afghanistan was a more pressing matter.<sup>124</sup>

The picture that emerges out of this first meeting is somewhat characteristic and lays out some of the themes of future encounters between the leaders of the two groups. Bin Laden would appeal to Mullah Mohammad Omar’s need to be perceived as a strong Muslim leader transcending his Afghan upbringing and the nationalist tendencies of the Taliban. Mullah Mohammad Omar’s need to adhere to his interpretation of Islam, in particular in the eyes of his perceived constituency, came at great cost for the Taliban and Afghanistan at large because Bin Laden would prove to be a considerable liability.

The Taliban and al-Qaeda had little physical interaction and points of contacts. The Taliban left bin Laden alone in Jalalabad while the Arabs kept to themselves.<sup>125</sup> However, pressure on the Taliban was mounting in the face of an ever-growing media campaign by bin Laden despite its instructions that he cease his media activities. Bin Laden, however, again sought to appeal to Mullah Mohammad Omar’s need to be perceived as a strong Muslim leader transcending his Afghan upbringing, and attempted to find ways to continue his activities while having been instructed to do not so.<sup>126</sup> The naiveté of the Taliban’s senior leadership and the reluctance of second-tier leaders to repeatedly and directly challenge Mullah Mohammad Omar on the bin Laden issue combined with bin Laden’s attempts to flatter the leadership and consolidate al-Qaeda’s position, gave him enough room for manoeuvre.

#### **(d) Al-Qaeda (1996-2001)**

Al-Qaeda’s return to Afghanistan was not voluntary. International pressure on Sudan meant that bin Laden and his remaining men -- by then owing to significant attrition numbering no more than around 50 -- were forced by Sudan to return to Afghanistan.<sup>127</sup> Bin Laden’s money and investments in Sudan were frozen by the government and not returned to him on his departure, meaning the organization found itself with dire financial problems upon returning to Jalalabad in May 1996.<sup>128</sup> Hamid reports that bin Laden was forced to borrow money to support the upkeep of his fighters and their families.<sup>129</sup>

Bin Laden arrived in Jalalabad together with fourteen other al-Qaeda members, while the rest of the group followed shortly thereafter with family members in tow.<sup>130</sup> Their return to Jalalabad was arranged and funded by the Sudanese government.<sup>131</sup> At the time Jalalabad was not under Taliban control; it had only taken territory to the south and west of bin Laden’s location (he was staying a small distance outside the town in what came to be known as ‘the Arab village’). Al-Qaeda returned under the protection of a number Afghan commanders who had



fought in the jihad against the Soviets and who had negotiated with the Sudanese to host bin Laden and his men, but the situation was so unstable that shortly after its return several of them were assassinated in quick succession.<sup>132</sup>

At this time al-Qaeda's position was highly insecure; it had extremely limited funds, and with only 50 men could not even effectively defend the 'Arab village' outside of Jalalabad where it had settled its cadres and family members.<sup>133</sup> It seems an odd position from which to declare jihad on the United States but yet this is what bin Laden did in his August 1996 declaration.

The declaration had been the outcome of several months of consultation with other al-Qaeda members and was issued in August 1996. Entitled 'Declaration of Jihad against the Americans Occupying the Land of the Two Holy Places,' it was published in *Al-Quds al-Arabi*, a London-based newspaper.<sup>134</sup> In addition to the oft-cited reason of the US presence in Saudi Arabia, Mustafa Hamid argues the declaration was in part issued by bin Laden in reaction to events in Saudi Arabia and the rise of a takfiri current in the Kingdom. In November 1995, a car bomb exploded outside the office of the Saudi Arabian National Guard complex in Riyadh. This was followed by an attack on the Khobar Tower complex in June 1996. As Hamid explains:

Abu Abdullah [Osama bin Laden] was worried about what was happening inside Saudi Arabia. We all were. There were new fighting songs circulating among the youth that just urged people to kill and explode things, and they were gaining popularity like they had in the camps of Jalalabad.<sup>135</sup>

Bin Laden was fearful that such a current could lead to the destabilisation of Saudi Arabia and provide a pretext for greater US occupation of the country.<sup>136</sup> The declaration was, according to Sayf al-Adl, also more generally issued as a way of attracting experienced mujahedeen back into al-Qaeda's fold.<sup>137</sup> The Declaration's construction of a worldview that saw the rulers of the Arab states portrayed as agents or tools of the United States and its interference was thought to be the best means of doing so, and was also the view bin Laden had arrived at following his return to Afghanistan.

Despite declaring jihad against America, al-Qaeda's primary objective during this period was to unite all foreign militant groups under its command and become the pre-eminent jihadi organisation.<sup>138</sup> Indeed, this motivation was in part what drove the 1996 declaration because bin Laden feared the emergence of a movement in Saudi Arabia outside of his control and believed that making the declaration would allow him some influence, if not control, over its direction.<sup>139</sup> Until the late 1990s, however, al-Qaeda was unsuccessful. Al-Qaeda was simply just a small group among many others, and absent a coherent and constant strategic agenda beyond a declaration via which to attract recruits and finances, faced significant competition from other groups active in the milieu; most notably Khalden in Afghanistan, and Ibn al-Khattab in Chechnya, for which Khalden served as a rear training base.<sup>140</sup>

To counteract this, al-Qaeda invested heavily in its propaganda and bin Laden gave media interviews and issued public statements during this time, to the

great consternation of the Taliban who had inherited his presence as it came to power in Afghanistan. Indeed, the Taliban repeatedly asked bin Laden to refrain from media activities, but ultimately these requests were ignored.<sup>141</sup>

By 1998 al-Qaeda's media activities had extended to announcing the formation of a Front and holding a Press Conference in Khost training complex. With the announcement of the formation of the World Islamic Front for Jihad against Jews and Crusaders in February 1998, bin Laden left little doubt about his intentions. The statement -- narrating his by-then-solidified worldview that the United States was akin to the new Crusaders attacking the Muslim umma -- included a fatwa that calls on all Muslims to follow the duty of jihad (fard ayn):

Killing the Americans and their allies—civilians and military—is a duty for every Muslim who can carry it out in any country where it proves possible, in order to liberate Al-Aqsa Mosque and the holy sanctuary [Mecca] from their grip, and to the point that their armies leave all Muslim territory, defeated and unable to threaten any Muslim.<sup>142</sup>

By the time the declaration of the Front's existence had been issued, the central doctrine bin Laden would come to believe in -- the three strike doctrine -- began to solidify.<sup>143</sup>

On 7 August 1998, the first of these strikes took place, when two near-simultaneous bombs struck American embassies in Tanzania and Kenya. Close to 300 people were killed -- mostly Kenyan and Tanzanian citizens -- and over 4,000 were injured. The United States responded on the 20 August with missile strikes targeting training camps in Afghanistan. Al-Qaeda's al-Faruq camp was hit and its entire Khost complex of camps was subsequently closed. At the time of the attacks, al-Qaeda had only just begun its first formal training session for a group of around 70 trainees; the largest it had hosted since its Afghan jihad era apogee.<sup>144</sup> Bin Laden, encouraged by the numbers, had been planning to relocate to live at the complex believing this would assist in attracting more trainees to the camps.<sup>145</sup> This plan was foiled by the US missile strikes.

With the Khost complex closed and despite having no real training camp outside of the airport complex in Kandahar (Tarnak Farm), to which al-Qaeda had relocated in 1997, bin Laden pressed on with his objective of building the group to be the leading foreign organization in Afghanistan. A key part of doing so was positioning itself as the vanguard organization targeting America, which was believed would help with the goal of unification of all foreign groups in Afghanistan under al-Qaeda's leadership.<sup>146</sup> However, despite some groups being pleased at al-Qaeda's strike against America they were simultaneously angry that bin Laden's agenda was proving costly to their own; bringing unwanted attention, interdiction efforts and even resulting in the closure of their camps in Afghanistan on Taliban orders.<sup>147</sup>

Indeed, al-Qaeda's advances towards other groups and prominent individuals in this phase and right up until its 9/11 attacks, with the exception of the ten strong faction of the Egyptian Islamic Jihad, and to a lesser extent Abu Musab al-Zarqawi, were consistently rebuffed.<sup>148</sup> Al-Qaeda and bin Laden's sway and

prominence also continued to be dwarfed by Ibn al-Khattab. A key part of his appeal was not only his Afghan jihad heritage and participation but also his status as a commander of a foreign fighter contingent on the Chechen jihad front. The jihad in Chechnya was widely considered legitimate and supported by extensive fatwas as well as funds and volunteers from the Gulf, particularly Saudi Arabia.<sup>149</sup> For this reason Ibn al-Khattab rebuffed advances by al-Qaeda for him to bring his Chechen program under the al-Qaeda umbrella -- even when he found his own campaign in the Caucasus region under threat and temporarily considered relocating to Afghanistan.<sup>150</sup>

In early 1999, bin Laden decided it was time for more attacks and consulted with two independent terrorist entrepreneurs: Khalid Sheikh Muhammad and Abdul Rahman al-Nashiri.<sup>151</sup> Khalid Sheikh Muhammad had some time earlier approached al-Qaeda for support for his planes plot, which would ultimately evolve into the September 11 attacks. He did so after Abu Zubayda at the Khalden camp had declined to support his proposal owing to limited resources and suggested he instead talk to al-Qaeda.<sup>152</sup> Al-Nashiri had an idea to attack US warships at port in Yemen for which he approached al-Qaeda for support.<sup>153</sup> Both plots were adopted by al-Qaeda. However in the early stages of their formulation, al-Qaeda had only a handful of recruits to offer up, owing to its ongoing membership stagnation.<sup>154</sup>

Al-Qaeda by now had proven its international capabilities and had formulated a programme and somewhat clear objectives. It was this, coupled with a strategic propaganda campaign, and its ability to provide material support that attracted al-Nashiri and Khalid Sheikh Muhammad to work with the organisation. Yet despite this success al-Qaeda continued to fail to achieve its objective of attracting others to join its efforts. Few other groups, prominent mujahedeen or new trainees were signing up. Ibn al-Khattab, despite not having capacity to accommodate new volunteers, continued to attract them while al-Qaeda's membership would hover at around 100 members.<sup>155</sup>

Al-Faruq, al-Qaeda's main camp at Khost, was closed and another camp by the same name in Garmabak made famous in al-Qaeda's later videos would not open until the spring of 2000.<sup>156</sup> In 1999, al-Qaeda's training assets were the small camp located in Mes Aynak and the Airport complex, also known as Tarnak Farm, outside Kandahar City. Neither conducted regular training due to a lack of recruits. As the 9/11 Commission report states:

The Mes Aynak training camp was located in an abandoned Russian copper mine near Kabul. The camp opened in 1999, after the United States had destroyed the training camp near Khost with cruise missiles in August 1998, and before the Taliban granted al-Qaeda permission to open the al Faruq camp in Kandahar. Thus, for a brief period in 1999, Mes Aynak was the only al-Qaeda camp operating in Afghanistan.<sup>157</sup>

Al-Qaeda's next grand operation orchestrated by al-Nashiri, was a failure at first attempt. In January 2000, members of al-Qaeda attempted to bomb the USS Sullivans. They failed, sinking the small vessel that was due to deliver the explosives when they loaded too much weight on board. They succeeded on their second attempt, driving a small boat into the side of the USS Cole in October as it lay

docked at a fuelling buoy in Yemeni waters in October of 2000.<sup>158</sup>

By late 2000, the number of volunteers arriving in Afghanistan started to increase. While some might argue this was the result of bin Laden's propaganda and the successful attack of the USS Cole, anecdotal evidence suggests that a fatwa or religious ruling issued by Sheikh Hammoud bin Uqlaa Ash-Shuaybi on 29 November 2000 was a significant motivator of individuals that chose to venture to Afghanistan.<sup>159</sup> The fatwa was in response to American threats to impose new sanctions against the Taliban for their failure to curb terrorism. An additional factor was that with Khalden's closure in early 2000 al-Qaeda's al-Faruq camp was the only camp offering general training, which was necessary before volunteers could participate in jihad at the Taliban fronts in the foreign fighters brigade.

As foreign volunteer numbers grew at the Taliban fronts, power jostling took place as to who should lead what came to be referred to as the foreign fighters brigade, to which al-Qaeda contributed half a dozen commanders. Mullah Mohammad Omar convened a meeting in order to unite all foreign fighters under a single command. The expectation at the time was that bin Laden and al-Qaeda would be appointed to lead the foreign forces. Instead, however, Mullah Mohammad Omar appointed Juma Namangani, the military leader of the Islamic Movement of Uzbekistan.<sup>160</sup> Some al-Qaeda members considered this a public humiliation for bin Laden, who instead returned his focus on the upcoming 9/11 plot.<sup>161</sup>

Al-Qaeda also continued to try to unite the different foreign groups and individuals behind its leadership, an effort that continued to prove challenging. Al-Qaeda's first book, written by Abu Hafs al-Mauritani with a foreword by bin Laden, *Islamic Action between the Motives of Unity and Advocates of Conflict* was written to promote its unification efforts.<sup>162</sup> As Mustafa Hamid points out:

The book was intended to help al-Qaeda with its efforts to unify everyone under one group. Abu Abdullah was eager to make unity among the Arab immigrant groups inside Afghanistan because there were many groups not united with al-Qaeda and he held some meetings at Mes Aynak about this.<sup>163</sup>

These efforts failed. It was not until the attack by the United States of America in late 2001 that a de-facto *burgfrieden* took place: a common enemy meant that cooperation became the name of the game rather than dissent. However, even this was short lived and crumbled after Mullah Muhammad Omar ordered a withdrawal of foreign forces from Afghanistan in early December 2001.

Al-Qaeda's failure to convince other groups from joining under its umbrella did not deter it from continuing with intensive recruitment efforts targeted at al-Faruq's trainee population, which had begun to bear fruit. Membership numbers had begun to increase. Al-Qaeda's core membership was approaching around 150-170 people, and the foot soldiers in the Foreign Brigade it had trained -- who were not members of the organisation but fought under the command of the six leaders it contributed to the brigade -- numbered around 75-100.<sup>164</sup>

By the end of 2001, al-Qaeda's core membership, according to its internal records and the accounts of law enforcement officials, had grown to around 200

members, along with around another 80-120 in the Foreign Fighter Brigade, both of which were part of the then 1195-1800 strong foreign fighter contingent within Afghanistan, of which the Uzbeks were numerically strongest.<sup>165</sup>

It would only be after 2001 and the defeat of the Taliban that al-Qaeda rose to the forefront of the international jihadist milieu. Individuals like Abu Musab al-Zarqawi (who had rebuffed bin Laden's advances for membership in the past), who had their own camps/facilities and operated independently would subsequently join its ranks. Al-Qaeda, a small organisation among many, would come to operate branches and cultivate affiliates throughout much of the Islamic world. Until then, and up to the time at which it was ordered closed, the Khalden camp of Ibn Sheikh al-Libi continued to outshine al-Qaeda.

**(e) Khalden**

**(i) Khalden under al-Libi and Abu Zubayda**

While al-Qaeda struggled to attract recruits for much of the mid to late 1990's, Khalden, under the leadership of Ibn Sheikh al-Libi and Abu Zubayda, prospered. Al-Libi took over Khalden following the disintegration of the Services Office in the early 1990's.<sup>166</sup> Under his stewardship, Khalden expanded its unique approach to training, operating as an open camp offering training to not only organisations and individuals but also small groups and networks. Abu Zubayda described this best when explaining that the camp operated as a "grocery store" of sorts, in which various groups and individuals could come and take whatever training they needed.<sup>167</sup> Volunteers attending training were not required to join an organization, nor do they appear to have been subject to any intensive recruitment campaigns.

This flexible approach allowed groups and individuals with different agendas to coexist independently within the confines of the camp. The freedom to come and train without obligation, and absent of recruitment pressure, coupled with the facilitation support Khalden provided to volunteer trainees seeking to travel for jihad at open fronts such as Chechnya, was why Khalden remained the most popular of the training camps. It was also why the camp was seen by al-Qaeda as being a strategic threat to its ambitions, both internally within Afghanistan, but also internationally, since Khalden was the location from where the first attacks against the United States emanated, as well as being a key part of the training and facilitation network for the conflict in Chechnya. For this reason, it is important to understand the different types of groups and individuals operating within the confines of Khalden as well as the nature of the relationships its leaders had with other groups and key figures inside and outside of Afghanistan at that time.

During this period Khalden was for a time home to the East Turkistan Islamic Party (ETIP), a militant organisation comprised of Uighurs from China's restive northwest province, Xinjiang, who sought independence from China and to establish an Islamic state. The organisation based itself at the camp for a significant period of time until, after undergoing a period of expansion, it established its own training camp.<sup>168</sup> Khalden also catered to a range of Algerian militants, who were by the mid 1990's heavily involved in the conflict in Algeria, and using the camp as a rear

training location.<sup>169</sup> As a result of their presence, Khalden gained a reputation as being takfiri in its doctrinal orientation, like many of the Algerians allegedly passing through its camps.<sup>170</sup> However, overall the camp was not as doctrinally strict as these key groups active within it.

The training and religious education Khalden provided for volunteers arriving independent of any organisation was more firmly centred on classical jihad in the defensive jihad tradition.<sup>171</sup> This is because the majority of volunteers arriving to the camp were coming with the objective of seeking training for, and facilitation of travel to jihad in areas where there was believed to be an occupation of Muslim land. These volunteers were less concerned with targeting regimes, which was more firmly the objective of the takfiri groups operating at Khalden such as the Algerians.

Khalden was also host to an anti-Western network, which first manifested in the first World Trade Centre bombing in 1993. The anti-western network included figures such as Ramzi Yousef, Muhammad Ajaj, Khalid Sheikh Muhammad, and Osama Azmarai. Later, another anti-Western current would emerge associated with camp's in-house religious institute: "The Belief Battalions."<sup>172</sup> In fact, the institute, led by Abu Abdullah al-Muhajir, issued its own fatwa supporting attacks against the West and the use of criminal activity to finance such plots.<sup>173</sup>

The Khalden camp has been linked to a number of plots against the West, stretching back to the 1993 World Trade Centre attacks and ranging from the 1999 Millennium attacks and to at least one alleged plot in Europe in the period 2000-2002.<sup>174</sup> Most of these plots took place under the direction of, or with the facilitation of Abu Zubayda's network, which was formalised sometime after 1996 in a small group he came to lead called The Mujahedeen Services Centre.<sup>175</sup>

Abu Zubayda was a Palestinian refugee who had grown up in Saudi Arabia, with papers allowing him and his family residence. Despite having lived in Saudi Arabia there was also a significant presence in his inner circle of persons from either al-Sham, the Levant or the Maghreb.<sup>176</sup> This reflected the composition of Khalden's dominant networks at that time.

In 1994, Abu Zubayda was for a time involved in activities at the neighbouring al-Faruq camp in Khost.<sup>177</sup> Although part of a complex of ostensibly al-Qaeda administered camps, run on land it rented from Gulbuddin Hekmatyar, al-Faruq was at that time under the then leadership of Mustafa Hamid, an independent mujahedeen figure. Hamid was leading a project to train volunteers for the al-Nahda group's efforts to undertake jihad in Tajikistan.<sup>178</sup> It was a project al-Qaeda had refused to support, leading Hamid to take up the cause.<sup>179</sup> Abu Zubayda was approached to provide facilitation help because there were so few persons who could perform this role remaining in the region.<sup>180</sup>

Indeed, the number of Afghan Arabs who remained permanently in the region following the end of the Afghan jihad through until the rise of the Taliban was remarkably small. Aside from the Khalden contingent, the only other remaining Afghan Arabs were a grouping at Darunta that was mostly aligned to Hekmatyar until the Taliban's seizure of Jalalabad in 1996, as well as Mustafa Hamid at al-Faruq and a small al-Qaeda group at Jihad Wal, who numbered anywhere between 5-15

and functioned as a skeleton staff to keep its camps open and functioning.<sup>181</sup>

Prior to the Taliban's takeover of Khost and Jalalabad, the Khalden camp maintained a cooperative relationship with a loose grouping of Afghan Arabs who based themselves out of Hekmatyar's Hizb-e Islami complex at Darunta.<sup>182</sup> At that time Hekmatyar's forces were fighting the Taliban. The Arabs who fought alongside his forces developed a reputation for being fierce and brutal fighters. This caused problems later when the Taliban came to power because they were distrustful of the Arabs owing to these earlier experiences.

Among the Arabs operating at Darunta before the Taliban's rise to power was Abu Khabab al-Masri, who would later establish his own separate training camp after the Taliban's taking of Jalalabad in 1996.<sup>183</sup> Abu Khabab was renowned for his expertise in explosives and had, since the latter stages of the Afghan jihad against the Soviets, been one of the key trainers in this area. Because the early training at Khalden only covered basic explosives familiarisation and not the mechanics of explosives construction, a cooperative agreement was reached where this type of advanced training would take place under Abu Khabab's supervision; first through this affiliated grouping, and then later through his own independent camp. Later, when Khalden was ordered to move from its Khost location, it relocated to Darunta alongside Abu Khabab al-Masri's camp, before being ordered to transfer operations to Kabul and then later closed.<sup>184</sup>

While these cooperative relationships prior to the Taliban's rise to power typified the interaction between the Afghan Arabs at Darunta and Ibn Sheikh al-Libi's Khalden cadres, there was less interaction between Khalden and al-Qaeda cadres at Jihad Wal, and the other Afghan Arabs present at al-Faruq. A major reason for the lack of cooperative relationships along the lines of those that typified the Khalden-Darunta interaction was that al-Qaeda's cadre at Jihad Wal simply lacked the capacity to provide training support. While they could have feasibly provided 'guest training' at Khalden on an individual basis relating to their areas of expertise (although there is no such indication this took place) beyond this type of hypothetical participation they had virtually no capacity. Indeed, their situation at times was so dire that not only were they cut off from their then-Sudan based leadership -- making them often reliant on the loans of local shopkeepers for food -- but they also required assistance to secure Jihad Wal, which was ultimately guarded by the Tajik trainees that had studied under Mustafa Hamid at al-Faruq.<sup>185</sup>

Another factor limiting interaction and cooperation during this period was that the small amount of training carried out at al-Faruq and Jihad Wal was solely focussed on groups or organisations. Mustafa Hamid was training volunteers from the al-Nahda organisation for jihad in Tajikistan, and a handful of senior Chechen mujahedeen, while al-Qaeda's cadre were training a Pakistani group at Jihad Wal.<sup>186</sup> The training of the Pakistanis, however, was short lived. Al-Qaeda's then Afghanistan amir, Abu Atta al-Tunisi cancelled the training and ejected the Pakistanis after they began infighting and then turned on their al-Qaeda trainers.<sup>187</sup> The cancellation ended the only 'organised' training by al-Qaeda figures at its Khost camps in the period between the bulk of its members leaving for Sudan in the early 1990's and its return to Afghanistan in 1996.<sup>188</sup> This left Khalden and its unique "grocery store" approach the destination of choice for most groups and individuals

seeking training prior to the rise of the Taliban.

**(ii) Khalden during Taliban rule**

Khalden's popularity continued throughout the early period of Taliban rule through its ultimate closure in 2000, even with competition from other organizations and groups, including al-Qaeda, who offered training to foreigners. As the sole camp offering a broad array of training opportunities through the early and mid 1990s, Khalden had a head start in consolidating and building upon its networks through the rest of the decade, such that when external circumstances like the 1999 outbreak of the second Chechen war took place, it was Khalden that remained the location of choice. This was despite there being other limited training options available in Afghanistan at that time, following the return of al-Qaeda and the arrival of a number of other groups and organisations who established themselves in Afghanistan. Khalden's mode of operation as an open camp with a "grocery store" approach to training also allowed it to consolidate its ties with a number of other Afghan Arab figures returning to Afghanistan, who were keen to remain in the milieu but who did not wish to join al-Qaeda or any other militant organization.

Another reason Khalden remained the location of choice -- as opposed to competitors, such as al-Qaeda -- was that it could maintain a constant training tempo because it did not suffer from the same cash flow problems as the nearby al-Qaeda cadres. Al-Qaeda's financial situation was poor in the years after its return to Afghanistan and would not significantly improve until 2000. Its trainee inflow was extremely small, and its training ad-hoc, particularly since its main camp complex in Khost was abandoned following the 1998 American Cruise Missile attacks. It would not be until early 2000 that al-Qaeda would open a permanent camp at Garmabak outside Kandahar city, which was also known as al-Faruq.<sup>189</sup>

Khalden, conversely, had managed to preserve its financial resources, and while by no means rich or even able to finance substantive terrorist plots, was able to continue financing its training. Its limited financial means are on clear display with Abu Zubayda's notification to Khalid Sheikh Muhammad that he and his Mujahedeen Services Centre did not have the means to support Muhammad's planes plot -- to which Muhammad first approached him, prior to later pitching it to al-Qaeda on Abu Zubayda's suggestion.<sup>190</sup>

A key part of Khalden's funding in the latter stages of its operation came through Saudi channels tapped by Abu Zubayda and Hassan Gul, a Pakistani with Saudi residence papers, who worked closely with Abu Zubayda and travelled on the camp's behalf to Saudi Arabia to raise money.<sup>191</sup> Gul, along with several others, was part of Abu Zubayda's Mujahedeen Services Centre, which also had a small outpost in Turkey.<sup>192</sup>

The second Chechen war increased Khalden's monetary support from Saudi Arabia. As outlined earlier, the Chechen conflict prompted a number of supporting fatwas. This, together with Ibn al-Khattab's increased propaganda output and relaxation of Saudi border control, saw a number of Saudis attempt to travel to Chechnya to participate in jihad along with people from a wide range of countries.<sup>193</sup> The interest of would-be Chechen volunteers not only maintained Khalden's



prominence and popularity, but also gained it access to additional funding from Gulf financiers.

The popularity of the Chechen cause also increased the number of "holiday jihadists" at Khalden. The camp had long hosted a form of holiday jihad, where Saudis and other wealthy volunteers travelled to the camp and took a short 'training' course. Such holiday jihad training took place during the first Afghan war and was an important means of fundraising and consolidating support networks. Such volunteers were spared the harsh training regimes reserved for those who would ultimately travel to the fronts of jihad and were allowed, as Nasiri derisively observes of the holiday jihadis he saw circa 1995, to "play with the weapons."<sup>194</sup> This type of training became popular following the return to prominence of the Chechen cause.

### **(iii) Khalden, Chechnya, and Competition with Al-Qaeda**

As outlined above, the Chechen jihad increased the popularity of Khalden and the relationship between Khalden and Ibn al-Khattab drew volunteers to the camp. The relationship, moreover, increased al-Qaeda's rivalry with Khalden, as Ibn al-Khattab and Khalden diminished the importance of al-Qaeda and frustrated its ambitions. The Chechen conflict -- and the relationship between Ibn al-Khattab and Khalden -- infringed on al-Qaeda's ambitions both because of its differing recruitment objectives as well as the fact that al-Qaeda had no open, legitimate jihad front of its own. Khalden could train and dispatch volunteers to Chechnya, as a key part of its objective to train volunteers to fight in occupied Muslim lands. Meanwhile, al-Qaeda was seeking to train volunteers and retain them for its own organisational benefit. One way in which al-Qaeda was doing so was to try to keep volunteers near to the organisation and attempting to convince those who wanted to go to jihad on an open front, most notably Chechnya, to instead stay in Afghanistan because they could join the Taliban's 'jihad.'

At that time the Taliban's jihad was not recognised by fatwa, and was not widely supported. The issue only later resolved itself when bin Uqlaa, who had significant influence in the militant milieu released a fatwa deeming the Taliban legitimate and fighting alongside them therefore also legitimate.<sup>195</sup> With no fatwa yet forthcoming al-Qaeda's efforts met with only limited success. The bulk of volunteers in al-Qaeda's target demographic of Gulf Arabs continued to go to Khalden, and as a result al-Qaeda's recruitment efforts could not come to fruition. This led al-Qaeda to intensify its efforts to seek gain control over Khalden because it saw the camp as a strategic threat.

Indeed, Khalden's changing trainee demographic in the last years of its operation away from Algerian, Uighur, and Central Asian trainees to include more Gulf Arabs, and Europeans (most of whom were seeking training preparation and facilitation for the conflict in Chechnya) arguably made it more of strategic threat to al-Qaeda than in its earlier years. The change mattered little to Khalden. Abu Zubayda's Mujahedeen Services Centre continued its selective recruitment for the plots in which he was involved in either a facilitation or direction role; but for the most part Khalden's recruits during its latter stages of operations were left alone and facilitated to fronts of jihad, or returned home after their training.

For al-Qaeda, however, Khalden continuing in this manner was problematic; those few volunteers it had attracted to its camp and was training, and even some of its own members, were increasingly dissatisfied sitting in Afghanistan where there was no 'real' front of jihad, and instead sought to go to Chechnya. As Abdul Hadi al-Iraqi wrote to al-Qaeda's leadership at that time:

I am very sure if we open the doors of Chechnya now – In the season of missions- we will see a burst of more than 70% of the youth from this line or other streaming to there without hesitations, and it is a noticeable and well known fact through the speeches and confessions of the brothers. Forcing only a small amount of to stay behind in Afghanistan, those whom have the responsibility of their family or those who obey their Amir's even without convictions.<sup>196</sup>

The general situation, in which Chechnya remained the celebrated conflict most volunteers sought to join, undermined bin Laden's efforts to establish al-Qaeda as the pre-eminent militant group in Afghanistan. As a result, it was not only Khalden that he viewed as a strategic threat during this period, but also Ibn al-Khattab's International Brigades, which he again sought and ultimately failed to bring under al-Qaeda's influence. Al-Qaeda's claims of a legitimate jihad in Afghanistan prior to the release of the bin Uqlaa's fatwa had done little to lure Ibn al-Khattab's volunteers away from the Chechen conflict to join bin Laden or come to the aid of the Taliban; thus rendering them outside its influence. Moreover, with Khalden continuing to operate as an 'open shop', providing training and facilitation for Chechnya and other locations, those who al-Qaeda did successfully recruit were recruited from within the confines of its camp, and usually via direct social network connections of its existing membership.

Khalden's association with Ibn al-Khattab resulted from the latter's longstanding links to the Afghan jihad as well as through Zubayda's Mujahedeen Services Centre. A key logistical link in the chain between Khalden and Ibn al-Khattab was an outpost of the centre in Turkey run by Luay Sakka. The centre functioned as a 'way-station' of sorts, and provided support to Khalden in Afghanistan, as well as Chechnya and other locations.<sup>197</sup> According to Sakka, his role included organising training in the region as well as coordinating training efforts with Abu Zubayda and the Khalden camp.<sup>198</sup> While the extent of Sakka's provision of training is unclear, many volunteers used the Mujahedeen Services Centre networks and transited Sakka's Turkey facilities before either traveling on to Chechnya or to Afghanistan for training.<sup>199</sup>

It is an often missed but significant event in the history of the 9/11 attacks that around one dozen of those who served as the 'muscle' hijackers in the attacks transited through this Turkey way-station in late 1999, early 2000, initially seeking to participate in the jihad in Chechnya. It is significant because this group, too, had no intention of joining al-Qaeda at that time. A confluence of circumstances culminating with Khalden's closure saw them diverted to al-Qaeda and subject to an intensive recruitment campaign by its leadership. For this reason, it is important to explore the case of the group as it sheds important light on the state of al-Qaeda and Khalden at that time.

The group arrived in at Sakka's way station seeking to participate in the jihad in Chechnya. However, at the time they arrived there was a changing of training protocols. Ibn al-Khattab had advised Sakka that no new trainees could be accommodated for the time being.<sup>200</sup> By arrangement with Abu Zubayda and Ibn Sheikh al-Libi, new arrivals and those awaiting transit to Chechnya were instead to be dispatched to Khalden for training.<sup>201</sup> They were sent to Afghanistan for training via the jointly shared Khalden/Chechen network coordinated by Sakka through the Turkey way station.<sup>202</sup>

Even after arriving in Afghanistan, al-Qaeda did not factor into the plans of the group, who like many others, arrived in Afghanistan for training at Khalden for jihad in Chechnya. It is all the more significant that al-Qaeda did not factor into their plans despite it being presumably known to them owing to familial relations.<sup>203</sup> The reason for this is because at that time al-Qaeda had no formal training capacity and was also actively seeking to deter those within its networks from traveling to Chechnya.<sup>204</sup> Indeed, al-Qaeda would only run one formal training session in 1999, at Mes Aynak and al-Faruq would not open until the first few months of 2000.<sup>205</sup> A key reason for running the course at Mes Aynak was to consolidate bonds between those chosen for operations (the Cole/Sullivans and 9/11 attacks) and also to keep the remaining cadre engaged with the organisation as the Chechen conflict continued to infringe upon al-Qaeda's recruitment and retention.

However, around the time the dozen or so volunteers began their travel to Afghanistan the Taliban had ordered Khalden closed.<sup>206</sup> This was part of a general order for camps to close and relocate to Kabul.<sup>207</sup> But Khalden was also particularly targeted as bin Laden had long lobbied the Taliban to close the camp or force it to come under his command.<sup>208</sup> Abu Zubayda first tried to lobby bin Laden for assistance in keeping the camp open, as at that time Ibn Sheikh al-Libi was away. Bin Laden's response is illuminating. He told Abu Zubayda that it was a good idea for Khalden to be closed so that all the trainees were in one camp with one leader, which with Khalden closed would be bin Laden.<sup>209</sup>

Following al-Libi's return Khalden was closed and did relocate in some form to Kabul for a short period of time. However, al-Libi came under pressure from al-Qaeda for what remained of Khalden to come under its umbrella. Rather than do this, Ibn Sheikh al-Libi chose to close all operations permanently.<sup>210</sup>

Because the group from Turkey did not travel as a whole, and instead arrived in smaller groups over a period of time, those who arrived earliest made it in time to attend some of the last training sessions at Khalden prior to its closure. The late arrivals, finding Khalden closed were instead diverted to al-Qaeda's al-Faruq camp, which opened around the time Khalden closed. For undetermined reasons, al-Qaeda's al-Faruq camp was allowed to remain open—perhaps because with Khalden choosing to cease operations rather than come under its command, there remained no camp to train volunteers arriving and seeking to fight on the Taliban's fronts. Abu Musab al-Zarqawi's Herat camp, which he had set up with al-Qaeda's assistance, was also allowed to remain open.

At al-Faruq the late arrivals were subject to an intense recruitment effort that resulted in them being diverted away from their plans to undertake jihad in

Chechnya and instead radicalised to join al-Qaeda and its 9/11 plot. They in turn appear to have convinced those with whom they had travelled to Turkey but who had trained at Khalden to join them. This group, independently identified and acknowledged as having undertaken this route from Turkey to 9/11 by Khalid Sheikh Muhammad, Khalid bin Attash and Luay Sakka, would form the bulk of the 9/11 'muscle' hijacking team (hijackers trained to take over the aircraft).<sup>211</sup>

Despite Khalden being closed, and the trainees being successfully recruited al-Qaeda went to significant lengths to keep them isolated from elements of the Khalden network remaining in Afghanistan. This included also attempting to distract Louay Sakka, when he too arrived in Afghanistan. Following Khalden's closure Sakka closed the Turkey office and then travelled to Afghanistan. Upon arriving, Sakka was encouraged by Sayf al-Adl, al-Qaeda's then chief of security, to go to Herat to join Abu Musab al-Zarqawi, who al-Qaeda was supporting and who he knew through his joint support with Abu Zubayda, of the 1999 Millennium Plot in Jordan.<sup>212</sup>

Al-Qaeda's assistance for Sakka to join al-Zarqawi was presumably to keep him away from the group of predominantly Saudi recruits he had sent to Khalden and who went on to become participants in the 9/11 attacks. By then, they were the subjects of intensive radicalised and recruitment efforts for the 9/11 plots. Given Sakka and Abu Zubayda's cooperation on the 1999 Millennium plot in Jordan, al-Qaeda's support for Sakka to link up with Abu Musab al-Zarqawi's training may have also been to keep him away from Abu Zubayda and minimise the chances of any further cooperation between the two on external operations Abu Zubayda may have been facilitating or directing in the west.<sup>213</sup>

Khalden's closure not only affected the shape of the 9/11 plots but more generally it left trainees to return home or join the training programs at other camps, most notably al-Qaeda's. The closure of Khalden, along with the Taliban's general order for camps to close and move to Kabul, also impacted the training activities of Abu Khabab al-Masri whose camp at Darunta often received Khalden trainees seeking advanced explosives training.

#### **(f) Abu Khabab al-Masri and Darunta**

Abu Khabab al-Masri, whose real name was Midhat Mursi al-Sayid Umar, was an Egyptian who came to Afghanistan in the late 1980s.<sup>214</sup> He was killed in a drone strike in 2008 in southern Waziristan, Pakistan.<sup>215</sup> There is little known about his background. He had been imprisoned in Egypt as part of the conspiracy of the assassination of President Sadat in 1981.<sup>216</sup> After his release from prison, he travelled to Afghanistan.<sup>217</sup> He would come to be a trainer running one of the first explosives courses on offer to Arab-Afghans.<sup>218</sup>

Abu Khabab's camp at Darunta was independent of any organisation.<sup>219</sup> The camp was located near several others in an area outside of Jalalabad. At the camp he offered explosives courses mostly to graduates from other camps. Trainees would be introduced to him, normally with a letter. His camp was run much like Khalden camp: individuals would get training but would not be recruited to a specific task. At times trainees would be invited or asked to take part in a specific

operation, but as far as we are aware, Abu Khabab did not formally join al-Qaeda or any other group, or recruit on a group's behalf.<sup>220</sup>

Abu Khabab did not rely on a finance network and charged for the explosives courses he gave in order to maintain his operation. It is suspected that the training programme he ran lasted between 2-6 weeks.<sup>221</sup> In a letter written by Ayman al-Zawahiri to Muhammad Atef on April 15, 1999, al-Zawahiri mentions that Abu Khabab had been hired to run a chemical and biological weapons program.<sup>222</sup>

Throughout much of the literature that mentions Abu Khabab, he is erroneously referred to as al-Qaeda's main explosives expert or bomb maker. As Anne Stenersen writes in "'Bomb-Making for Beginners': Inside an al-Qaeda E-Learning Course:"

Al-Qaeda sought to transfer such knowledge directly, by establishing "explosives courses" that were taught in the training camps in Afghanistan by skilled experts. In the 1990s, Al-Qaeda's most famous bomb expert was not Abu Khabab al-Masri, as commonly thought (Abu Khabab was a "freelance trainer" for Al-Qaeda operatives, but was not directly involved in Al-Qaeda's major international operations).<sup>223</sup>

Omar Rushdi, who describes himself as having been a neighbour of Abu Khabab in Afghanistan at the time, argues that Abu Khabab's financial situation pushed him to take on the al-Qaeda project. As the Washington Post writes:

Rushdi said the bombmaker was slow to join al-Qaeda and not a close personal ally of his fellow Egyptian, Ayman al-Zawahiri, because he disagreed with the group's strategy and "didn't want to join the project against America." Rushdi suggested that Umar changed his mind and agreed to lead Project al-Zabadi in part because he needed money, and al-Qaeda was willing to pay for his services.

"If Abu Khabab had other choices, he wouldn't be with al-Qaeda," Rushdi said.<sup>224</sup>

From 1999 onwards, Abu Khabab al-Masri ran al-Qaeda's 'al-Zabadi' program, which was al-Qaeda's chemical and biological weapons program.<sup>225</sup> He experimented on dogs using poison gas and other substances, videotaping his experiments.<sup>226</sup> Abu Khabab al-Masri, along with his friend Abu Musab al-Suri had a contentious relationship with al-Qaeda, despite his working with them. Indeed he may have been forced to work with them when a joint project he and Abu Musab al-Suri were pursuing to set up their own camp was quashed by al-Qaeda, who saw the project as a potential threat to its recruitment stream.<sup>227</sup>

#### **(g) Al-Suri and the Muaskar al-Ghuraba Camp**

Abu Musab al-Suri, whose real name is Mustafa bin Abd al-Qadir Setmariam Nasar, was born in Aleppo (Syria) where he studied mechanical engineering.<sup>228</sup> He joined a splinter group of the Syrian Muslim Brotherhood fighting against the Syrian

regime.<sup>229</sup> His group was dismantled by Syrian security forces. Al-Suri travelled to Peshawar (Pakistan) in 1987 to support and take part in the Afghan jihad.<sup>230</sup> He met Abdullah Azzam and became a trainer in Afghan Arab camps.<sup>231</sup> Before travelling to Afghanistan al-Suri lived in Spain and would later move to London in 1995 where he was involved in editing and writing militant Islamist publications.<sup>232</sup> He returned to Afghanistan in 1997 where he was again involved in training.<sup>233</sup> He remained an independent agent with a strained relationship to al-Qaeda.<sup>234</sup> Al-Suri's biographer Brynjar Lia has detailed al-Suri's efforts to establish his own training camp and base.<sup>235</sup>

Lia states that the al-Ghuraba Camp was located at the Qargha base of the Taliban's 8th division just outside Kabul.<sup>236</sup> Al-Suri himself stressed that "that the camp and the group he headed in Afghanistan 'operated independently'."<sup>237</sup> Al-Suri would also maintain a front at the front-line fighting alongside the Taliban.<sup>238</sup> In April 2000 he pledged his allegiance to Mullah Mohammad Omar.<sup>239</sup> According to Mustafa Hamid, the camp was de facto non-existing. Hamid recalls:

He was giving lectures in his house. I have been there—these are pictures of lectures inside his house...the 'camps' in Kabul were houses like this. The 'camp' for Gamaah Islamiyyah in Kabul was not a camp; it was a big house. These houses ended up being called camps if small groups of people came frequently. If people slept there, it was called a guesthouse, a madhafa. Abu Musab may have had a guesthouse.<sup>240</sup>

Al-Suri was seen by al-Qaeda as a competitor. In another story relayed by Mustafa Hamid, he describes how al-Suri was desperate to attract volunteers and went to al-Qaeda guesthouses and attempted to poach people for his own project. This led to an effective ban by al-Qaeda, preventing him from visiting their guesthouses.<sup>241</sup>

The strained relationship between al-Suri and al-Qaeda drew in the Taliban. Al-Suri complained about bin Laden and al-Qaeda to his Taliban hosts. In an effort to deal with conflict among the foreigners the Taliban told bin Laden to invite al-Suri to a meeting that ultimately saw Juma Namangani appointed as the overall commander of the Afghan Arabs. According to Mustafa Hamid, al-Qaeda and bin Laden invited another figure along to the meeting (Abu Musab al-Zarqawi) instead of Abu Musab al-Suri.<sup>242</sup> They pretended to have misunderstood the Taliban's request.

While al-Suri has become known as 'a key al-Qaeda ideologue,' his relationship with the group was complex and, at times, directly conflicting. An early member of al-Qaeda for a brief period, he left the organisation and until 9/11 remained, like many others, a free agent. His strategy of decentralised and autonomous cells functioning without leadership stood in direct conflict with al-Qaeda's effort to unite all militant Islamist groups in Afghanistan under its sole command. Al-Suri would later briefly join al-Qaeda following the American invasion of Afghanistan but this was short lived.<sup>243</sup> Al-Suri's relationship with the Taliban was much better than his relationship with al-Qaeda. Indeed, it was the jostling between al-Suri and al-Qaeda's leaders for influence over the Taliban and other foreign volunteers that caused a good deal of conflict between them.

#### **4. Taliban Relations with Foreign Militant Groups, and Foreign Fighters and Volunteers**

##### **(a) The Taliban Discuss Foreign Fighters**

Almost as soon as the Taliban took Kabul in 1996 the issue of foreign fighters in general, and Osama bin Laden in particular, caused deep fault lines amongst the Taliban leadership. The Taliban's representatives had come under international pressure -- particularly from Saudi Arabia who were concerned about Osama bin Laden's activities and open calls for struggle against the Saudi government. Bin Laden had given interviews to Channel 4 (UK) in late 1996, CNN (US) in March 1997 and issued numerous statements in 1996 and 1997 in defiance of Taliban requests for him to refrain from media activity.<sup>244</sup>

Wakil Ahmad Mutawakil, the Taliban's former foreign minister, has written that one of the reasons bin Laden and his followers were resettled in Kandahar was because the Saudis "insisted on the monitoring of his activities."<sup>245</sup> Bin Laden's media activities also caused irritation within the Taliban. Senior leaders including Mullah Mohammad Khaksar, Mullah Mohammad Rabbani, Mullah Mohammad Hassan, and Mullah Mutawakil were part of a current who viewed the presence of bin Laden as a liability, pointing in particular towards the problems Osama bin Laden was creating, and how he continued to defy Mullah Mohammad Omar. These senior Taliban would eventually coalesce around Mullah Mohammad Rabbani, and his efforts to eject al-Qaeda from Afghanistan. However, during the last months of 1996 into early 1997 the key figure seemed to be Mullah Mohammad Hassan. Bin Laden was, he argued, "directing" Taliban foreign policy with his media speeches and remarks and this was doing the movement no favours.<sup>246</sup>

Mustafa Hamid reports bad feeling towards bin Laden and his entourage were rife during this period.<sup>247</sup> One rumour apparently went round the Taliban ranks that bin Laden had given an American envoy the opportunity to come scout for targets and to examine the possibility of striking at the Taliban movement.<sup>248</sup> Mullah Mohammad Khaksar, then deputy interior minister met bin Laden together with Mullah Mohammad Rabbani. The two reportedly told bin Laden it was time to leave.<sup>249</sup> This appears to have been before bin Laden's move to Kandahar, after which time he had more interaction with Mullah Omar.<sup>250</sup>

Bin Laden's move down to Kandahar in March 1997 saw a better relationship develop between him and Mullah Mohammad Omar, although it was not without its problems. Bin Laden had been moved for his own safety according to Taliban media briefings, but the Taliban also wanted to keep him close so as to restrict his activities.<sup>251</sup> Bin Laden's relocation brought him into closer contact with Mullah Muhammad Omar, whom he would visit on important Islamic holidays.<sup>252</sup> However, they did not meet regularly.

The visit of Mullah Mohammad Omar to bin Laden's residence during early 1997, seem to have been aimed at encouraging the Arabs to start some programmes of work and knowledge transfer within the country. Indeed, many within the Taliban movement had at least some hope that the Arabs would bring money and expertise with them, which would help in the rebuilding of Afghanistan.

Bin Laden, though, had neither money nor the focus to start rebuilding Afghanistan.<sup>253</sup> However, he could still play on the myth of his exploits during the Afghan jihad. His very presence in Afghanistan, having travelled from Saudi Arabia and left behind a life of luxury to dedicate his life to jihad and Islam, made a big impression on the Taliban leader, no matter how much his vision and interpretations may have differed from those of the Taliban in general. In this way it appears that Mullah Mohammad Omar respected bin Laden despite the pressure his presence in Afghanistan was placing on the Taliban leader.

The ongoing war within Afghanistan also played a role in shaping the relationship between the Taliban and al-Qaeda. The Taliban sought to expand the territory under their control. However, they found themselves in an increasingly severe war with a consolidating force around Ahmed Shah Massoud in Afghanistan's north, and at least once during this period sought assistance from the Arabs around bin Laden in the defence of Kabul, which went perilously close to falling to Massoud's forces twice in the period 1997-1998.

Bin Laden saw an opportunity in assisting the Taliban. Aiding his hosts militarily would not only earn their favour but would also allow him to pursue his international goals because he could argue for the need for training camps to be able to contribute to Afghanistan's defence. These camps, however, were not only for military training but also for ideological instruction and recruitment, which were crucial for al-Qaeda's ability to expand and thrive. While the camps may have been presented as a means of helping the Taliban, they were not bin Laden's real focus: he was determined to pursue his 'American jihad project' and consolidate al-Qaeda's position. As he continued to pursue this project as a matter of priority, these fundamentally different agendas would add to the growing friction between the two movements.

In May 1998, matters came to a head for the Taliban and bin Laden. The latter had publicly announced the formation of the *World Islamic Front for Jihad against Jews and Crusaders* and this widely publicised media event had invited thirteen Pakistani (and one Chinese) journalists, which angered the Taliban considerably.<sup>254</sup> Mullah Mohammad Omar and his senior political advisors had hoped he would keep to his promise of making no statements as long as he remained a guest of the Taliban.<sup>255</sup> As Hamid recounts:

It also angered the Taliban Movement and especially the anti-Bin Laden wing, resulting in a feud between Kabul and Kandahar. Mullah Omar found himself alone with no one supporting him, since he was perceived by the Taliban Shura members as being weak and unable to impose his authority on Bin Laden. A question was even raised regarding who truly ruled Afghanistan: Bin Laden or Mullah Omar?<sup>256</sup>

Mullah Mohammad Omar was reportedly apoplectic. "How can he hold a press conference without my permission? There is only one ruler: Is it me or Osama?" Rahimullah Yousufzai recalls Mullah Mohammad Omar saying in a phone call after he learnt what had happened.<sup>257</sup> Bin Laden had held his press conference at Jihad Wal camp, in defiance of the Taliban's constant denials that such camps even existed. Consequently, the Taliban leader ordered the Khalden camp closed at this



point as well as the ones operated by Pakistani groups.<sup>258</sup> Abu Musab al-Suri wrote an angry letter to bin Laden via Ayman al-Zawahiri about the situation and the impact of bin Laden's actions, explaining the situation at this time:

The results of this crisis can be felt even here in Kabul and other places. Talk about closing down the camps has spread. Discontent with the Arabs has become clear. Whispers between the Taliban with some of our non-Arab brothers has become customary. In short, our brother [Bin Laden's] latest troublemaking with the Taliban and the Leader of the Faithful jeopardizes the Arabs, and the Arab presence, today in all of Afghanistan, for no good reason.<sup>259</sup>

As Mustafa Hamid noted, the press conference had given the anti-bin Laden camp within the Taliban a legitimate complaint around which to rally, and it seems that this period between May and July 1998 saw serious Taliban efforts to try to draw a line under the bin Laden question. "The anti-bin Laden wing had become the silent majority within the movement's leadership," Hamid wrote.<sup>260</sup>

In the summer of 1998 Saudi Arabia also intensified its efforts to extradite bin Laden from Afghanistan.<sup>261</sup> The Saudi Prince, Turki al-Faisal, had visited Mullah Mohammad Omar in June and had a reportedly productive and frank conversation about bin Laden.<sup>262</sup> Mullah Mohammad Omar was frustrated by his guest, but needed some sort of face-saving mechanism that would allow him to defend himself against accusations of being 'un-Islamic'. The outlines of this reported deal were agreed upon, and Saudi Arabia is believed to have sent 400 four-wheel-drive pickup cars and cash to fund the Taliban's upcoming northern offensive as a de facto down payment to confirm the deal.<sup>263</sup> However, this deal allegedly came undone following al-Qaeda's African Embassy attacks and the American retaliatory cruise missile strikes.

#### **(b) 1998 Bombings and Cruise Missile Strikes**

On August 7, 1998, two near-simultaneous bombs struck American embassies in Tanzania and Kenya. Close to 300 people were killed -- mostly Kenyans and Tanzanians -- and over 4000 were injured. Bin Laden's threats and statements had finally found an expression in a very public way.<sup>264</sup> The bombings of the American embassies in Nairobi and Dar es-Salaam caused mass casualties that seemed to be an end in themselves. The very notion of innocent bystanders, civilians that should be protected, did not appear to feature in al-Qaeda's calculations and the group drew criticism of its actions even from within the militant milieu.<sup>265</sup>

The Taliban reaction at the time seems to have been one of major concern.<sup>266</sup> The 'political' Talibs -- the anti-bin Laden camp -- were worried that the United States would now use bin Laden as a scapegoat for any future attacks on the United States, and others who were not sure whether bin Laden was responsible said that if he was it would be a catastrophe for the movement. Bin Laden was, they believed, a strategic liability for the movement and they sought to convince Mullah Mohammad Omar of this.

The group within the Taliban opposing the presence of bin Laden and his acolytes grew closer together during this period, partly as a result of being increasingly shunned by the Kandahar core leadership and Mullah Mohammad Omar himself. By 1998, Mullah Mohammad Rabbani -- the head of the Kabul Shura -- was the lead figure among this group.<sup>267</sup> The Taliban group opposed to bin Laden was shunned because of their outspoken objections and belief that bin Laden was not in Afghanistan because he wanted to help the Taliban, but for his own purposes. Their objections were not a simply pragmatic response to international pressure -- although pragmatism seems to have formed a central core of their calculations, then as now. Rather, these objections were a considered response to bin Laden's statements and actions, which continued despite Mullah Omar's instructions for the al-Qaeda leader to cease his activities.<sup>268</sup>

Bin Laden however seemed to have an argument with which to convince the Taliban leader not to undertake any punitive measures against him after al-Qaeda's embassy attacks or hand him over to the Saudis. He once again exploited Mullah Mohammad Omar's need to safeguard his reputation in the eyes of the umma. According to bin Laden's son Omar, Osama tried to seem contrite, putting on a large feast for Mullah Omar -- apparently "the first time that Mullah Omar had left his home to pay my father a visit" -- but this didn't work.<sup>269</sup> Mullah Mohammad Omar sat at the opposite end of the garden, far away from bin Laden. Omar bin Laden states that the Taliban leader told Osama bin Laden that it was time for him and his men to leave Afghanistan.<sup>270</sup> Bin Laden, however, it seems secured a reprieve and with it additional time to win over the Taliban leader.<sup>271</sup>

The cruise missile strikes by America in retaliation for al-Qaeda's attacks -- 79 in total -- on August 20 seemed on face value to offer conclusive proof that bin Laden was a strategic liability, as argued to Mullah Omar by the Taliban's anti-bin Laden camp. But they in fact had the opposite effect.<sup>272</sup> As Cullison and Higgins noted the cruise missile attacks instead seem to have solidified the relationship.<sup>273</sup>

Despite this, Mullah Mohammad Rabbani was more forceful in his statement of opposition to bin Laden, and in November 1998 -- following a series of arrests in Jalalabad a month earlier -- was summoned to Kandahar to explain himself; his loyalty was in question.<sup>274</sup> By 1998, Rabbani was already making regular visits to Saudi Arabia to treat the cancer that would eventually kill him and was reportedly 'the favourite' of Prince Turki al-Faisal who unsuccessfully attempted to negotiate the handover of bin Laden to Saudi Arabia.<sup>275</sup> Rabbani's relationship with Mullah Muhammad Omar deteriorated as a result of his opposition, and never recovered.<sup>276</sup>

While other members of the Taliban reportedly later met with American representatives to discuss possible solutions they never reached agreement on a workable plan, in part because the Taliban had self-constraints that prevented them from taking additional action.<sup>277</sup> The need to avoid fitna or conflict among the Taliban's leadership core was apparently very strong. It seems to have been enough of a reason on its own for some members to keep their opposition to themselves: Rabbani and others' experiences with Mullah Muhammad Omar may have deterred them from speaking out more, as they had learned this was an issue over which Mullah Mohammad Omar could become curt or angry, and many appear to have decided not to push the issue.<sup>278</sup> Despite these concerns and differences of

opinions, some efforts were made to explore options for brokering a deal about bin Laden.

Here, however, bin Laden would be helped by increasingly confrontational international diplomacy towards the Taliban on the part of the United States and others, which was turning more and more into a zero-sum game. Negotiations over bin Laden, in particular, seemed to go in circles. Many of the discussions were characterised by a lack of understanding of each side regarding the nature and conduct of diplomacy in the setting of the Taliban movement and the United States government.<sup>279</sup>

While the United States appeared to have addressed this issue head on, it failed to account for the limitations of the Taliban leadership, in particular its underlying interpretation of Islamic doctrine and cultural customs. Talks between the United States and the Taliban turned out to have an adverse effect; the inflexibility of the American demands combined with the implications for the Taliban if they chose to submit to them, set the stage for future relations. Indeed, the demands appear to have reinforced the Taliban movements' stubbornness -- despite all the internal issues that surrounded the continued presence of foreign militants including al-Qaeda -- because there was no space to let the Taliban's leaders negotiate an alternative solution and save face.<sup>280</sup>

In this respect, August 1998 was a turning moment for the Taliban leader. Shortly after the African Embassy bombings, and following American demands, Mullah Mohammad Omar called the US State Department. He lectured the representative on the other end of the phone in Washington, saying that he had seen no evidence that bin Laden was behind the attacks.<sup>281</sup> The call was otherwise mundane in content -- aside from it occurring at all -- but it opened up a channel for communication over issues. Around the same time Mullah Mohammad Omar was reported to have called on bin Laden to refrain from his "threatening statements" against Americans.<sup>282</sup>

Prince Turki also returned in August (after the bombings and the cruise missile strikes), reportedly to collect bin Laden and bring him back to Saudi Arabia. Taliban representative Mullah Mutawakil had reportedly visited Saudi Arabia in July to confirm the outlines of the deal and to ensure the Saudi offer of a religious panel that would condemn bin Laden and his activities was serious. In the August meeting, also attended by ISI chief General Naseem Rana, Mullah Mohammad Omar reneged on his promise.<sup>283</sup> Mullah Mohammad Omar apparently announced the Taliban had no intention of turning bin Laden over to Saudi Arabia. He further stated that the Saudi government was 'illegitimate' because it had allowed American troops to remain in Saudi Arabia. He even claimed the Saudi government was planning to allow the United States to occupy the two holy sites of Mecca and Medina. They had no business interfering in Afghan matters and the *umma* would rise against them, he said.<sup>284</sup>

The Saudi regime was angered by this U-turn and on September 22 announced it was recalling its charge d'affaires in Kabul and expelled the Taliban representative, Shahabuddin Dilawar, from Saudi Arabia. A final pressure point seems to have been used: the Saudi government threatened to withdraw permission

for Afghans to make the Hajj pilgrimage.<sup>285</sup>

The fallout with Saudi Arabia seemed to have caused a wider split within the Taliban. Mullah Mohammad Rabbani, who was known to have close ties to Saudi Arabia, was angered over Mullah Mohammad Omar's treatment of Prince Turki. Some of the Taliban's leadership reached out to its other allies, the United Arab Emirates and Pakistan. Mullah Mutawakil travelled to Abu Dhabi in an effort to ensure that relations would not be further downgraded.<sup>286</sup> It was around this time that Pakistani officials also made independent enquiries with Mullah Mohammad Omar about the possibility of finding a solution to the bin Laden problem.<sup>287</sup>

Mullah Mohammad Omar did appear to take action in response to the claim that the Taliban could not control bin Laden, which led to clear restrictions being applied at this point. A group of Taliban guards were reportedly appointed to stay close to bin Laden and watch over him at all times, and (in February 1999) his communications equipment was confiscated.<sup>288</sup> In general, the Taliban communicated a very stern warning that bin Laden was to keep a low profile from this point on.<sup>289</sup> They also tried additional outreach to the United States with Mullah Mohammad Omar writing a letter to the then US president, Bill Clinton. The letter was composed in language sufficiently undiplomatic that the Taliban's envoy did not want to pass it on to the State Department, but it clearly stated the Islamic Emirate of Afghanistan had no intention of meddling in other countries' affairs and wanted good relations with the United States of America.<sup>290</sup>

Yet, the statements and actions of the Taliban often conflicted. Putting bin Laden under closer restrictions seemed to be a direct concession to Saudi Arabia, while an apology for Mullah Mohammad Omar's treatment of Prince Turki's seemed to be out of the question. A possible explanation, however, is that the restrictions, much like other policies in relation to the issue of bin Laden, were an effort to appease internal factions of the Taliban. Delivering bin Laden would not be Islamic, the argument ran, but it could be demonstrated that bin Laden would be controlled and forced to respect the sovereignty of the Taliban leadership. This move might have also been in part to try to assuage the international community beyond America, in an attempt to reverse the isolation of the movement.

### **(c) The Taliban and the International Community**

The first two years of bin Laden's presence in Afghanistan did not overly challenge the Taliban's ability to defend and argue against international interlocutors, since up to this point there had been no significant international actions undertaken by al-Qaeda. That would change with the 1998 bombing of two United States embassies in Africa. Hence, the presence of bin Laden and foreign fighters continued to be at the forefront of American and international grievances however by 1999 the list had steadily grown to include the Taliban's social policies, its implementation of Sharia law, treatment of women, and its perceived inaction in relation to growing opium production in Afghanistan. Contact between the 'emirate' and the United States continued to be dominated by deep-seated mistrust.<sup>291</sup>

Taliban relations with the international community more broadly also deteriorated. While most international actors welcomed the Taliban when they first

emerged, by late 1999 the list of grievances and demands levied against them had grown steadily, and the movement was becoming increasingly isolated. The Taliban's counter-narcotics efforts were a particular bone of contention. By 2000, the Taliban felt they had delivered on their promises to tackle the problem of opium cultivation but after doing so found they were offered little support from the international community.<sup>292</sup> Instead, they found themselves were accused of artificially driving up the price for heroin and opium while holding on to stockpiles, however. As a consequence relationships further deteriorated.

The Taliban, however, continued to want to find some way to interact usefully with the United States and their other international interlocutors, especially over the issue of bin Laden. The way they sought to do this was to be given some way to save face; to be able to act without losing what they believed was their standing in the Muslim world. This was certainly the case with their dealings with the Saudis as well as the United States.<sup>293</sup> However, there was scant opportunity provided for them to do so, and it seems that instead international policy effectively cornered the Taliban. As a result they became more stubborn in their dealings with the international community.<sup>294</sup>

Nevertheless the Taliban were keen to engage with the foreign governments and international organizations - albeit with certain caveats.<sup>295</sup> Mullah Zaeef in his book recalls the variety of suggestions that he offered on behalf of the movement as possible ways of dealing with bin Laden -- international courts, legal proceedings and so on -- but all these were rejected and not regarded as sincere.<sup>296</sup> The sanctions adopted by the United Nations Security Council Resolution 1267 on October 15, 1999, cemented the views of many Taliban leaders. The resolution put sanctions on individuals that were associated with bin Laden, al Qaeda and/or the Taliban.<sup>297</sup> The group within the Taliban who opposed bin Laden's presence was effectively silenced; they lost their leverage over the Taliban leader who by this point was convinced that actions such as those by the United Nations constituted an international Judeo-Christian conspiracy against his 'Emirate' and felt surrounded by 'enemies.'<sup>298</sup>

Support for sanctions from within the international community against the Taliban came not only as a result of disquiet over its social policies, but also because there was concern on the part of countries whose citizen-militants were operating and or participating in training camps in Afghanistan. While the Taliban appeared to at least engage the international community on the issue on bin Laden, it is less clear that it did so with the home countries of the other militant groups that it allowed to operate on its soil. This inaction may have contributed to a willingness to support sanctions.

For the Taliban, however, a different rationale was at play. Taliban leaders seemed to believe these groups could be managed and directed instead to contribute to Afghanistan's defence. In this way the Taliban saw utility in allowing them to remain in the country. However, its relations with some of these groups were fraught with tension as we now move to explore, examining first how the Taliban perceived the role of the foreign fighters in Afghanistan, followed by how they in turn saw the Taliban, and their willingness to submit to its authority and fight in its defence.

**(d) The Taliban's View on the Utility of Foreign Fighters and the Role Played by Foreign Fighters**

Until the Taliban had taken Jalalabad and Kabul in 1996, they appear to have had no Arabs fighting alongside or with them. However, as we noted earlier, the Taliban soon found themselves in an increasingly severe war with a consolidating force around Ahmad Shah Massoud in Afghanistan's north and it was here that bin Laden found space to improve his relationship with Mullah Muhammad Omar by offering assistance to the Taliban's military efforts. Soon the Taliban leader was requesting al-Qaeda's help to defend north of Kabul, which was eagerly provided by bin Laden who saw in doing so an opportunity to solidify the relationship between the two groups.

Al-Qaeda was, however, not the only foreign group providing the Taliban with assistance, and in fact would consider itself in competition with the Islamic Movement of Uzbekistan, another group among several that also provided significant assistance to the Taliban's military efforts. Other groups would refuse to provide assistance to the Taliban because they did not believe in the legitimacy of the group or the conflict it was involved in with the Northern Alliance.

The main use for foreign groups and fighters -- from the perspective of Taliban leader Mullah Mohammad Omar -- was twofold: to establish and confirm the reputation of the fledgling Taliban movement as 'Islamic' and supportive of Islamist causes; and to bolster the Taliban's forces with comparatively well-trained fighters for use against its internal enemies in northern Afghanistan. For Mullah Mohammad Omar, the Arabs had proven helpful to the movement: the collapse of Taliban defences and the catastrophic defeat stage-managed by Massoud with the major counterattack launched in July and August 1997, recapturing Bagram air base and shelling Kabul airport, threatened the Taliban's control of Kabul.

Heavy fighting caused thousands of civilian casualties and 50,000 people fled their homes. This pushed the Taliban to mobilise whatever forces were available. Accounts tell of forced conscription in mosques in Kabul and madrasas being closed in Pakistan to send more Taliban in order to reinforce the defence lines around the capital city.<sup>299</sup> In the end, Haqqani was brought in and his forces managed to hold off Massoud's advance. The confident and experienced Arab mujahedeen sent to help by bin Laden also played an important role, despite being small in number.<sup>300</sup>

Al-Qaeda was not the only foreign force contributing to the Taliban's military efforts. The Islamic Movement of Uzbekistan was heavily involved in contributing forces to the Taliban's military campaigns. While the number of foreign fighters participating on the Taliban's fronts was small compared to the size of the Taliban's forces, there were usually better trained and organised. In this way, they were of use to the Taliban. Because of this, despite the international isolation the Taliban faced -- in part because of its harbouring of militants from a range of countries -- interactions between the Taliban and some of the foreign militants based in Afghanistan grew.

As more foreigners arrived in Afghanistan and numbers of foreign fighters

operating on the front lines continued to rise, the Taliban movement took more steps to systematise their presence with restrictions and rules. For the Taliban and Mullah Mohammad Omar -- the final arbiter on the presence of the Arab and other foreign militants -- the calculation seems to have been not to encourage training for a conflict with other countries or for terrorist acts, but rather a realisation that, for the moment, foreign fighters were useful for the Taliban's campaign in the north and were actually some of the only allies that the movement had at this time. The foreigners wanted combat experience and the Taliban could use the support on their front lines.

This may have been part of the reason that by mid 2000 the Taliban had ordered all camps outside of Kabul -- with the exception of al-Qaeda's al-Faruq and al-Zarqawi's Herat camp -- closed and relocated to Kabul.<sup>301</sup> From Kabul, the Arab groups sought establish their own presence on the Taliban fronts. Abu Musab al-Suri had a brigade on the frontline called al-Ghuraba, under the command of a Taliban leader called Sayfullah Mansur.<sup>302</sup> Al-Qaeda too had a front, under the leadership of Abdul Hadi al-Iraqi where volunteers could go to fight following their completion of training at al-Faruq.<sup>303</sup>

Al-Qaeda also began attempting to offer courses to the Afghans, as did the Egyptian Islamic Group, the Libyan Islamic Fighting Group and Abu Musab al-Suri.<sup>304</sup> As Hamid recounts, "had the Arabs stayed a few years more in Afghanistan, we may well have divided the Taliban into as many factions as we had."<sup>305</sup>

It was perhaps because of this, and the increasing tensions between al-Qaeda and the Islamic Movement of Uzbekistan, and al-Qaeda and Abu Musab al-Suri that in early 2001 Mullah Omar convened a meeting ordering the consolidation of all foreign fighters into one brigade and appointing the military commander of the Uzbeks as its leader.<sup>306</sup> This was perhaps in part because the Uzbek's front was at least double the size of the Arab's collective fighters as it also contained Pakistani fighters as well as volunteers from the East Turkistan Islamic Movement.<sup>307</sup> At this time, al-Qaeda had around 80-120 men at its front while the other foreign militant groups had numbers ranging from around ten persons to several dozen.<sup>308</sup>

#### **(e) The Position of Foreign Militant Groups on Fighting Alongside Taliban Forces and Giving a Pledge of Allegiance to Mullah Muhammad Omar**

Fighting alongside the Taliban caused much debate among the foreign militants in Afghanistan. While al-Qaeda along with other groups such as the Islamic Movement of Uzbekistan, supported the Afghan Taliban in their war against what would become known as the 'Northern Alliance,' some groups did not. They believed that the Taliban and/or their fighting against other Muslims was not legitimate.<sup>309</sup> Despite some figures like Abu Musab al-Suri writing articles in favour of the Taliban, it was an issue that was not resolved until the release of an influential fatwa in November 2000 by Sheikh Hammoud bin Uqlaa Ash-Shuaybi, followed by another in March the following year by Ibn Jibreen.<sup>310</sup>

Despite seeking shelter in Afghanistan, very few foreign militant groups and individuals were willing to swear allegiance to Mullah Mohammad Omar. The first person to do so was Mustafa Hamid, who thought his provision of an oath of

allegiance might spur others to follow and that their doing so might bring about an end to the tension and competition within the milieu and reign in foreign militant groups undertaking behaviour that jeopardised the Taliban's position in Afghanistan. Hamid gave his oath in late 1998, and was followed by the leader of the Islamic Movement of Uzbekistan and the leader of the East Turkistan Islamic Movement.<sup>311</sup> Both groups had a longstanding presence in Afghanistan and were also closely linked with Abu Musab al-Suri, who also later gave a pledge of allegiance to the Taliban leader.<sup>312</sup>

Al-Suri had been manoeuvring to encourage Taliban opposition to bin Laden -- in part as a way of securing his own interests. A part of this involved supporting the case for a greater role by the Islamic Movement of Uzbekistan in the foreign fighter brigade, whose leader had a close relationship with Mullah Omar.<sup>313</sup> Bin Laden, most likely in an attempt to counteract this, made a pledge of allegiance by proxy (through Mustafa Hamid). This was his way of hedging his bets.

Although Hamid had personally lobbied bin Laden to give Mullah Muhammad Omar the pledge, he was reluctant to be the proxy. However, believing the pledge might have some impact on moderating bin Laden's activities, and to reduce inter-factional conflict in Afghanistan, he eventually relented. Bin Laden treated it as symbolic, rather than binding, and continued flouting Mullah Muhammad Omar's orders. Bin Laden did not wish to fall under the total authority of Mullah Muhammad Omar, who could then further restrict his activities. By not swearing allegiance in person, bin Laden gave himself manoeuvring room to disobey his orders, because he could claim that he had not directly sworn a pledge of allegiance.<sup>314</sup>

A number of other groups held back on making a pledge, seeking external opinions on the legitimacy of doing so; Egyptian Islamic Group members in Afghanistan sought advice from their religious leadership outside the country, but were reportedly unable to reach consensus.<sup>315</sup> Most North African groups questioned the polytheist elements within Afghanistan and adopted a 'wait and see' approach.<sup>316</sup> The stricter groups among them said the Taliban were not carrying out Islamically appropriate actions and that their ideology was suspect.<sup>317</sup>

The remainder of the groups and individuals in Afghanistan did not give allegiance to Mullah Muhammad Omar.<sup>318</sup> While some refused to make a pledge of allegiance, others condemned his leadership outright and the legitimacy of the Taliban. Those who accepted the Taliban's legitimacy were also condemned.<sup>319</sup> The main issue of contention was the legality of fighting alongside the Taliban instead of against them. The extreme adherents argued that they should fight the Taliban and anyone who fought beside them because they practised shirk or polytheism. This included al-Qaeda because bin Laden had publicized he had given a pledge even if it was in reality by proxy. Others were less adamant about using violence but were highly vocal in their criticism of the Taliban and its allies. Some even issued their own fatwa against them, such as Abdullah al-Muhajir, who ran the Belief Battalions Institute at Khalden until later having a change of heart and joining al-Qaeda's religious institute, presumably after Khalden closed.<sup>320</sup>

Khalden's al-Muhajir denounced al-Qaeda's cooperation with the Taliban



(and participation alongside it in battle).<sup>321</sup> He argued bin Laden had “lost his way” and that the “head of it” was “his fighting alongside the Taliban most of which were kafir.”<sup>322</sup> Al-Muhajir also condemned members of al-Qaeda’s religious institute as also having strayed from the right path.<sup>323</sup>

The interlinkages between key figures and groups created a complicated situation as disputes arose around the Taliban’s legitimacy. As more people arrived in Afghanistan, the disputes progressively worsened.<sup>324</sup> They raged until the American invasion of Afghanistan in October 2001 necessitated they be put aside.

The Taliban initially had a muted reaction to groups rejecting its legitimacy and failing to provide a pledge to Mullah Muhammad Omar, probably because it was focused on consolidating territorial control and combating the Northern Alliance. This was its primary goal, which was not shared by foreign militant groups, including al-Qaeda, which continued to pursue its agenda of attacking the US and gaining control over other militant groups. Al-Qaeda’s activities in pursuit of this second goal did, however, see the Taliban become embroiled in the power plays between the al-Qaeda and non-al-Qaeda factions.

Hamid’s comments reveal that by 2001 the Taliban’s involvement in these power plays had resulted in its “Arabisation.”<sup>325</sup> Here he is referring to the factionalism and rivalry among the foreign groups in particular Abu Musab al-Suri and al-Qaeda, and the subsequent development of factions within the Taliban. Abu Musab al-Suri sought to counter-balance if not outright challenge al-Qaeda.<sup>326</sup> Both al-Qaeda and Abu Musab al-Suri cultivated their own supporters within the Taliban. Ultimately, however, like the disputes around the Taliban’s legitimacy, which both al-Suri and al-Qaeda supported, their competition for power and influence in Afghanistan was brought to an end by 9/11 attacks, which led to the invasion of Afghanistan and the Taliban’s fall from power.

**(f) Al-Qaeda pursues the 9/11 attacks without the knowledge of other foreign fighters or the Taliban**

Al-Qaeda’s attacks on 9/11 were by design intended to draw the United States into conflict in Afghanistan. Bin Laden had thought he could essentially repeat his victory at Jaji in 1987. There, he defeated Soviet Special Forces on the mountain and believed his victory was the instigator of the withdrawal from Afghanistan by the Soviet Union and its subsequent collapse.<sup>327</sup> In the summer of 2001 when he received word the 9/11 attacks were likely to move forward bin Laden began secret preparations at Tora Bora mountain where he planned to lay in wait for the Americans, drawing them into battle. He thought they would send paratroopers in to try to capture him, much as the Soviets had sent paratroopers in at Jaji and as such fundamentally miscalculated the scale of the US response.<sup>328</sup> So too did the Taliban, who were caught unaware on the morning of September 11, 2001 like the rest of the foreign fighters in Afghanistan, when al-Qaeda carried out its attacks.

The Taliban had no foreknowledge of the 9/11 attacks that would ultimately bring about the end of its reign in Afghanistan. Al-Qaeda did not notify the Taliban that an attack was forthcoming, just as it had not done prior to its 1998 African Embassy attacks or its 2000 USS Cole attacks. The Taliban was aware of threats al-

Qaeda had issued in the summer of 2001 in an interview with MBC correspondent Bakr Atyani. The Taliban's Deputy Foreign Minister was with Mustafa Hamid when he had a heated argument with al-Qaeda members in early August over the threats al-Qaeda had issued.<sup>329</sup> As Hamid recounted of the threats al-Qaeda's leaders had issued:

...Abu Abdullah [bin Laden] practically appointed himself as ruler of Afghanistan. It was some kind of coup; declaring war on behalf of the Afghan people and their amir.<sup>330</sup>

Hamid was furious, and at this meeting he told the al-Qaeda figures present in front of the Taliban Deputy Foreign Minister that al-Qaeda did not have the right to impose war on the people of Afghanistan, and that the threats al-Qaeda had issued were tantamount to a declaration of war that would invite an American response.<sup>331</sup> Bin Laden was so worried by this meeting and what was said in front of the Taliban representative that he arranged a separate meeting with Hamid. In this also heated meeting, Hamid told the al-Qaeda leader that the fight he claimed to be waging -- to liberate Saudi Arabia -- was a battle the Saudis and not the Afghans should fight and that al-Qaeda had no right to sacrifice Afghanistan for its own objectives.<sup>332</sup>

Hamid was not the only one making this argument. Inside al-Qaeda too, there were deep divisions. Primary material, interviews and subsequent recounts of the events leading up to 9/11 reveal that significant figures in al-Qaeda's leadership were opposed to the attacks. These figures are known to include Sayf al-Adl (al-Qaeda's head of security), Saeed al-Masri (al-Qaeda's general manager), Abu Hafis al-Mauritani (the head of al-Qaeda's religious institute), and according to Hamid, also Abu Hafis al-Masri.<sup>333</sup> He states:

No one inside al-Qaeda from among its old cadres agree. All of them opposed action against America at that time. Abu Abdullah [bin Laden] and Dr Ayman [Ayman al-Zawahiri] were the only ones in favour...it was like all of al-Qaeda's history. They disagreed but they would not go against Abu Abdullah. But this time some people left; Abu Hafis al-Mauritani was one of them.<sup>334</sup>

With this much internal disagreement it is highly unlikely -- even if al-Qaeda thought its attacks might have received a favourable reception from the Taliban -- they would have notified the Taliban leadership. In fact, there was no such support from the Taliban. Mullah Muhammad Omar while susceptible to bin Laden's exhortations about Israel and the need to fight the Israeli occupation of Palestine, was explicit in his instructions to bin Laden that he was not to target America while based on Afghanistan soil.<sup>335</sup> This is why, in fact, al-Qaeda did not claim responsibility for its attacks, and why it also began to quietly call people back to Afghanistan before the attacks because bin Laden knew this would not be possible after the attacks.<sup>336</sup> As Hamid recounts, al-Qaeda did not advise the Taliban of the attacks or that they might need to prepare for American retaliation because the Taliban "would have made hell for al-Qaeda."<sup>337</sup>

The customs within the Taliban and favouring of unity dictated that its response to 9/11 be kept internal, and as such it is difficult outside primary source accounts to find indications of condemnations or anger at al-Qaeda's actions outside of the milieu. As Hamid noted of the Taliban's general dealings with al-Qaeda and the problems they caused:

...the Taliban spoke about these problems in closed circles, but everybody outside was, and still is, attacking them; so they were afraid to talk about these things openly.<sup>338</sup>

However, it is clear that al-Qaeda was planning in advance to ensure that its program could not be compromised should the Taliban find out about its attacks. This included the above-mentioned contact of figures who were in the Gulf and asking them to travel to Afghanistan. Indeed, as George Tenet recounted in his autobiography, the United States picked up on these warnings; they unfortunately were misinterpreted to mean that the threat was coming from Gulf region because of the departure of these people, which has traditionally been considered a threat indicator.<sup>339</sup>

Another factor that would have compounded the Taliban's ability to take action was that bin Laden had long departed his compound in Kandahar in preparation for the strikes; at the time he spoke to Hamid in August he was already on the move. Mullah Muhammad Omar did attempt to meet bin Laden in November in Kandahar when bin Laden briefly returned after being summoned to meet him, but an airstrike struck the location where Mullah Muhammad Omar was staying and the meeting was called off.<sup>340</sup> The two men have apparently not met since.

By late November, faced with the fall of the country, the Taliban did in fact ask foreign fighters to leave Afghanistan. This was not made public at the time. Several meetings were held including around November 23, 2001 in which the Taliban shura met to discuss whether they should withdraw from Afghanistan and to ask the Arab fighters to also leave the country.<sup>341</sup> The Arab fighters wanted to stay and fight the Americans, while Mullah Muhammad Omar had made the decision to withdraw to preserve the movement's leadership and prevent further conflict. Some of the Arab fighters initially challenged this order and Taliban leader Taheb Agha was dispatched to talk to them.<sup>342</sup> It was an angry meeting, but the order had been made and the Arabs had to leave.

## **5. The Structure and Population of Training Camps**

### **(a) Motivations of Foreign Volunteers**

In the previous section we outlined the various groups that established themselves in Afghanistan following the Taliban's rise to power. Of these groups, the two most prominent in the training realm were Khalden and al-Qaeda because they provided training of an open door nature for willing volunteers of any nationality. Abu Musab al-Suri and the Darunta camp also provided this function but on a smaller scale, with smaller numbers of recruits. Al-Suri had only a handful (mostly Gulf Arabs) in his house-cum-training camp. Darunta under Abu Khabab al-Masri served in part as an advanced training location for Khalden, although as we have outlined he did subcontract out his training services to whoever was willing to pay.

Owing to there being insufficient information to outline in significant depth the training typologies and processes at play in Darunta because of the ad-hoc and on demand nature of the training offered there, this section restricts its focus to Khalden and al-Qaeda. Part One begins with a breakdown of Khalden's training pathways and the training program on offer at the camp in the period 1996-2001.

This breakdown builds upon what the earlier section already established in relation to the 'supermarket' style approach of Khalden to training and its facilitation of graduate trainees to jihadi fronts of their choice if they so desired. This, according to Abu Zubayda, was the camp's primary role. Part two outlines the pathways associated with al-Qaeda's training, which show very different objectives governing its training approach and a clear organizational recruitment agenda at play. Part three explains the command and control processes that governed training because these are often misunderstood as indicating that a volunteer was a member of a militant group.

Before we begin, it is worthwhile also reiterating a key point from section two: that the majority of trainees to both Khalden and al-Qaeda did not arrive seeking to join a jihadist group. The vast majority sought training for jihad and following completion of their training wished to fight at an open front, either in Afghanistan with the Taliban or elsewhere in the number of conflicts that were taking place during this period.<sup>343</sup>

A good illustration of this dynamic is that of Jack Thomas, an Australian who travelled to Afghanistan in March 2001 and was acquitted in 2008 of terrorism charges stemming from his time with al-Qaeda:

[Interviewer SALLY NEIGHBOUR] The Taliban was still at war, against its old enemy the Northern Alliance, and Thomas wanted to join the fight.

You've said you were going to fight for the Taliban. Were you going to join al Qaeda?

JACK THOMAS: I had no idea about al Qaeda. I mean I knew of a man called Osama bin Laden, but I honestly had no idea about al Qaeda or had any intentions about working, what they call working, or conducting, you know, any terrorist attacks against a population.

SALLY NEIGHBOUR: Thomas arrived in Kabul with his family in March 2001. It was six months before the September 11 attacks on America. He was eager to get to the frontline with the Taliban, but all new arrivals had to do basic military training first. Through his contacts in Melbourne, Thomas was introduced to a Taliban commander who vetted him, then sent him to a guesthouse in Kandahar for new recruits. From there, Thomas was sent to the legendary mountain training site, Camp Faruq.<sup>344</sup>

By the time Thomas had arrived, Khalden was closed and al-Qaeda's al-Faruq camp had become the defacto 'international camp' where all new arrivals seeking training were dispatched.<sup>345</sup> Thomas was not alone in having little knowledge or awareness of al-Qaeda at that time, as he outlines in his account of his time at the training camp:

SALLY NEIGHBOUR: What training did you do?

JACK THOMAS: I did what they call tatzizi [sic] training or basic boot camp training.

SALLY NEIGHBOUR: And what did that involve ?

JACK THOMAS: It involved light, you know, weapons that are like Kalashnikovs, light firearms and pistols. The topography or the map and compass reading and

the signals and signs that you make when you're walking around on patrol to stop and go to the ground and helicopter and different signs. And the demolition course.

SALLY NEIGHBOUR: What was explosives?

JACK THOMAS: Yeah.

SALLY NEIGHBOUR: Did you know it was a bin Laden camp?

JACK THOMAS: Originally, at the start, no, not until he arrived on the first occasion.<sup>346</sup>

At the end of his training Thomas went to the frontline to join the Taliban against the Northern Alliance. He did not join al-Qaeda.

JACK THOMAS: I had plenty of opportunities, plenty of opportunities. Osama bin Laden was right there in front of me three times. Could have come up to him and said, "Listen, mate, I pledge allegiance to this, this, this and this, to the big man". I thought about pledging allegiance many times. And I thought, no, I will not do that.<sup>347</sup>

Thomas more recently remarked of his motivations for going to Afghanistan that:

I chose to fight because 95 per cent of that country (Afghanistan) was at peace and I thought it was a chance to end the decades of civil war (in the remaining areas)....

...I don't think young men go to war wanting to fight, rather they want to end the war...<sup>348</sup>

Thomas' experience was consistent with that of other foreigners. Sahim Alwan, an American who travelled with a group of friends (referred to in Media as the 'Lackawanna Six') to undertake training for jihad tells a similar story, although for these young men the excitement of seeking adventure and preparing for jihad at an open front was a compelling factor. They were influenced to travel to Afghanistan to undertake training for jihad by a recruiter called Kamal Derwish. In an interview on his motivations for going and time in Afghanistan Alwan stated:

[Alwan] Well one of the things that Derwish talked about also, was the [importance] of learning how to use -- there's a verse in the Quran that says you have to learn how to prepare. Like, you gotta be prepared just in case you do have to go to war. If there is war, then you would have to be called for jihad. And that was the aspect of the camp itself, for going and learn how to use weapons, and stuff like that. ..."

[Interviewer] Did you know that you were going to a Al Qaeda camp?

[Alwan] No. I have never heard of the word Al Qaeda, itself, until I was in Afghanistan, itself.

[Interviewer] You had never heard it here?

[Alwan] Never heard it. Never heard of Al Qaeda.

[Interviewer] What about Osama bin Laden?

[Alwan] I've heard of Osama bin Laden.

[Interviewer] Did you know that he was involved in any way?

[Alwan] Not in this camp. No. I knew he was in Afghanistan. But not, I didn't know I was going to Osama bin Laden's camp.

[Interviewer] Did you guys talk together, or and with Derwish about the fact that bin Laden, for instance, was advocating killing Americans, and--

[Alwan] No. I saw one time, a CNN interview with bin Laden where he was denying a lot of the -- I don't know if you remember. It was like a documentary, I think it was. It was a while back. And I remember seeing that, where he was saying. So, even in my mindset, I didn't believe he probably was behind a lot of this stuff, because of him denying. You know, he never came out and said, yeah, I was behind the, for example, embassy bombings, or this bombing, until after 9/11, or, until actually I went there. And I saw that he was behind this stuff. When I was in Afghanistan. ...

...[Interviewer] What happened that day when you were leaving [For Afghanistan]? ... Were you off on an adventure together? Did you talk about who you were gonna see, where you were gonna go, what was gonna happen?

[Alwan] It was adventure. We were gonna go learn how to use weapons. That part of it was the exciting part. You're gonna be able to shoot and this and that.<sup>349</sup>

Like Thomas, some members of the Lackawanna six were also thinking of staying in Afghanistan because they were attracted to the Taliban's strict social conservatism and implementation of Sharia law. As Alwan stated:

[Alwan] And a lot of it too was [Elbaneh] would tell me like, "Kamal told them that once you get to [Afghanistan] you know, some of them, they're gonna be maybe even living there, staying there. If it's nice, if the Taliban is really a good Muslim government, maybe hey, we can live there, if it's nice, and stuff like that.

[Interviewer] Derwish told you, you might like it so much that you would stay?

[Alwan] Well he was telling, he told Elbaneh this. This, this was Elbaneh. But he did tell me that when I saw him in Karachi. Because we knew that he was gonna meet us in Karachi, which is in Pakistan...<sup>350</sup>

██████████, who was convicted in the United Kingdom for conspiracy to harm an aircraft as a result of his role in al-Qaeda's shoe bomb plot, has also testified he also did not know about al-Qaeda in 1998 when he arrived in Afghanistan, and had little knowledge about bin Laden. ██████████ responses to questioning in his witness testimony in the trial of Sulayman Abu Ghayth are illustrative of al-Qaeda's name being largely unknown to new arrivals, and is similar to other accounts:

Q. When you initially traveled to Afghanistan, did you travel there with the intent to train, to acquire this training with Al Qaeda?

A ██████████]. No.

Q. Obviously you came to learn more about Al Qaeda. But at this time in 1998, before you traveled to Afghanistan, did you know about Usama Bin Laden and Al Qaeda?

A ██████████]. I knew nothing about this name Al Qaeda. I knew a little bit about

Usama Bin Laden.

Q. What did you know about Bin Laden, again, before you traveled to Afghanistan?

A [REDACTED]. His involvement in two bombings in Saudi Arabia, one in Riyadh, and one in the east. That was mid '90s. Likewise, his involvement in bombings in embassies in East Africa in 1998.

Q. Let me ask you, later on during your time in Afghanistan while you were working for Al Qaeda, did you refer to Al Qaeda by that name, Al Qaeda?

A [REDACTED]. No. Very rarely.

Q. Generally speaking, did others refer to the entity we call Al Qaeda by that name?

A [REDACTED]. No.

Q. What name was used for the group known as Al Qaeda?

A [REDACTED]. In Arabic we would say Jamaat us-Sheikh, which means the Sheikh's Group.

MR. LEWIN; J-A-M-A-A-T U-S S-H-E-I-K-H.

Q. Mr. [REDACTED], who was the Sheikh in that title, the Sheikh's Group?

A [REDACTED]. The Sheikh is Usama Bin Laden.<sup>351</sup>

Another Australian Jack Roche who travelled to Afghanistan in 1999 was also generally aware of al-Qaeda, but unaware that 'the sheikh' in whose camp at Tarnak Farms he would stay while seeking training to enable him to undertake jihad with the Taliban was, in fact, bin Laden. As Roche recounted to journalist:

"I sat down for a meal... and I looked across and said, 'Whoa, that's like the bloke on the telly'," the British-born Muslim said later.

The "bloke on the telly" was Osama Bin Laden, and Jack Roche - however unwittingly - had got himself mixed up with some of the world's most wanted militants."<sup>352</sup>

It may seem far-fetched that people could arrive and not have much foreknowledge of to whom they were travelling, however, these were people who, for the most part, came to Afghanistan through pre-existing social network links that were, or came to be, trusted.<sup>353</sup> In other words, they were essentially unaware they were being diverted from their desire to get training or undertake armed jihad at an open front to al-Qaeda as a result of their coming into contact members of its broader social network who served a recruitment function for the organization. There was thus little perceived need to question the specifics of to whom they would be dispatched, which was also clouded in secrecy owing to the difficulties of entering Afghanistan at that time and the security measures in place by the respective groups. In fact, as Alwan recounts:

[Interviewer] Why was it so secret? Did you ask them why you couldn't tell your wife, or your family, or--

Maybe because it was we were going to the camp, or maybe ... because the mujahedeen, for example, a lot of the guys that were in Bosnian war, the mujahedeen, when they came back, this is what Kamal even told me, was that

when they get back to Saudi Arabia, they were in prison and so forth like that. Because of the extremism mentality. You know what I mean? So a lot of things that they did was quieted...<sup>354</sup>

Roche too, knew little, and was only told to pass on a letter his contact had written to a person he later came to know was Khalid Sheikh Muhammad, about whom along with his al-Qaeda colleagues, Roche would attempt to bring to the attention of American and Australian authorities upon returning to Australia.<sup>355</sup>

None of the men cited in these examples travelled with the objective of joining al-Qaeda. They were not alone. As we have established, traveling with the specific objective of joining al-Qaeda ranked low on the list of motivations held by new arrivals. This is further reflected when we outline in part two al-Qaeda's aggressive radicalisation and recruitment efforts once new volunteers arrived in its camps. Some volunteers left al-Qaeda's camp when they realized what its agenda and future intentions were, such as was the case with members of the 'Lackawanna Six'. According to Alwan:

[Alwan] So the next day, I was talking to one of the guys and I told them, I just said, I said, if someone wanted to leave, because of -- now understand, like the second day we were there, they come up to you, and they tell you, you gotta give your passport up, and any money, anything, because you don't need anything in the camp. Your, passport, and visas, because no one knows who you really are. So just in case anyone you know, gets a hold of your passport, we hold it, as, as a trust to you, I mean. It, count your money right there. And they put it in an envelope. ...

At this point, I said I'm leaving regardless. I gotta get outta here. The next days, when we did, we were supposed to do this walk. And I pretended like I hurt myself.<sup>356</sup>

From among those who remained through the full al-Qaeda basic training complement al-Faruq, which can be reasonably estimated to have been between approximately 560 to a maximum of 1200 (based on known camp and guest house capacity and the known length of training courses), less than 100 became core members.<sup>357</sup> Another 150 or so who trained in the camp joined the foreign fighters brigade at the Taliban fronts and fighting under the leadership of one of the foreign commanders, among whom were six al-Qaeda figures.<sup>358</sup>

Some individuals who went through the training gave the pledge of allegiance to bin Laden and were in close contact with al-Qaeda's leadership before returning to their home country and ceasing contact with the group; such was the case with [REDACTED]. Some who went home ultimately sought to contact government authorities and warn them about what was taking place, as occurred with Jack Roche, while others like Jack Thomas and the Lackawanna Six have stated they went along with al-Qaeda out of fear, kept quiet and focused their efforts on getting home.<sup>359</sup>

Needless to say, given the numbers of those who went through the full al-Qaeda training, versus the number of known operatives who have carried out an attack or been interdicted before doing so, it is clear the majority went home and did



not undertake terrorist activity. Because Khalden was not an organization with accompanying secretive entry processes, and it had a much longer pedigree and legacy networks tracing back to the Services Office, arriving at its camp was easier. However, even then as the pathways of its training will show, referrals from a trusted facilitator were usually required. The Khalden camp however, was upfront in what its objectives were; and did not have an aggressive recruitment agenda, leaving volunteers less likely to leave for the above-cited reasons.

#### **(b) Khalden training and volunteer pathways**

Despite changes over time to its trainee demographic, training processes at Khalden remained relatively constant during its period of operation under Ibn Sheikh al-Libi, with the notable exception being an expansion in some areas of training in the latter 1990's when Khalden's trainer capacity expanded.<sup>360</sup> Similarly, vetting processes in the series of guesthouses Khalden ran and Abu Zubayda administered, remained constant. We can, therefore, reasonably outline the following processes and regimes that constituted the typical experiences of a volunteer at Khalden who followed the entire training regime, which lasted in excess of six months.

##### **(i) Entering the Network and Guesthouse Vetting**

It was rare for individuals to arrive in Pakistan by themselves, and such persons required supporting documentation or letters to facilitate their entry into the Khalden network. Europeans or those with European identity papers came by pre-arrangement, and were vetted via recruitment networks in the West. This vetting was rudimentary, and additional vetting took place once volunteers arrived in the Khalden guesthouses; small groups underwent the same type of vetting processes and stayed in the guesthouses.<sup>361</sup> Less clear are the processes for formal organisational groupings either in Afghanistan or in external locations, which may have had independent accommodation arrangements and pre-existing links to Abu Zubayda or Ibn Sheikh al-Libi.<sup>362</sup> These groups usually did not complete the full training regime as per the standard volunteers.<sup>363</sup>

All non-organisation volunteers arriving in Pakistan transited Khalden's guesthouse(s) prior to being transported to the camp. The purpose of their stay at the guesthouse was threefold. First, their paperwork had to be vetted; a process overseen by Abu Zubayda or other trusted figures. Second, they had to be assessed for a potential security threat; and third, they had to be given suitable clothing and advice to allow them to travel over the border.<sup>364</sup>

The way in which Khalden's loosely structured networks operated was that referral to the camps, while often based on trusted social networks, could also be quite minimal. As outlined above, volunteers could not access Khalden's guesthouses without some form of paperwork or reference from within its facilitation, support and social networks. However, this paperwork alone was often insufficient to allow direct transit to the camps. An additional vetting process was therefore undertaken at the guesthouse to try to weed out unsuitable volunteers, although the majority of the focus was on weeding out spies.

As Noor Uthman Muhammed, a senior member of Khalden's 'training

council' acknowledged in his agreed upon Stipulation of Facts:

One of the purposes of the guest houses was to screen incoming recruits prior to sending them on to the training camps, to ensure they were suitable for training, weed out potential spies and otherwise control and monitor the flow of trainees.<sup>365</sup>

Khalden had limited success in preventing infiltration; it was known to have widely been infiltrated by Jordanian intelligence, stemming back in part to the involvement of many of these agencies in its first incarnation under Maktab al-Khidmaat.<sup>366</sup>

While Khalden was under the leadership of al-Libi, numerous governments made attempts to infiltrate the camp -- to varying degrees of success. Indeed one of the most detailed sources on Khalden's operation comes from a person claiming to have been dispatched there as a spy for a foreign government.<sup>367</sup> Because of these concerns, newly arriving volunteers could expect a stay in a guesthouse and questioning of their paperwork and reasons for wanting training prior to being allowed to prepare for travel to the camp.<sup>368</sup>

After passing through this process, volunteers were issued with new papers from Abu Zubayda, which were, in essence, approval documents for their participation in training. As Noor Uthman Muhammad's Stipulation of Fact testifies:

Abu Zubayda provided letters of recommendation for trainees to be accepted into Khalden.<sup>369</sup>

It goes on to say:

Abu Zubayda used letters of recommendation in order to get people into Khalden and control the follow of trainees into the camp. This system allowed Ibn Sheikh to maintain operation security and restrict access to Khalden<sup>370</sup>

Guesthouses also served additional functions as locations where volunteers could stay in between training, and convalesce after injury. The Stipulation of Fact states the guesthouses:

...would later come to serve as intermediate stops to lodge trainees and operatives who were transiting to or between the training camps, convalescing from injuries, or getting ready to travel elsewhere for terrorist operations.<sup>371</sup>

It also adds "...Abu Zubaydah received trainees leaving the Khalden camp as they entered Pakistan."<sup>372</sup> Noor Uthman Muhammed's agreed upon Stipulation of Fact is also reinforced by the testimony of Ahmad Ressam, who was convicted for his role in the 1999 Millennium Plot in Los Angeles.

Ressam received a personal reference from within his social network from a person who had already been to the Khalden camp and put forward Ressam's name to Abu Zubayda. Ressam then made contact, with the network, which was the first step in him accessing the guesthouses.<sup>373</sup> According to Ressam Abu Zubayda was

...the person in charge of the camps. He receives young men from all countries. He accepts you or rejects you. And he takes care of the expenses of the camps. He makes arrangements for you when you travel coming in or leaving.<sup>374</sup>

After vetting Ressaym Abu Zubayda then went on to write a letter for him to take on his travel into Afghanistan, for which an Afghan guide accompanied him. Ressaym stated:

He [Abu Zubayda] sent me a letter, sent with me a letter in Afghani, with an Afghani person to accompany me along the road. And he gave me Afghani clothes to wear and I was told to grow a beard. Then you go by car to the border of Afghanistan, and then early in the morning you go in with other Afghans, or you can by way of the mountain.<sup>375</sup>

### **(ii) Arriving at the Camp**

After being guided across the border and delivered to the camp, volunteers were accommodated in a series of crudely built buildings within the camp's perimeter. Khalden was comprised of a kitchen/cantina, a masjid, several accommodation buildings, more accurately referred to as huts, and a small building functioning as an 'explosives laboratory'.<sup>376</sup> The camp also made use of several caves from the Afghan jihad era, in which munitions and other supplies were stored.<sup>377</sup>

### **(iii) The Camp's Population**

According to Ressaym's testimony of his stay at Khalden in 1998-1999, the camp's population at any given time ranged between 50 to 100 people.<sup>378</sup> This corresponds with Nasiri's earlier account where he recollects that upon first entering the camp seeing around 60 persons gathered in the camp masjid.<sup>379</sup>

On the basis of available testimony, and other corroborating information relating to Khalden's period of operation at Khost and Jalalabad, it does not appear to have stretched beyond these numbers. Nor were facilities expanded to accommodate more trainees. As indicated earlier, Khalden was constant in its training programs and also, in its capacity. This is not to state that trainee numbers did not fluctuate, since they appear to have increased in 1999 with the onset of the second Chechen conflict, which precipitated al-Qaeda intensifying its efforts to have the camp closed or join under its umbrella.

Throughout its history, Khalden trained a wide array of nationalities and national groupings, stretching from those from Southeast Asia, through Central and South Asia, to North Africa, the Middle East, Europe and North America. According to both Nasiri and Ressaym, most came in small groups. That is, these were not groups formed at guesthouses, but rather were groups whose members were already known to one and another prior to traveling and entering into Khalden's facilitation and support networks.<sup>380</sup>

While calculating precise numbers of trainees without access to trainee logs is a difficult exercise, a general estimate can be reached by considering the average

length of training, the composition of the camp, and the accounts of senior camp figures of how many persons they trained over the period 1994 to late 1999 early 2000. Noor Uthman Muhammed who was a trainer at Khalden for the duration of its operation from 1994 to its closure estimates the total number trained to have been in the hundreds. As outlined in the Stipulation of Fact:

During the accused's tenure at Khalden over the course of several years, hundreds of recruits were trained at Khalden on a variety of subjects, including weapons, artillery, tactics and other areas.<sup>381</sup>

Given the length of the training programs could extend upwards to seven months, and some recruits stayed as long as 11 months, coupled with what is known about the camp's capacity, it is unlikely Khalden's trainee numbers extended into the thousands, even over the total length of its time in operation under Ibn Sheikh al-Libi and Abu Zubayda's administration.<sup>382</sup> This is also because throughout its history Khalden was closed or relocated several times. For example, following bin Laden's media efforts in early 1998, the Taliban angered at his going against their request and the scrutiny his media efforts put on them, ordered Khost camps closed, which included Khalden.<sup>383</sup>

A more likely figure, on the higher end of an estimate, would be one that comes in just below or around 1000.<sup>384</sup> Although, here too, it is worth noting that this estimate includes those who did not take the full training compliment. Firsthand accounts of training repeatedly make reference to there being small groups who arrived—mostly from nearby regions, or facilitated via these networks, who trained for small amounts of time. Noor Uthman Muhammed's figure more likely therefore corresponds to those who undertook the full training compliment. According to Nasiri:

Most of the men who came to the camps were there for six or seven months, for the full course of training...Sometimes groups would come for just one or two weeks and train for a specific mission.<sup>385</sup>

Nasiri further reports the bulk of these groups came from places "fairly close to the camps" such as Tajikistan, Uzbekistan, Kyrgyzstan, Kashmir and Chechnya.<sup>386</sup> These groups tended to train separately to the camp's general population.<sup>387</sup> At times too, small groups sent with specific purpose also undertook shorter training -- this was usually group specific, or plot specific, and required prior approval and vetting. According to Ressam, Khalden:

had people from all nationalities who were getting training there, and each group stayed together, those who will have some work to do together later on. Each group was formed depending on the country they came from. Jordanians, Algerians, from Yemen, from Saudi Arabia, from Sweden, from Germany also, French also, Turks also, and Chechnyans[sic] also.<sup>388</sup>

This 'work' was not necessarily terrorist plots. As Nasiri recalls, volunteers who trained in groups from Central Asia came for training in relation to armed conflict they were undertaking.<sup>389</sup>

While recruit numbers stayed within the general mean of 50-100, the range of training on offer at Khalden did expand as a result of more trainers being present or trained at Khalden. This was in part as a result of the arrival of a number of former Afghan Arabs back to Afghanistan as well as Arabs returning from Bosnia, but also from Khalden's train-the-trainer program, which took place in the areas of explosives training in particular.<sup>390</sup> As the camp's trainer population expanded into a more permanent basis -- as opposed to its earlier cycling in and out of trainers -- Ibn Sheikh al-Libi appointed a council of trainers, which served as his advisory body. Noor Uthman Muhammed, who was a member of this body in the time frame 1998-1999 acknowledges in his stipulation of fact document:

As leader and director of the camp, Ibn Sheikh established a council of trainers that served his advisors. Ibn Sheikh was required to consult this council but not bound by their advice. The accused was a member of this council.<sup>391</sup>

**(iv) Training in Khalden**

The full compliment of training as reported by Omar Nasiri lasted upwards of six months and involved a staged process or rotation through a number of curriculum blocks, many of which were in the training manual that had been compiled by Abu Burhan and built upon by Khalden's newer management.<sup>392</sup> Regardless of the stage of the training process, daily training for the general camp population and those not doing plot specific or group specific training also followed a particular routine.

This routine began with exercise following dawn prayers, breakfast and then training, following by evening prayers and religious instruction in the evenings.<sup>393</sup> The training pattern was different on Fridays, when a different routine was followed; with minimal training, and instead the Friday sermon, and discussions and religious lessons usually centred on defensive jihad and the work of Abdullah Azzam and Sayyid Qutb.<sup>394</sup> According to the Noor Uthman Muhammed Stipulation of Fact:

Khalden trainees also prayed together and read portions of the Quran and the teachings of the prophet Mohammed. Trainees engaged in discussions regarding religious topics after prayer. Trainees who came to Khalden had already committed to the concept that jihad required military training.<sup>395</sup>

The order of training blocks at Khalden was structured such that it began with an induction of sorts aimed at imbuing discipline, building fitness, and general familiarisation. For weapons training, which was the first block course, classroom lessons preceded practical lessons. Weapons familiarisation and training was around a month long and included familiarisation on a range of handguns, machine guns, and larger anti-aircraft weapons, artillery and rocket launchers.<sup>396</sup>

Basic explosives training followed weapons training, although initially this was not overly sophisticated. The more advanced level courses were instead taught at Darunta to Khalden graduates. There was a shared training arrangement with the Arab's at Hizb-e Islami's Darunta camp, which lasted until the Taliban's taking of Jalalabad.<sup>397</sup> Following this, Abu Khabab al-Masri who had been present at that camp as one of the trainers began his own small independent camp and offered

training on paid basis. This camp is the one commonly called Darunta, and is often referred to as a sister camp for Khalden, owing to the close relationship and movement of trainees between the camps. However Abu Khabab's camp was independent and in many instances he charged money for trainees to attend his courses, as it was his sole means of income absent any organisational affiliation.<sup>398</sup>

Explosives training at Khalden was, at least for some of its history around the time Nasiri attended in 1995, more introductory and initially lasted for around a fortnight.<sup>399</sup> As he recounts, the training covered both theoretical and practical exercises relating to the use of common explosives.<sup>400</sup> This explosives training also involved training in the use of landmines, and grenades, as well as basic detonators and uses of explosives for sabotage.<sup>401</sup> Significantly, this course was in the use, as opposed to the construction of, explosives devices, which was instead carried offered at Darunta to graduates of Khalden's basic course, and on and as needed, requested or approved basis.<sup>402</sup>

By the time Ahmad Ressam attended Khalden several years later, the explosives training curriculum had become more advanced. This was most likely a result of the train the trainer program put in place by Ibn Sheikh al-Libi for Khalden's explosives training. From Ressam's account we can see training had progressed to the basic construction of explosives and took around a month instead of two weeks:

I received training in explosives...how to make charges, the types of explosives, TNT, C4.<sup>403</sup>

He goes on to testify that it lasted "a little over a month, a month and a few days".<sup>404</sup>

The names for some of the subsequent training blocks as they related to tactical training also seem to have changed, despite the content covered remaining the same. This was presumably a result of the cataloguing and compilation being undertaken by Abu Zubayda's Mujahedeen Services Centre, which would later also extend to digitising the various courses.

Following immediately on from explosives training was tactical training, which was the largest component of the training compliment at Khalden and reflected the camp's focus on preparing volunteers to fight on the various fronts of jihad.<sup>405</sup> The range of subjects covered in tactical training stretched from learning about combat, the use of radio transmitters, Morse code, and signalling. It also involved learning urban operations, ambushes, camouflage, first aid, kidnap and assassination as well as specialised physical training and hand-to-hand combat, escape and interrogation techniques, surveillance and security.<sup>406</sup>

From Nasiri's account, in the time he was there different trainers were used owing the length and breadth of materials covered.<sup>407</sup> The basic curriculum, however, drew from the Encyclopaedia of Jihad Khalden was using, which was based upon Abu Burhan al-Suri's compilation and updated by Abu Zubayda's Mujahedeen Services Centre to include Khalden's newer courses and those of other trainers in the milieu. According to Nasiri:

All the trainers had the same book; the cover was red and green with two

Kalashnikovs and some writing in Arabic. It was thousands of pages long, and it contained instructions for every kind of military and guerrilla operation, from defusing a trapped landmine to targeting an airplane with a surface-to-air missile.<sup>408</sup>

It was only during this part of tactical training that volunteers were assigned a weapon of their own.<sup>409</sup> After obtaining their weapons, they entered a more practical stage of training in which they were sent out on night guard duty, and subject to raids and interrogation as lived practice.<sup>410</sup>

Topography, as it relates to targeting, was the final stages of the training.<sup>411</sup> This involved the targeting of objects and people at long range, and understanding operating with long-range weapons.<sup>412</sup> It too followed the order of classroom lessons followed by practical exercise.<sup>413</sup>

This training pattern was also mirrored in the newer Preparation Encyclopaedia that was compiled by the Mujahedeen Services Centre from the training courses and the host of texts gathered and/or authored by members or affiliates of Khalden on these topics. It was first digitised sometime between 1996 and 1998 and put onto CD ROM.<sup>414</sup> It incorporated an array of materials on explosives construction, urban warfare and even 'train the trainer' documents. Later it also came to focus on areas more specific to Abu Zubayda's Mujahedeen Services Centre such document forgery, computer use, communications security.<sup>415</sup>

Several key figures were involved in this process of digitisation, most notably, Khalil Deek, and Khalid Sheikh Muhammad, who prior to commencing work on what would become the 9/11 plots with al-Qaeda, did some 'media' work for Abu Zubayda.<sup>416</sup> The labelling of this material during the digitisation process as electronics courses, military, poisons, urban or explosives, closely mirrors the training that was taking place at the time. For example; the military material focuses on basic military training as well as first aid, topography and other elements that were covered in basic training at Khalden and other camps.

Significantly too, there were religious tracts in the Encyclopaedia, compiled presumably, by the religious institute operating in Khalden in the mid-1990's. Despite the presence of takfiris at the institute, the religious works compiled and which were presumably taught to Khalden's trainees who were not there as part of a takfiri group, were those around classical jihad, such as works by Abdullah Azzam or Sayyid Qutb. This was in keeping with the role of the camp to provide preparation (idad) for those seeking to carry out jihad on the various fronts. It also mirrors Nasiri earlier account of the texts that were studied in the religious training undertaken while he was at Khalden.<sup>417</sup>

When trainees finished the full compliment of courses if they wished to join a front of jihad they were, where possible, facilitated to do so; if they wanted additional training this was organised, or if they wanted to go home this was arranged.<sup>418</sup> When more camps were established in Afghanistan with the return of more Afghan Arabs as well as new arrivals from Bosnia, the range of additional training options broadened. As a result, the number of groups and camps with which Khalden would cooperate expanded, as did the informal networks and word

of mouth that allowed trainees and volunteers to hear of training taking place in other locations.<sup>419</sup> This is how, for example, some volunteers who first trained at Khalden later wound up undertaking al-Qaeda training at al-Faruq.

According to the Noor Uthman Muhammed Stipulation of Fact:

Ibn Sheikh al-Libi assumed responsibility for communications outside the camp was responsible for assisting trainees returning home or to other camps. While neither Abu Zubaydah nor Ibn Sheikh was a member of al Qaeda as neither had sworn bayat (a formal oath of allegiance) to Usama bin Laden, both men met and communicated with Usama bin Laden and other al Qaeda leaders on a number of occasions. Although the Khalden training camp was not run by Usama bin Laden or al Qaeda, trainees had the ability to pass between the training camps and organisations, which included al Qaeda and its camps.

Not only were there established lines of communication among this network of camps and guest house in and around Afghanistan, but there were also informal agreements that trainees could continue their training at other camps. The existence of various camps was not a secret and there was an open market in Afghanistan for men seeking initial or follow on training. The leaders of one camp or organisation, for example, could recommend their trainees for transfer into another camp or organisation for further paramilitary training or terrorist operations. If a trainee demonstrated talent in a particular area with another camp or organisation or he could elect on his own to pursue training at another camp. The accused knew that one of these camps was Darunta. Ibn Sheikh al Libi was primarily responsible for communications between other camps, such as Darunta, where advanced training on explosives, explosives devices, and poisons was provided by a terrorist trainer named Abu Khabab al-Masri.<sup>420</sup>

This stipulation of fact closely mirrors what the US government has acknowledged in *Zayn al Abidin Muhammad Husayn vs. Robert Gates*. Here, the government is on record acknowledging the following as they relate to Khalden, Abu Zubayda, Ibn Sheikh al-Libi and their relationship with al-Qaeda:

...the government has not contended in this proceeding that Petitioner [Abu Zubayda] was a member of al-Qaida or otherwise formally identified with al-Qaida. Instead, the Government's detention of Petitioner is based on Petitioner's actions as an affiliate of al-Qaida.<sup>421</sup>

Respondent does not contend that Petitioner was a "member" of al-Qaida in the sense of having sworn bayat (allegiance) or having otherwise satisfied any formal criteria that either Petitioner or al-Qaida may have considered necessary for inclusion in al-Qaida.<sup>422</sup>

The government has not contended in this proceeding that Petitioner selected or knew the identities of specific persons who were selected to leave Khalden for training at al-Qaida camps.<sup>423</sup>

The government has not contended in this proceeding that Darunta camp had direct ties to al-Qaida or the Taliban.<sup>424</sup>



The Khalden training camp...was operationally and organizationally independent of al-Qaida.<sup>425</sup>

### **(c) Al-Qaeda Training and Recruitment**

Unlike Khalden, al-Qaeda's primary objective in providing volunteers with military training was to recruit them to the organisation. While al-Qaeda's ability to recruit new members beyond the immediate confines of its Afghan base was limited for much of its 1996-2001 history, it excelled in radicalising and recruiting volunteers once they came into its training camp orbit.

When the number of volunteers arriving at al-Qaeda's camps remained small, personalised attention from bin Laden and other senior leadership was al-Qaeda's primary recruitment tool. Although this remained a key element of membership recruitment, following the mid 2000 opening of its al-Faruq training camp al-Qaeda's training processes and recruitment approach began to change. By then Khalden had closed, and by default al-Faruq became the 'international' camp, where volunteers came seeking training for jihad at an open front.

The Foreign Fighter's Brigade in Afghanistan did not conduct its own training and newly arrived volunteers seeking to fight in support of the Taliban were also first sent to al-Faruq. These volunteers ostensibly provided al-Qaeda with a ready made pool of potential recruits, however they first had to be radicalised to its cause because as we have established the majority did not arrive in its camps seeking to join the organisation.

Proximity to bin Laden and his great man leadership was crucial to recruitment success. So too was al-Qaeda's presentation of itself as an elite organisation, and after the opening of al-Faruq when trainee numbers grew, al-Qaeda's manipulation of peer group dynamics also allowed it to introduce a competitive element to membership recruitment. However, to understand how these processes worked, and contrast them to that of Khalden's grocery store approach we first need to review al-Qaeda's training capacity and programs because these factored heavily into its recruitment approach. We do so by first examining the training and recruitment approaches used in the period prior to al-Faruq's opening.

Among those who received 'training' at Tarnak in late 1999 early 2000 was a newly arrived small group from Hamburg who would go on to become key players in the 9/11 plot. Like many others during this time, the Hamburg group was initially seeking training to fight in Chechnya, however they encountered a member of al-Qaeda's social network when attempting to find passage to Chechnya, who directed them to Afghanistan and provided the necessary introductions.<sup>426</sup> The Hamburg group, it appears, was unaware it was directed straight to al-Qaeda where it was subsequently targeted for recruitment to the organisation.

Upon arriving, the group received personalised 'training' at Tarnak Farms. Shorter in length than the Mes Aynak program earlier that year, and unlike that on offer at Khalden, this 'training', was primarily for radicalisation, with the aim being to recruit them to al-Qaeda and solidify the bonds between group members.<sup>427</sup> Al-

Qaeda put significant effort into radicalising the Hamburg arrivals and convincing them the best jihad was al-Qaeda's American jihad project rather than fighting in Chechnya.

When at Tarnak Farms, the Hamburg group along with others attended lectures and seminars provided by senior al-Qaeda leaders, including bin Laden. The Hamburg group was present at bin Laden's January 2000 Eid al-Fitri lecture.<sup>428</sup> In the lecture, bin Laden positioned himself as a revered figure in charge of a large organisation legitimately conducting jihad against America, in order to liberate and protect the Arabian Peninsula. This lecture later formed the outline of al-Qaeda's first propaganda effort, the video *The State of the Umma*, which was subsequently used in its guesthouses to encourage volunteers to join the organisation.<sup>429</sup>

In radicalising and recruiting the Hamburg group (and others), al-Qaeda was relying on its isolation from the religious establishment. So al-Qaeda leaders lectured trainees that the rewards for attacks against America (acting 'on the outside') were greater than those for training in the camps and fighting jihad elsewhere, there was no one to challenge it. This would have been particularly potent for new volunteers. Because they had no previous exposure to jihad, the camps and presence of 'warrior figures' coupled with the opportunity to undertake training may well have been both intoxicating and intimidating as the account of camp attendees like the Lackawanna Six suggest.<sup>430</sup>

Al-Qaeda took advantage of this by playing on its 'elite understanding' of jihad, as bin Laden alluded to in his speeches. This had the impact of presenting the case that spiritual purity was only gained via participation in al-Qaeda's jihad. In turn, this created an environment where al-Qaeda's teachings were more easily accepted and trainees sought the purity al-Qaeda's experienced mujahedeen portrayed themselves as having obtained.<sup>431</sup>

Additionally, by portraying the rewards of external action (such as attacks against America) as greater than those for training and fighting in a theatre of jihad, like Chechnya, al-Qaeda created a climate where trainees were more receptive to its encouragement of them to join the organisation and also to participate in attacks against America.<sup>432</sup> As we can observe from our review of Khalden's objectives and training processes, this stood in direct contrast to the Khalden camp's leadership arguing for the need for their trainees to defend Muslim lands by participating on the fronts of jihad like Chechnya.

It is significant to note here the importance of bin Laden's status as 'a great man leader' in terrorism studies parlance. Khalden's leaders did not cultivate this same 'cult of personality'. As a result, within al-Qaeda's camps proximity to bin Laden or the seeking of it was often a driving factor in turning receptivity of al-Qaeda's objectives into membership of the organisation (which culminated in the provision of a pledge of allegiance to bin Laden). Targeted recruitment through the chance of personal lectures, meetings and lunches with bin Laden was used to reinforce the 'elite' nature of the group and its mission.<sup>433</sup> 'VIP access' would have made volunteers feel they had special status, as would being 'hand-selected' by bin Laden for attacks that ultimately, according to al-Qaeda's teachings, led to the greatest rewards in the afterlife.

It also led many to fear going against bin Laden and al-Qaeda, as we outlined in part one of this section. This is why there are instances of persons completing training but yet returning home and not acting further on the teachings and training in the camp, or seeking to leave training early through the feigning of family responsibilities or illness.

Peer group pressure was also important to radicalisation and recruitment processes. In a tightly controlled environment, away from the religious establishment and under the influence of a 'great man leader', speaking out or seeking to disengage would have been fearful and intimidating as volunteer accounts reflect. As Alwan of the Lackawanna six recounted:

[Alwan] That night, a gentleman ... came up to me and he said, "They're gonna pick you up tomorrow. I already set up the meeting." He said, "[Derwish's friend] told me you wanted to [see] you know, the sheik." I said, "no, I told [him] I didn't want to see the sheik. I'm not gonna give him no pledge, and stuff like that." Because usually I guess that's what they see him for, to give them a pledge. Because they did talk to you about, giving the pledge. ...

[Interviewer] So they thought you wanted to give a pledge to bin Laden?

[Alwan] No, no. That's what I thought, that's what. But he goes, "Don't worry, he's not gonna ask you for a pledge. It's not a big deal. You're just gonna see him. He knows you're going back." I said, "OK." What am I gonna tell him? OK.<sup>434</sup>

The case of Jack Roche, who we mentioned in part one further reinforces these dynamics were in fact at play and once volunteers arrived at a camp extracting themselves from the midst of al-Qaeda was a difficult process. It also highlights that, as with the Hamburg group at that time, al-Qaeda was specifically recruiting for people to carry out attacks, and not to undertake jihad at an open front. Upon his return to Australia Roche ultimately balked at what al-Qaeda had asked him to do and subsequently contacted both Australian and American authorities, and attempted to notify them as to what was taking place in Afghanistan and what he had been asked to do.<sup>435</sup> According to him, he had become extremely uncomfortable while in Afghanistan but feared for his life if he tried to leave early.<sup>436</sup> He recounts the difficulties he faced in trying to find a way to disengage upon returning home, fearful for his future.<sup>437</sup>

All al-Qaeda's training pathways required intensive radicalisation efforts to convince recruits to join its cause and to counteract attrition like that of Roche, ██████, Alwan and others. Recruiting people for martyrdom operations required particularly targeted efforts. Al-Qaeda's radicalisation program therefore focused on four key objectives; attracting trainees; recruiting them to join al-Qaeda; convincing people to become martyrdom operatives; and retaining members.

Continued and on-going access to trainees while they were in Afghanistan was essential to meeting these objectives. Because personalised attention like that lavished on the Hamburg group could not be used effectively as larger number of volunteers began to arrive, bin Laden's status as a great man leader was glorified. His visits to the camp and lectures were hyped and recruits offered personal

meetings with him if they performed well or satisfied the requirements to join al-Qaeda.<sup>438</sup>

Larger volunteer numbers also meant fewer social ties between them that could be manipulated for recruitment purposes and so another approach was necessary. The solution was the re-institution of a vetting system as a means of recruiting as many as possible to al-Qaeda. This system relied on introducing an element of competition, and reinforcing the elite nature of al-Qaeda, where entry was only through 'testing' trials as bin Laden hints at when telling trainees in speeches he reviews their performance. A program of training and recruitment with formalised progression to membership was consequently introduced, unbeknownst to trainees. To support the progression, a three level training program was devised and was to serve as the lynchpin for al-Qaeda's recruitment strategy.<sup>439</sup>

A progression system provided multiple opportunities to radicalise recruits as they passed through various training courses. It also gave al-Qaeda capacity to cycle more volunteers through courses, therefore generating a larger recruit pool. The system provided an effective method for channelling trainees and keeping them engaged with the organisation. However, once recruits had finished training al-Qaeda faced the problem of what to do with them and it was here that attrition was a problem, particularly since members who had ostensibly signed up for al-Qaeda's martyrdom brigade were essentially sitting around its camps waiting to be picked.

Boredom and the sense of a lack of action was therefore a problem. Al-Qaeda's solution was to cycle trainees and members into the volunteer foreign fighters brigade it initially assisted to fund. This, however, had mixed success, as often the volunteers and even al-Qaeda's members found fighting to be more appealing, rather than waiting around in guesthouses and the camps for selection for an operation. As a result while many expressed an interest in such operations and may have even joined al-Qaeda, few actually became involved. Many volunteers who did not join al-Qaeda went to the fronts, and essentially never returned to the organisation.

By making membership of al-Qaeda competitive and conditional on progressing through courses, it was thought joining the organisation would become more attractive, particularly since good performance was rewarded with attention from the senior leadership.<sup>440</sup> This was particularly important to recruitment efforts for the martyrdom brigade. Volunteers for the martyrdom brigade were feted by the senior leadership, but only after having earned this attention by performing well and undertaking the requisite courses.<sup>441</sup> It proved initially to be a successful combination.

By the time of the December 2001 US invasion, al-Qaeda had recruited over 120 people for its martyrdom brigades.<sup>442</sup> Three important caveats, apply, however. First, the distinction must be made here that this number includes persons who were already formal members of al-Qaeda as well as new volunteers who were fast-tracked through owing to possessing special attributes. Second, the title brigades suggests a tight formation; in reality it was little more than a list of willing persons who had completed the necessary prerequisites as outlined by al-Qaeda or being hand picked owing to special attributes. Third, when members and recruits became

physically separated from al-Qaeda and the proximity that had driven their recruitment was removed, there was a high degree of attrition. In this respect, the 'brigade' essentially fell apart after al-Qaeda's flight from Afghanistan. The fact there were over 120 names on this list and yet there have been only a handful of al-Qaeda members from this time frame and presumably on this list involved in martyrdom attacks, further points to a significant attrition problem.

It is probable that in all likelihood many of those who initially registered had a change of heart following the American invasion and their flight from Afghanistan and returned home and disengaged; or alternatively sought jihad at an open front elsewhere taking them further out of al-Qaeda's orbit. Seeking to go home and disengage was the approach the Australian Jack Thomas.

Although Thomas never listed his name for the brigades, in the aftermath of the American invasion, angered by the coalition bombings he did initially offer to 'do some work' (the word 'work' is used to denote being involved in or carrying out an attack). However, after being approached by al-Qaeda to 'do some work' in Australia, he had a change of heart and began to attempt to extricate himself from al-Qaeda, as he recounted in an Australian media interview, which formed the basis for his retrial, where he was subsequently acquitted of terrorism charges:

SALLY NEIGHBOUR: Thomas volunteered this information in notes he made later for the Federal Police while imprisoned in Pakistan. He told them Abu Zubaida said "He wanted to see me again and speak to me more about working". He noted in brackets that by working, Abu Zubaida meant terrorism. Thomas claims that's not what he meant. He told the AFP he meant obtaining passports or checking out locations.

You were basically offering your services to help out in any way they wished to use you?

JACK THOMAS: And I didn't have any idea in my own mind as to what I could do. I never went down to Kabul – oh, it starts with a K - Karachi to follow up.

SALLY NEIGHBOUR: Thomas spent the next year in Pakistan hiding out in the teeming cities of Karachi and Lahore, staying in safehouses used by al Qaeda and its Pakistani offshoot, Laskar-e-Toiba. While there, he overheard discussions about using a rocket launcher to explode a jet carrying Pakistan's President Musharraf and blowing up a house full of Pakistani police. The prosecution would later cite these conversations as evidence that Thomas was part of an inner circle.

By the end of 2002, Thomas, still in Karachi, was desperate to get home. Before he left, one final crucial meeting would take place which would later provide the most damning evidence against him. The meeting was with a veteran al Qaeda operative, Khalid Bin Attash, the accused mastermind of the USS Cole bombing. Bin Attash came to see Thomas in the safehouse where he was staying. He had a dramatic proposition.

JACK THOMAS: Khalid Bin Attash had said that there was a need for an Australian to work, or Osama bin Laden would like an Australian white person to work for him in Australia. His drift was that, would you consider going back to Australia, going back to work and travelling from Australia outside regularly. After a period of 6 to 12 months contacting me via email or someone else and

then having a meeting outside of Australia written you would, if you considered doing this, find people - you would be told of people in Australia to get in contact with. To do what he didn't say. In what state he didn't say.

SALLY NEIGHBOUR: So he said there were already people in Australia who you would be put in contact with?

JACK THOMAS: Yes.

SALLY NEIGHBOUR: What did you think Osama wanted this Australian to do?

JACK THOMAS: Well I'm sure after his comments that it was definitely to, well it was definitely involved with terrorism.

SALLY NEIGHBOUR: Bin Attash mentioned the al Qaeda bombings of the US embassies in Kenya and Tanzania in 1998 in which more than 200 people were killed and said Australia needed such an attack. He went on to say he would pay US\$10,000 to anyone willing to carry out a similar attack. He also asked Thomas to identify military installations in Australia. Thomas says he was shocked.

JACK THOMAS: I definitely in my heart and soul was just dumbfounded and struggled with what benefit that could do. But also this guy is a Muslim and I'm a Muslim and it was like a struggle to understand how I got myself here with this kind of - that was just beyond belief.

SALLY NEIGHBOUR: And was he suggesting that you carry out an attack like this?

JACK THOMAS: No, he said that that would be a good thing. And I couldn't believe that - he didn't ask me to do that. I think maybe, well I'm sure he saw my reaction, which was like jaw dropping disbelief and well, I'd walked away.

SALLY NEIGHBOUR: Just before Thomas's departure, bin Attash came to see him again. He gave Thomas US\$3,500 in cash. He was separately given a plane ticket back to Australia. Bin Attash also gave Thomas an email address and a phone number and told him to make contact in 6 to 12 months time. The prosecution would later claim that by accepting the ticket and the money, Thomas was agreeing to work for al Qaeda.

Did you intend to follow their instructions, to come back to Australia, keep your head down and then make contact again?

JACK THOMAS: Absolutely not. The suggestions that were made to me were - I had had a gutful long before that. I sat through to just get home.<sup>443</sup>

#### **(d) Bayat (pledges of allegiance)**

The notion of bayat (pledges of allegiance) for membership of jihadi organisations has often been misunderstood. The commonly held understanding of bayat as they relate to jihadi organisations is that a pledge of allegiance (bayah -- singular for pledge), typically in person, is given to the leader (amir) of a jihadi group. Through the provision of this pledge, a person becomes a member of the organisation (tanzim) or group (jamaah). This has been the process through which organisations such as al-Qaeda have inducted members. However, the use of this pledge is restricted to formally joining the organisation. In the case of al-Qaeda, this typically involved a lengthy testing and approvals process, unless a person was identified as having special skills in which case another process was used.

A key problem in understanding the interaction between volunteers and jihadi groups in Afghanistan has come as a result of the scope and function of pledges (bayat) being misinterpreted to relate to issues broader than the specific membership induction process between a person and the leader of a jihadi group. Merely meeting a leader of a jihadi group, for example, or shaking their hand, does not necessarily translate to a person becoming a member of a jihadi group. Attendance at a group's training camp also does not constitute a person becoming a member of a jihadi group.

More specifically, according to the intricate set of protocols that govern giving a pledge of allegiance, providing an oath of obedience or covenant in camp paperwork before conducting training also does not constitute a person's joining of a jihadi group. These provisions are separate to that of the giving of bayah to a group's amir because they specifically govern personnel processes and the conduct of military training. For this reason, it is necessary to briefly review the different types of pledges, oaths, and covenants that are used by jihadi groups, and the scope and duration of their applicability.

Jihadi groups use pledges of allegiances to govern membership and ensure a leadership hierarchy exists and is maintained. Doctrines and protocols stipulating how leadership structures should be obeyed subsequently build upon this, and as such, bayah is a crucial element of what might be considered command and control for jihadist groups. Indeed, as we are currently witnessing in Syria the emergence of an al-Qaeda splinter group and violent fighting between it and another al-Qaeda affiliate stems in significant part from contested issues of bayat and the authority of regional leaders versus that of al-Qaeda's overall amir Ayman al-Zawahiri. However, as this dispute indicates groups can sometimes ignore doctrinal guidance on these matters. As such, while we can consider them used, and al-Qaeda's leadership certainly has these stipulations in place, they are not always followed.

Preparation activities (idad) for jihad, such as the receipt of training in a camp tends to be governed by oaths and covenants, which can apply to members and non-members of a group as they can relate to both training and administrative functions. The reality, therefore, of associating pledges of allegiance with participating in training at a camp is misleading, as the array of undertakings that govern interacting with a group in this context are more complex than first appear. This is why it can be incorrect to assume an individual's presence in a camp and participation in training necessarily means they are a part of the training provider's jihadi organisation.

For this reason, it is useful to also briefly consider the doctrinal guidance groups have attempted to follow and the mechanisms they have put in place. There can sometimes be a gap between what doctrinal guidance says on paper and what a group actually does. However, in the case of al-Qaeda at least, the doctrinal guidance was and indeed still is closely mimicked.

Al-Qaeda's personnel form, which new volunteers arriving to train were required to sign, included a section where they signed a covenant that the information was correct, as well as a section where they signed a covenant undertaking to obey the camp's rules.<sup>444</sup> Al-Qaeda's terms of reference also

included a covenant of obedience to which those signing must adhere.<sup>445</sup> However, all three of these undertakings are distinct from the provision of a pledge of allegiance to bin Laden, which was the point at which a recruit entered the organisation. This reflects that it was also possible to have been under al-Qaeda's employ but not a member of the organisation, as the case for example of Abu Khabab al-Masri, who performed work on behalf of al-Qaeda but never gave a pledge of allegiance, attests.

Although jihadi groups draw their inspiration for pledges of allegiance from their own (often contested) interpretation and exegesis of Hadith, much of the contemporary guidance for the institution of pledges, oaths and covenants comes from the work of the first amir of the Egyptian Islamic Jihad, Sayyid Imam, also known as Dr Fadl. His book *Al-Umdah* was highly influential among a jihadi groups, including al-Qaeda as well as those focused on national conflicts.<sup>446</sup> For this reason, it is useful to outline Imam's recommendations for the use of pledges, oaths and covenants by groups and organizations, and in military training camps. This allows for a better understanding of the range of mechanisms available to jihadi groups to govern the conduct of jihad, and options available to individuals to determine the extent and length of their participation and organisational loyalties, if any.

Imam stated:

...the covenants among the Muslims, to perform the acts of obedience, are permissible. And included in this: is the oath (Qasam) of the military training camp (Muaskar) and the covenants (Uhud), or the pledges of allegiance (Al-Bayah), of the groups (Jamaat) which are working for Islam and Jihad...<sup>447</sup>

Here we can see participation in a training camp does not require the provision of a pledge of allegiance to a group (jamaah) or an organization (tanzim) like al-Qaeda. The phrasing on al-Qaeda's camp acceptance documentation also closely mirrors that of Imam's, particularly his stipulations relating to the expectation of camp attendees and responsibilities of its leaders.<sup>448</sup>

Imam also argues that obedience is obligatory even absent the signing or giving of a pledge, oath or covenant.<sup>449</sup> It is striking then that al-Qaeda formalized its processes to the degree it did, and presumably still does. It is unclear that Khalden, owing to its supermarket approach, had such a formal approach. No records exist of covenants or oaths being taken by trainees before attending the camp, or of bayat being given to the camp's leader Ibn Sheikh al-Libi, even in an individual capacity absent the existence of his own jihadi group. However, this does not seem to have affected Khalden's function as it is clear from the accounts of trainees that obedience was expected and a strict leadership hierarchy existed. Rather, al-Qaeda's institution and formalization of these processes highlights the very real gap in purpose between Khalden and al-Qaeda -- with the latter focused on recruiting people it trained to its organization, while Khalden was more interested in training and facilitating people to join the jihad on the many fronts with which it retained links.

For al-Qaeda, membership of the organization was additional to the undertakings given on the raft of documentation it had trainees and potential new



members sign. A pledge of allegiance to bin Laden was, during al-Qaeda's Afghan period at least, required in order for a volunteer to formally join the organization even if the paperwork had been completed. Such a pledge, need not be in person with bin Laden; an appropriate designate could take the oath on his behalf.

For parts of its history al-Qaeda had a special testing program for recruits to pass prior to being admitted to the organization. This was overlooked during periods of 'membership droughts', however once its trainee numbers increased a sophisticated multi-staged program was put into place for trainees to complete before joining the organization as we outlined in part two.

Imam's stipulations as they relate to covenants in the training camps is as follows:

...based upon what has preceded, it is possible for the covenant (Ahd) between the Amir and the members, to be based upon matters that are originally obligatory in the (Islamic) Legislation in order to emphasize them, such as Jihad, obedience to the Amir, and the protection of confidential information, and fulfilling the trusts and sincere conduct to the Muslims -- as well as the matters that are not originally obligatory in the (Islamic) Legislation. And therefore these members adhere to them based upon the covenant (Ahd), such as the Amir putting a condition upon them to perform specific deed, or not to leave the military training camp except at specified and known times, or to set specific times for sleeping and waking up and eating, and training and such stipulations as long as they are not acts of disobedience (against Allah, i.e. sins).

And these stipulations, which are made as conditions within the covenant (Ahd), form the structure and internal regulations of the military camp; from them are stipulations which are originally obligatory in Islam, which the covenant affirms; and from them are stipulations which are not originally obligatory in Islam, but becomes obligatory due to the covenant (Ahd).<sup>450</sup>

In these stipulations Imam writes of covenants between members and the amir too, despite membership being governed by a pledge. Although this could feasibly be in reference to camp members, it is worth considering that even after a member of al-Qaeda had provided a pledge of allegiance they might still be required to partake in oath giving or covenants.

This is because much like in other organizations a range of different agreements contracts and extra requirements were often put in place. Consider for example a police recruit who has completed police training, formally graduated this training and completed the membership process. This police member might then go on to work in a specialized department that requires additional undertakings over and above the original employment contract. A rather obvious example here would be the need for a security clearance to perform specialized work, which requires a range of additional undertakings to be formally given. It should obviously go without saying this example is not intended to equate police with jihadi organisations, rather to point to such differentiations existing across a range of non-jihadi organisations, and as such not being organizationally unique to al-Qaeda.

There can also be multiple levels of allegiance in that a pledge can be given to someone other than and possibly in addition to the overall amir of a jihadi organisation. What this means for example is that the amir of a battle formation might seek or obtain an oath of allegiance for those fighting under him. Indeed it is this example Imam draws upon when pointing out that historically pledges had been given to “an Amir of a division (Taifah) of the army.”<sup>451</sup>

In this way, foreign volunteers fighting on Afghan fronts but operating under the leadership of one of al-Qaeda’s commanders (who in turn operated under the leadership of an Uzbek amir, who in turn operated under the leadership of Mullah Muhammad Omar) may well have given a pledge to obey that leader in battle. However, in the context of a foreign volunteer on the Taliban front, whose battlefield commander happened to be one from the al-Qaeda contingent in a larger mixed pool of foreigner commanders, the giving of a pledge of allegiance does not in any way necessarily equate to their joining al-Qaeda. Rather it is context specific to that particular location and brigade and does not extend beyond this time and place. Pledges can also be time limited. More generally, however, oaths and covenants could also be time limited.

As Imam explains:

...it is permissible for the covenant (Ahd) between the Muslims to be time-limited. So it is permitted to conclude it at a fixed time, just as it is allowed for the covenant (Ahd) to be based upon a specific deed or (to be stipulated) with a specific stipulation.

So the specified time period –such as the Amir taking a covenant from the members of the military camp, that they must continue with their training for a period of three months, for example—then the obligation of commitment to this covenant upon the members would conclude at the end of this time period.<sup>452</sup>

Much of al-Qaeda’s historical ‘membership’ fell under this category. They were not formal members of the organization having not given a pledge. Instead they were participants in transient combat groups, such as those formed for the Jalalabad battle or the Arabs who fought under al-Qaeda’s leaders’ command as part of the Foreign Fighters Brigade led by an Uzbek commander appointed by Mullah Muhammad Omar.

Significantly, al-Qaeda also made use of arguments in relation to bayat in its efforts to secure leadership over other jihadi groups and camps, most notably Khalden. Abu Zubayda mentions this in his testimony at Guantanamo where he recounts approaching bin Laden for help to get Khalden reopened at which time bin Laden told him it was better to have one camp and one leader.<sup>453</sup> Al-Qaeda’s efforts here were firmly positioned and grounded in the position Imam also presents that multiple groups present within a country or regions should strive towards unity. Here, too, there were guidelines on how a younger group should merge with the older group regardless of who had the better capacity. It is a result of this type of doctrinal stipulation that many fights have broken out among groups, and in fact continue to do so as we are currently witnessing in Syria.

What it means, however, for the raft of volunteers in Afghanistan during this era was that they were often navigating a complex set of protocols and allegiances with little or no understanding of them. This further added to their vulnerability to recruitment. For some, it also later manifested in mistaken representation of their membership status upon returning to their home countries and becoming the subject of investigational interest by government authorities.

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48 Hamid and Farrall, *The Arabs at War in Afghanistan*.

49 Ibid.

50 Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*.

51 Lawrence Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11* (New York: Alfred A. Knopf, 2006), 121-44.

52 Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11*, 144.

53 See for example the comments of Mustafa Hamid to al-Qaeda leader Sayf al-Adl in 1994; the comments of Abu Musab al-Suri to al-Qaeda in 1998; and the recollections of Noman Benotman of al-Qaeda's standing in the period 1998-2000. Mustafa Hamid, "The Five Letters," AFGP-2002-600053, (West Point: The Combating Terrorism Centre), 28. <http://www.ctc.usma.edu/posts/five-letters-to-the-africa-corps-english-translation-2>; Green, J. J. "Al Qaida 'Was a Joke' To Jihadis," April 29, 2010. <http://www.federalnewsradio.com/?nid=122&sid=1945572>.

54 Hamid and Farrall, *The Arabs at War in Afghanistan*.

55 This was the conclusion reached by the US government in 2003. See "Government's Evidentiary Proffer Supporting the Admissibility of Co-conspirator Statements." United States of America vs. Enam Arnaout, No 02 CR892. United States District Court, Eastern Division, 34-37. <http://news.findlaw.com/hdocs/docs/bif/usarnaout10603prof.pdf>. For the minutes see "[Al-Qaeda 'Founding' Minutes]," Intelwire, <http://intelfiles.egoplex.com/1988-08-11-founding-of-al-Qaeda.pdf>; "[Al-Qaeda 'Founding' Minutes]," Intelwire, <http://intelfiles.egoplex.com/1988-08-11-al-Qaeda-founding.pdf>.

56 Hamid and Farrall, *The Arabs at War in Afghanistan*. Hamid's project was the first the joint shura considered for support, thus he was well aware of its composition and has documented its participants in his books. See Mustafa Hamid, *Big Folly or Goat's War?* [in Arabic], (2006) 21, [http://www.4shared.com/file/36078879/f3bf3b88/4\\_online.html](http://www.4shared.com/file/36078879/f3bf3b88/4_online.html); Hamid, Mustafa. *Betrayal on the Road* [in Arabic] (2006), 65, [http://www.4shared.com/file/15213908/ac7f39a4/\\_.html](http://www.4shared.com/file/15213908/ac7f39a4/_.html). Abu Musab al-Suri dates al-Qaeda's establishment to early 1988. See Lacey, Jim. *A Terrorist's Call to Global Jihad: Deciphering Abu Musab al-Suri's Islamic Jihad Manifesto*, (Annapolis: Naval Institute Press, 2008), 77.

See also the account of Ayman Faraj who recounts that by early 1988 al-Qaeda was already conducting special testing at its Jaji camp for admission to the organisation. See Ayman Sabri Faraj, *Memoirs of an Afghan Arab: Abu Jafar Al Masri Al-Kandahari* [in Arabic], 25, 28-29. For details about the meetings of the Shura see also Wael Julaydan cited in Bergen, *The Osama Bin Laden I Know: An Oral History of Al-Qaeda's Leader*, 62.

According to Lawrence Wright, Abdullah Anas also noted in his account of Azzam's deliberations to allow bin Laden the honorary title of amir in this meeting. See Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11*, 135. Mustafa al-Yamani also writes of bin Laden's position; see Mustafa al-Yamani, *Afghanistan...Memories of the Occupation* (2008), <http://tokhaleej.jeeran.com/>. The Council did not last beyond the battle of Jalalabad. Nonetheless, it is important for highlighting that al-Qaeda was in existence earlier than is commonly alleged and functioning as a separate body within the Afghan Arab milieu. See also Hamid and Farrall, *The Arabs at War in Afghanistan*.

57 Mustafa al-Yamani observes that the only agenda bin Laden had was to secure control of "the Afghan scene." See Mustafa al-Yamani, "Differences with Bin Laden and the Killing of Sheikh Jamil in Arabic," in *Afghanistan...Memories of the Occupation*, June 28, 2008. [http://tokhaleej.jeeran.com/arc\\_hive/2008/6/597596.html](http://tokhaleej.jeeran.com/arc_hive/2008/6/597596.html).

58 See for example the early minutes, in which no such targeting is identified. “[Al-Qaeda 'Founding Minutes],” “[Al-Qaeda 'Founding' Minutes],”

59 Hamid and Farrall, *The Arabs at War in Afghanistan*.

60 Mustafa al-Yamani, Mustafa. "Preparation for the Jalalabad Battle by Osama Bin Laden [in Arabic],” in *Afghanistan...Memories of the Occupation*, June 28, 2008. <http://tokhaleej.jeeran.com/archive/2008/6/597599.html>. See also Hamid and Farrall, *The Arabs at War in Afghanistan*.

61 Hamid and Farrall, *The Arabs at War in Afghanistan*.

62 Ibid.

63 Ibid.

64 Ibid.

65 Ibid.

66 Ibid. See also the listing of camps active in Jalalabad at this time by Fadil Harun in Fadil Abdallah Mohamad, *The War Against Islam: the Story of Fadil Harun* (2009), 64-71.

67 Hamid and Farrall, *The Arabs at War in Afghanistan*.

68 Ibid.

69 Ibid.

70 Ibid. For the EIJ presence in Yemen in the 1990's see also Montasser al-Zayyat, Ahmed Fekry, ed., and Sara Nimis, trans., *The Road to Al-Qaeda*, (London: Pluto Press, 2004), 57.

71 Ibid.

72 Ibid.

73 Abu Musab al-Suri, *The Global Islamic Resistance Call* [in Arabic] (2004), 709, 771-73. <http://www.fsboa.com/vw/files/books/2005/mqdoc.zip>. Site no longer active. Also available at <http://www.tawhed.ws/dl?i=f3r0098v>. See also Lacey, *A Terrorist's Call to Global Jihad: Deciphering Abu Musab al-Suri's Islamic Jihad Manifesto*, 148-150; Hamid and Farrall, *The Arabs at War in Afghanistan*. See also Jonathan C. Randal, *Osama: The Making of a Terrorist* (New York: Knopf, 2005), 99-102.

74 Hamid and Farrall, *The Arabs at War in Afghanistan*.

75 Ibid.

76 Ibid.

77 Ibid.

78 Hamid, *Big Folly or Goat's War?*, 7-8.

79 Hamid and Farrall, *The Arabs at War in Afghanistan*.

80 Ibid.

81 Mustafa Hamid, *Tajikistan Project: Jihad Shifted from the Shamal River* [in Arabic] (2007), 7-8, 10 [http://www.4shared.com/file/34339274/dcae60c1/10\\_online.html](http://www.4shared.com/file/34339274/dcae60c1/10_online.html). See also al-Sharqi, Abu Atta. "My Dear Brother the Military Official," AFGP-2002-800581 (West Point: The Combating Terrorism Centre, 1994). <http://www.ctc.usma.edu/wp-content/uploads/2013/10/Abu-Ata-Al-Sharqi-Reports-from-Afghanistan-Translation.pdf>. Al-Qaeda declined to support Hamid's project because he was external to the organisation and they could not control the project. See Mustafa Hamid. *Gardez: The Fall of the City and Fall of the Regime* [in Arabic] (2007), 85, 90, 267. <http://www.mediafire.com/download/dvmlhdx81odds5s/Gardez-and-The-fall-of-cities-book9.rar>.

82 Mustafa Hamid, *Cross over Kandahar Sky* [in Arabic] (2006), 35 58, 59. [http://www.4shared.com/file/15220171/c1e49341/\\_\\_.html](http://www.4shared.com/file/15220171/c1e49341/__.html)

83 Ibid., 35, 49, 53, 57-58. Atwan argues that it was only in 1996 that al-Qaeda turned to armed jihad. See Abdel Bari Atwan, *The Secret History of al Qaeda* (London: Saqi Books, 2006), 47- 49.

84 al-Islam, Saif. "The Ogaden File," AFGP-2002-600104 (West Point: The Combating Terrorism Center, 1994), 1-3. <http://www.ctc.usma.edu/posts/the-ogaden-file-operation-holding-al-msk-english-translation-2>.

85 Hamid and Farrall, *The Arabs at War in Afghanistan*.

86 "Letters from Bin Laden: A Collection of Letters from Osama Bin Laden to Various Persons in Saudi Arabia Statements 7-21 (Part Five)," AFGP-2002-003345 (West Point: The Combating Terrorism Center). [http://www.ctc.usma.edu/aq/pdf/AFGP-2002-003345\\_trans5.pdf](http://www.ctc.usma.edu/aq/pdf/AFGP-2002-003345_trans5.pdf);

df; "Letters from Bin Laden: A Collection of Letters from Osama Bin Laden to Various Persons in Saudi Arabia Statements 7-21 (Part Four)," AFGP-2002-003345 (West Point: The Combating Terrorism Center). [http://www.ctc.usma.edu/aq/pdf/AFGP-2002-003345\\_trans4.pdf](http://www.ctc.usma.edu/aq/pdf/AFGP-2002-003345_trans4.pdf);

pdf; "Letters from Bin Laden: A Collection of Letters from Osama Bin Laden to Various Persons in Saudi Arabia Statements 7-21 (Part One)," AFGP-2002-003345 (West Point: The Combating Terrorism Center). [http://www.ctc.usma.edu/aq/pdf/AFGP-2002-003345\\_trans1.pdf](http://www.ctc.usma.edu/aq/pdf/AFGP-2002-003345_trans1.pdf);

pdf; "Letters from Bin Laden: A Collection of Letters from Osama Bin Laden to Various Persons in Saudi Arabia Statements 7-21 (Part Three)," AFGP-2002-003345 (West Point: The Combating Terrorism Center). [http://www.ctc.usma.edu/aq/pdf/AFGP-2002-003345\\_trans3.pdf](http://www.ctc.usma.edu/aq/pdf/AFGP-2002-003345_trans3.pdf).

pdf; and "Letters from Bin Laden: A Collection of Letters from Osama Bin Laden to Various Persons in Saudi Arabia Statements 7-21 (Part Two)," AFGP-2002-003345 (West Point: The Combating Terrorism Center). [http://www.ctc.usma.edu/aq/pdf/AFGP-2002-003345\\_trans2.pdf](http://www.ctc.usma.edu/aq/pdf/AFGP-2002-003345_trans2.pdf).

87 Al-Qaeda also had neither the size nor capacity to contribute in any meaningful manner to these conflicts, which is evidenced by its failure to do so. See Bin Laden's own admissions to Robert Fisk in relation to Bosnia in Robert Fisk, "Anti-Soviet Warrior Puts his Army on the Road to Peace," December 6, 1993. *The Independent*. <http://www.independent.co.uk/news/world/antisoviet-warrior-puts-his-army-on-the-road-to-peace-the-saudi-businessman-who-recruited-mujahedin-now-uses-them-for-largescale-building-projects-in-sudan-robert-fisk-met-him-in-almatig-1465715.html>.

This is also reinforced by the account of Abu Jandal. See Khalid al-Hammadi, "Al-Qa'ida from within, as Narrated by Abu-Jandal (Nasir Al-Bahri), Bin Ladin's Bodyguard; the Islamic Group Entered Bosnia First, Bin Ladin Focused on Somalia; Ahmad Shah Masud Betrayed Us in Tajikistan; I Wanted to Go to Bosnia, but the Shaykhs Wanted Me of Beautiful Women and Suggested Participation in Spreading Salafism in Eritrea," *Al-Quds al-Arabi*, March 19, 2005. [http://www.haverford.edu/library/reference/msc\\_haus/jihadimvt/alqaedawithinpt1.pdf](http://www.haverford.edu/library/reference/msc_haus/jihadimvt/alqaedawithinpt1.pdf).

88 "Al-Qa'ida from within, as Narrated by Abu-Jandal (Nasir Al-Bahri), Bin Ladin's Bodyguard; the Islamic Group Entered Bosnia First, Bin Ladin Focused on Somalia; Ahmad Shah Masud Betrayed Us in Tajikistan; I Wanted to Go to Bosnia, but the Shaykhs Wanted Me of Beautiful Women and Suggested Participation in Spreading Salafism in Eritrea,"

89 Leah Farrall, "How al-Qaeda Works," in Jonathan Tepperman and Gideon Rose, *The US vs. al-Qaeda: A History of the War on Terror*, (New York: Council on Foreign Relations, 2011), Kindle Location 4036-4042; Hamid and Farrall, *The Arabs at War in Afghanistan*.

90 These were the Harakat e Inqelab e Islami, led by Mawlawi Muhammad Nabi Muhammadi, and the Hizb-e Islami faction, led by Mawlawi Yunis Khalis.

91 Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*, chapter 3.

92 Abdul Salam Zaeef, Felix Kuehn ed., and Alex Strick van Linschoten ed. *My Life With the Taliban*. (London: C Hurst & Co Publishers Ltd, 2010), \*\*

93 Barfield, *Afghanistan: A Cultural and Political History*, 245-54.

94 For an eyewitness account of this period see Zaeef, *My Life with the Taliban*, 57-65. See also Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11*, 225-229.

- 95 Zaeef, *My Life with the Taliban*, Chapter 7.
- 96 Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*, 131.
- 97 Zaeef, *My Life With the Taliban*; See also Anand Gopal, "The Battle for Afghanistan," New America Foundation, 2010, [http://newamerica.net/sites/newamerica.net/files/policydocs/kandahar\\_0.pdf](http://newamerica.net/sites/newamerica.net/files/policydocs/kandahar_0.pdf)
- 98 Ahmed Rashid, "Taliban: Militant Islam, Oil and Fundamentalism in Central Asia." (New Haven: Yale University Press, 2001), 42-3.
- 99 Burke, *Al-Qaeda: Casting a Shadow of Terror*, 61.
- 100 Vahid Brown and Don Rassler, *Fountainhead of Jihad: The Haqqani Nexus, 1973-2012* (London: C Hurst & Co Publishers Ltd, 2013), Chapter 2 and 3.
- 101 Steve Coll, *Ghost wars: the secret history of the CIA, Afghanistan, and bin Laden, from the Soviet invasion to September 10, 2001*. (New York: Penguin Group USA, 2005), Chapter 19; Ahmed Rashid, "Taliban: Militant Islam, Oil and Fundamentalism in Central Asia." (New Haven: Yale University Press, 2001), chapter 2.
102. See also Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*, p.154.
- 103 "Resolution 1267 (1999): Adopted by the Security Council at its 4051st meeting on 15 October 1999." United Nations Security Council. October 15, 1999. [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1267\(1999\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1267(1999)).
- 104 "U.S. engagement with the Taliban on Usama Bin Laden," [Declassified document listing U.S. engagement with the Taliban], <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB97/ta40.pdf>
- 105 Quoted in Brynjar, *Architect of Global Jihad: The Life of Al Qaeda Strategist Abu Musab al-Suri*, 106-107.
- 106 Ibid., 296.
- 107 Most of the groups who had sought sanctuary in Afghanistan were takfiri like Abu Abdullah al-Muhajir. They did not support al-Qaeda's agenda, and they did not support the Taliban or fighting alongside it; at least at the beginning -- although some later changed their views.
- 108 Lia, *Architect of Global Jihad: The Life of Al Qaeda Strategist Abu Musab al-Suri*, 247.
- 109 Ibid., 246.
- 110 Bergen, *The Osama bin Laden I know: an oral history of al-Qaeda's leader*, 162; Wahid Mojdeh, *Afghanistan under Five Years of Taliban Sovereignty*. (Kabul: 2003), chapter 10; Nasir al-Bahri, "Al Qaeda from Within, as narrated by Abu Jandal, bin Laden's Personal Guard (part three)," *Al Quds al Arabi*, August 3, 2004; Mustafa Hamid, *Cross over Kandahar Sky*, chapter 2.
- 111 Anna M. Pont, *Blink Chickens and Social Animals: Creating Spaces for Afghan Women's Narratives Under the Taliban* (Portland: Mercy Corps, 2001).
- 112 Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*, chapter 3 and 4.
- 113 Hamid, *Cross over the Kandahar Sky*, chapter 2.
- 114 Omar Nasiri, *Inside the Jihad: My Life with Al Qaeda* (New York: Basic Books, 2008)192. *Takfir* is an Arabic-language term and verbal noun that refers to the process by which someone is declared a *kafir*, or *non-believer*.
- 115 Burke, *Al-Qaeda: Casting a Shadow of Terror*, 152.
- 116 Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*, 138.



117 Hamid, *Cross over Kandahar Sky*, chapter 2.

118 Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*, 138; Jean Sasson, Najwa bin Laden and Omar bin Laden, *Growing up bin Laden: Osama's Wife and Son Take Us Inside their Secret World*. (New York: St. Martin's Press, 2009), Chapter 16.

119 Hamid, *Cross over the Kandahar Sky*, chapter 2; Nasir al-Bahri, "Al Qaeda from Within, as narrated by Abu Jandal, bin Laden's Personal Guard."

120 Hamid, *Cross over the Kandahar Sky*, chapter 2.

121 Hamid and Farrall, *The Arabs at War in Afghanistan*.

122 Steve Coll, *The Bin Ladens: Oil, Money, Terrorism and the Secret Saudi World* (New York: Allen Lane, 2008), 465.

123 Hamid, *Cross over the Kandahar Sky*, Chapter 3.

124 Ibid. Chapter 3.

125 This is also reflected in the account by bin Laden's son, Omar. See Sasson, *Growing Up Bin Laden*, chapter 15 and 16.

126 Hamid, *Cross over the Kandahar Sky*, chapter 3. See also Steve Coll, *The Bin Ladens: an Arabian family in the American century*. (New York: Penguin Press, 2008), 465; Kathy Gannon, *I is for Infidel*. (New York: Public Affairs, 2006), 35.

127 Hamid and Farrall, *The Arabs at War in Afghanistan*.

128 Ibid.

129 Ibid. Hamid returned with bin Laden, who had especially requested that he accompany him back to Afghanistan because of his knowledge of the region and contacts with the various parties.

130 Ibid. Hamid was on the plane with bin Laden.

131 Ibid.

132 Ibid.

133 Ibid.

134 A copy of the Declaration can be found at [http://www.pbs.org/newshour/updates/military-july-dec96-fatwa\\_1996/](http://www.pbs.org/newshour/updates/military-july-dec96-fatwa_1996/).

135 Hamid and Farrall, *The Arabs at War in Afghanistan*.

136 Ibid.

137 Sayf al-Adl, "Biography of the Leader of the Jihad—Abu Musab Al-Zarqawi [in Arabic]," <http://203.223.152.151/~alfirdaw/vb/showthread.php?p=6635>. Site no longer available; accessed June 30, 2005.

138 Leah Farrall, "How al-Qaeda Works," in Jonathan Tepperman and Gideon Rose, *The US vs. al-Qaeda: A History of the War on Terror*, (New York: Council on Foreign Relations, 2011), Kindle Location 4036-4042.

139 Hamid and Farrall, *The Arabs at War in Afghanistan*

140 See Chris Gourlay and John Calvert, "Al-Qaeda Kingpin I Trained 9/11 H jackers," *The Sunday Times*, November 25, 2007. <http://www.timesonline.co.uk/tol/news/world/europe/article2936761.ece>; Gokhan Yuksel, "Al-Qaeda Suspect Sakka Tramples Israeli Flag in Court [in Turkish]," *Net Gazete*, March 28, 2008. <http://www.netgazete.com/NewsDetail.aspx?nID=494624>.

141 Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*, chapter 5.

142 "World Islamic Front Statement Urging Jihad Against Jews and Crusaders," in Giles Kepel and Jean-Pierre Milelli, eds., *Al Qaeda in its own words* (Cambridge: President and Fellows of Harvard College, 2008), 55.

143 Hamid and Farrall, *The Arabs at War in Afghanistan*.

144 There were reportedly six persons at Jihad Wal when it too was struck in the bombardment. See Hamid, *Tajikistan Project: Jihad Shifted from the Shamal River*, 64.

145 Hamid and Farrall, *The Arabs at War in Afghanistan*.

146 See for example bin Laden's often misunderstood comments in relation to people following the "strong horse" and not the "weak horse", which was made in relation to the benefit in his view that the 9/11 attacks delivered to al-Qaeda. George Michael, Kassem M. Wahba, trans., "Transcript of Usama Bin Laden Video Tape." United States Department of Defense, December 13, 2001. <http://www.defense.gov/news/Dec2001/d20011213ubl.pdf>.

147 According to Hamid, even some al-Qaeda members were concerned. Hamid and Farrall, *The Arabs at War in Afghanistan*. See also Abu Musab al-Suri, "[Letter to Bin Laden and Covering Letter for Ayman Al-Zawahiri]." (1998), 6-7.

148 The Egyptian Islamic Jihad organisation was the only one to formally join, doing so in the summer of 2001.

149 Hegghammer, *Jihad in Saudi Arabia: Violence and Pan-Islamism since 1979*, Kindle location 726-731, 1562-578.

150 Hamid and Farrall, *The Arabs at War in Afghanistan*; Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*, 180-181.

151 See "Defense Trial Exhibits: Substitution for Testimony - Khalid Sheik Mohammed, Defendant's Exhibit 941." United States v. Zacarias Moussaoui, Cr. No. 01-455-A. Documents posted July 31, 2006. <http://www.vaed.uscourts.gov/notablecases/moussaoui/exhibits/defense/941.pdf>, 4; and National Commission on Terrorist Attacks Upon the United States, "The 9/11 Commission Report," 149, 152.

152 This first approach was in 1996 following Abu Zubayda advising him he could not support the plot. See Peter Finn and Joby Warrick, "Detainee's Treatment Foiled No Plots," *Washington Post*, March 29, 2009. <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/28/AR2009032802066.html>. For al-Nashiri and Sheikh Muhammad being terrorist entrepreneurs see National Commission on Terrorist Attacks Upon the United States, "The 9/11 Commission Report," 152.

153 National Commission on Terrorist Attacks Upon the United States, "The 9/11 Commission Report," 152.

154 See "Defense Trial Exhibits: Substitution for Testimony - Khalid Sheik Mohammed, Defendant's Exhibit 941," 4. These were the only operatives available at the time.

155 Hamid and Farrall, *The Arabs at War in Afghanistan*. For Ibn al-Khattab's popularity and the popularity of the Chechen conflict more generally viz bin Laden and al-Qaeda, see also Hegghammer, *Jihad in Saudi Arabia: Violence and Pan-Islamism since 1979*, Kindle location, 731.

156 This date has been gleaned by the dates of the closure of Khalden and an examination of data within *The New York Times* Guantanamo Docket Project. No verifiable accounts of full program training at al-Faruq in Kandahar in 1999 have been located. Complicating this issue is that al-Qaeda seems to have called its Mes Aynak camp 'al-Faruq'. Mohammad Jabarah's account of his arrival in early 2000 and being told the camp was not yet open further supports that al-Faruq was not running until the spring of 2000. Jabarah trained instead in Kabul and then moved onto al-Faruq when it opened. See Ressa, *Seeds of Terror: An Eyewitness Account of Al-Qaeda's Newest Center of Operations in Southeast Asia*, 168.

157 National Commission on Terrorist Attacks Upon the United States, "The 9/11 Commission Report," 157.

158 *Ibid.*, 153.

159 It must be noted this statement pertains to those who did not already have familial or close social network connections to al-Qaeda via which they were recruited into the network. A review of Guantanamo documentation in *The New York Times* Guantanamo Docket project shows that numerous trainees documented as arriving during this period did not arrive from a desire to join al-Qaeda, rather from other factors, such as bin Uqlaa's fatwa. Some caution must be exercised with detainee accounts and the charges levied at them. Detainees may have sought to underplay their links to al-Qaeda, and alternatively may have been directly questioned on whether al-Uqlaa's fatwa played a role in their decision to travel to Afghanistan, both of which could skew responses. Thus, no statistical breakdown of the number of those who appear to have been influenced by bin Uqlaa's fatwa is provided here, given the issues with determining the veracity of both the US claims against the detainees and the role played by the various fatwas.

Some of those who are linked with bin Uqlaa's and his fatwa in the Guantanamo detainee documentation include: United States Department of Defense, "Abdul Aziz Saad Al Khaldi," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/Detainees/112-abdul-aziz-saad-al-khaldi>; "Abdul Rahman Uthman Ahmed," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/95-abdul-rahman-uthman-ahmed>; "Abdulahdi Abdullah Ibrahim Al Sharakh," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/231-abdulahdi-abdallah-ibrahim-al-sharakh>; "Adnan Mohammed Ali," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/105-adnan-mohammed-ali>;

"Ahmed Yaslam Said Kumam," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/321-ahmed-yaslam-said-kuman>; "Amran Baqur Mohammed Hawsawi," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/368-amran-baqur-mohammed-hawsawi>;

"Bijad Thif Allah Al Atabi," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/122-bijad-thif-allah-al-atabi>;

"Faha Sultan," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/130-faha-sultan>; Fahd Salih Sulayman Al Jutayli," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/177-fahd-salih-sulayman-al-jutayli>; "Khalid Abdallah Abdel Rahman Al Morghi," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/339-khalid-abdallah-abdel-rahman-al-morghi>; "Khalid Malu Shia Al Ghatani," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/439-khalid-malu-shia-al-ghatani/documents/1/pages/1161>; "Khalid Mohammed Al Zaharni," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/234-khalid-mohammed-al-zaharni>; "Mashur Abdallah Muqbil Ahmed Al Sabri," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/324-mashur-abdallah-muqbil-ahmed-al-sabri>; "Mesh Arsad Al Rashid," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/74-mesh-arsad-al-rashid>;

"Muhammad Abd Al Rahman Al Kurash," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/214-muhammad-abd-al-rahman-al-kurash>; "Muhammad Abd Allah Manur Safrani Al Futri," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/194-muhammad-abd-allah-manur-safrani-al-futri>; "Muhsin Muhammad Musheen Moqbill," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/193-muhsin-muhammad-musheen-moqbill>; "Mustafa Abdul Qawi Abdul Aziz Al Shamryi," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/434-mustafa-abdul-qawi-abdul-aziz-al-shamryi>; "Said Muhammad Husayn Qahtani," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/200-said-muhammad-husyan-qahtani>; "Salman Saad Al Khadi Mohammed," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/121-salman-saad-al-khadi-mohammed>; and "Tariqe Shallah Hassan Al Harbi," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/265-tariqe-shallah-hassan-al-harbi>; "Turki Mash Aqi Zayid Al Asiri," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/185-turki-mash-awi-zayid-al-asiri>; "Yahya Samil Al Swaymil Al Sulami," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/66-yahya-samil-al-swaymil-al-sulami>; "Yasim Muhammed Basardah," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/252-yasim-muhammed-basardah/documents/3/pages/399>; and "Yusef Abdullah Saleh Al Rabiesh," *The Guantanamo Docket, The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/105-adnan-mohammed-ali>;

160 Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*, 238, 242.

161 Hamid and Farrall, *The Arabs at War in Afghanistan*.

162 al-Mauritani, "Islamic Action between the Motives of Unity and Advocates of Conflict."

163 Hamid and Farrall, *The Arabs at War in Afghanistan*.

164 See al-Qaeda's membership list, which was clearly written before the USS Cole attack owing to the names of persons detained afterwards being listed without notation about their status. [List of names of al-Qaida Members], AFGP-2002-600046, (West Point: The Combating Terrorism Center), <http://www.ctc.usma.edu/wp-content/uploads/2013/10/>

List-of-Names-of-Al-Qaida-Members-Translation.pdf. A subsequent list taken from Abu Hafs al-Masri's computer, obtained by Wall Street Journalist Alan Cullison, which indicates that there were 198 members at the time of the 9/11 attacks or shortly thereafter; corresponds to the accounts of a former FBI agent. "[Complete Names of Al-Qa'ida, Document Found on the Muhammad Atef Laptop]; "Ken Silverstein, "The Al Qaeda Clubhouse: Members Lacking, *Harper's Magazine*, July 5, 2006.<http://harpers.org/archive/2006/07/sb-al-qaeda-new-members-badly-needed-1151963690>.

For accounts of the foreign fighters see Hamid and Farrall, *The Arabs at War in Afghanistan*.

165 The figure 1195 relates to Arab fighters only. The 1800 figure includes Uzbeks and Uighurs who at most numbered between 600-700. Hamid reports this was a lower figure of around 300, plus 150 Arab fighters—who were recent arrivals and not a part of al-Qaeda and around 800 Pakistanis who were not included in the total count. See Hamid, *Cross over Kandahar Sky*, 147-49, 252. See also Hamid and Farrall, *The Arabs at War in Afghanistan*.

166 Abu Burhan al-Suri remained for a year to help Ibn Sheikh and those assisting him transition the camp; it appears they began running it by themselves in 1994.

167 "Abu Zubayda Combat Status Review." The Guantanamo Docket, *The New York Times*, 16. <http://www.documentcloud.org/documents/78018-isn-10016-abu-zubayda-combatant-status-review.html#text/p2>.

168 Abdullah Mansur, "The Third Meeting with the Mujahid Brother Abdul Haq (the Emir of the Islamic Party of Turkistan) Who Tells the Memories of the Fall of Kabul in 2001 [in Arabic]," *Voice of Islam*, no. 4 (July 26, 2009). [http://ia311004.us.archive.org/1/items/AboYahya\\_37/Majalah-Torkstan-Al-Sharqya/Majalah-Torkstan-Al-Sharqya-4-Word.docx](http://ia311004.us.archive.org/1/items/AboYahya_37/Majalah-Torkstan-Al-Sharqya/Majalah-Torkstan-Al-Sharqya-4-Word.docx). Site no longer active, accessed August 4, 2009; Abdullah Mansur, "A Meeting with the Amir of the Islamic Party of Turkistan, the Brother Al-Mujahid Abd-Al-Haq (Part 2)," *Voice of Islam*, no. 3 (February 2009).

169 Hamid and Farrall, *The Arabs at War in Afghanistan*.

170 "Abu Zubayda Combat Status Review Tribunal," 9-10.

171 *Ibid.*, 9.

172 "I Was a Neighbour of Al-Zarqawi [in Arabic]," (2006). <http://www.muslim.net/vb/showthread.php?t=167769>.

173 *Ibid.*

174 See for example the plot against the United States Embassy in Rome, in which militants linked to Abu Zubayda and his colleague Abu Jaafar al-Jazaieri were arrested, charged and incarcerated. In particular those links can be traced via Essid Sami Ben Khemais. Tom Hundley, "Trial tied to Al Qaeda plot near end in Italy," *Chicago Tribune News*, February 7, 2002. [http://articles.chicagotribune.com/2002-02-07/news/0202070334\\_1\\_al-qaeda-essid-sami-ben-khemais-explosives-and-chemicals](http://articles.chicagotribune.com/2002-02-07/news/0202070334_1_al-qaeda-essid-sami-ben-khemais-explosives-and-chemicals). See for example information contained in United States Department of Defense, "JTF-GTMO Detainee Assessment: Adel Ben Mabrouk" The Guantanamo Docket, *The New York Times*, 5. <http://projects.nytimes.com/guantanamo/detainees/148-adel-ben-mabrouk/documents/11>.

175 Some of the group's publications also make mention of Abu Zubayda, such as his security manual. See 'Abu Zubayda' Mujahidin Services Centre -- Research and Information, *Security Encyclopedia* [in Arabic], 1. Accessed via [www.geocities.com/m\\_u3dad4](http://www.geocities.com/m_u3dad4).

<sup>176</sup> A -Sham refers to Syr a, or greater Syr a, Levant to Lebanon, and Maghreb to A ger a of parts of northern Afr ca

<sup>177</sup> In the initial JTTF assessment, now several years old, it was initially alleged Abu Zubayda had been a trainer at al-Faruq in 1994. However, Hamid, the actual amir of the camp at that time, which was not under al-Qaeda control, but rather being independently operated, contests his status, and has indicated Abu Zubayda provided logistical assistance and left the project after a short period. See "Abu Zubayda JTF-GTMO Detainee Assessment." The Guantanamo Docket, *The New York Times*, 2. <http://projects.nytimes.com/guantanamo/detainees/10016-abu-Zubayda/documents/11>. See also Hamid and Farrall, *The Arabs at War in Afghanistan*.

<sup>178</sup> Hamid and Farrall, *The Arabs at War in Afghanistan*.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> For Darunta see Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 205-207. For al-Qaeda and al-Faruq see Hamid, *Tajikistan Project: Jihad Shifted from the Shamal River*, 11; Hamid, "The Five Letters," 28.

<sup>182</sup> Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 205-07.

<sup>183</sup> Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 205-07.

<sup>184</sup> Hamid and Farrall, *The Arabs at War in Afghanistan*.

<sup>185</sup> Hamid, *Tajikistan Project: Jihad Shifted from the Shamal River*, 21-22; Hamid and Farrall, *The Arabs at War in Afghanistan*.

<sup>186</sup> Hamid and Farrall, *The Arabs at War in Afghanistan*.

<sup>187</sup> Ibid.

<sup>188</sup> Just prior to the organisation's 1996 return the camp had been subcontracted out to another Pakistani Group, for use of the Jihad Wal facilities. Ibid.

<sup>189</sup> Hamid and Farrall, *The Arabs at War in Afghanistan*; See Resa, *Seeds of Terror: An Eyewitness Account of Al-Qaeda's Newest Center of Operations in Southeast Asia*, 168.

<sup>190</sup> Peter Finn and Joby Warrick. "Detainee's Treatment Foiled No Plots."

<sup>191</sup> Thomas R. Eldridge et al., "9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States," (Washington DC: National Commission on Terrorist Attacks Against the United States, 2004), 64-n91. [http://govinfo.library.unt.edu/911/staff\\_statements/911\\_Terr\\_Trav\\_Monograph.pdf](http://govinfo.library.unt.edu/911/staff_statements/911_Terr_Trav_Monograph.pdf).

<sup>192</sup> "Lui Sakka Interesting Explanations [in Turkish]," *Haber Pan*, April 3, 2006. <http://www.haberpan.com/lui-sakkanin-ilginc-aciklamalari-haberi/>; "Sakka Trampled the Flag of Israel [in Turkish]," *Tum Gazeteler*, 28 March, 2008. <http://www.tumgazeteler.com/?a=2680686>.

<sup>193</sup> For an exploration of the popularity of the Chechen conflict see Hegghammer, *Jihad in Saudi Arabia: Violence and Pan-Islamism since 1979*, Kindle Location 726-31, 1562-578. See also Hamid and Farrall, *The Arabs at War in Afghanistan*.

<sup>194</sup> Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 177.

<sup>195</sup> Hegghammer, *Jihad in Saudi Arabia: Violence and Pan-Islamism since 1979*, 94-95.

<sup>196</sup> Abd al-Hadi al-Iraqi, "Notes from Abdul Hadi," (2000) AFGP-2002-000091 (West Point: The Combating Terrorism Center), 1-2. <http://www.ctc.usma.edu/posts/notes-from-abd-al-hadi-english-translation-2>.

197 "Lui Sakka Interesting Explanations [in Turkish];" "Sakka Trampled the Flag of Israel [in Turkish];" Dominik Cziesche, et al, "Aladdin of the Black Forrest," *Spiegel Online International*, September 15, 2005. <http://www.spiegel.de/international/spiegel/0,1518,371214,00.html>; Holger Stark, "Syrian Had inside Knowledge of 9/11 and London Bombings," *Spiegel Online International*, August 24, 2005, <http://www.spiegel.de/international/0,1518,371201,00.html>; Associated Press, "Alleged al-Qaeda Aide Said to Fake Death," January 1, 2006. <http://www.foxnews.com/story/0,2933,180331,00.html>; Karl Vick, "A Bomb-Builder, 'Out of Shadows'," *The Washington Post*, February 20, 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/02/19/AR2006021901336.html>; Chris Gourlay, and John Calvert, "Al-Qaeda Kingpin: I Trained 9/11 Hijackers," *The Sunday Times*, November 25, 2007. <http://www.timesonline.co.uk/tol/news/world/europe/article2936761.ece>.; Federal Bureau of Investigation, "Hijackers' Timeline [Declassified 9/11 Commission Document]." <http://www.cooperativeresearch.org/sourcedocuments/2001/pdfs/fbi911timeline.zip>.

198 Ibid.

199 Ibid.

200 Ibid.

201 Ibid.

202 Sakka's history with the Abu Zubayda's centre and Ibn al-Khattab can be discerned from his own statements and verified by corroborating information in other material, both from the US government and also from within jihadi circles. For example; Sakka was well known as a forger of travel documents, which he provided for Abu Zubayda, which can be verified through materials obtained by the 9/11 Commission. Abu Zubayda speaks of a Kurd in Turkey (Sakka) who was a passport forger. See "9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States," 66-n102. Additionally, al-Adl makes oblique reference to Sakka in his account of al-Zarqawi; al-Adl "Biography of the Leader of the Jihad -- Abu Musab Al-Zarqawi.

An analysis of Sakka's statements, interviews and investigative media reports supports al-Adl's mention being Sakka. See for example Lui Sakka Interesting Explanations [in Turkish];" "Sakka Trampled the Flag of Israel [in Turkish];" Dominik Cziesche, et al, "Aladdin of the Black Forrest," *Spiegel Online International*, September 15, 2005. <http://www.spiegel.de/international/spiegel/0,1518,371214,00.html>; Holger Stark, "Syrian Had inside Knowledge of 9/11 and London Bombings," *Spiegel Online International*, August 24, 2005, <http://www.spiegel.de/international/0,1518,371201,00.html>; Associated Press, "Alleged al-Qaeda Aide Said to Fake Death," January 1, 2006. <http://www.foxnews.com/story/0,2933,180331,00.html>; Karl Vick, "A Bomb-Builder, 'out of Shadows'," *The Washington Post*, February 20, 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/02/19/AR2006021901336.html>; Chris Gourlay, and John Calvert, "Al-Qaeda Kingpin: I Trained 9/11 Hijackers," *The Sunday Times*, November 25, 2007. <http://www.timesonline.co.uk/tol/news/world/europe/article2936761.ece>.; Federal Bureau of Investigation, "Hijackers' Timeline [Declassified 9/11 Commission Document]." <http://www.cooperativeresearch.org/sourcedocuments/2001/pdfs/fbi911timeline.zip>.

6/02/19/AR2006021901336.html; Chris Gourlay, and John Calvert, "Al-Qaeda Kingpin: I Trained 9/11 Hijackers," *The Sunday Times*, November 25, 2007. <http://www.timesonline.co.uk/tol/news/world/europe/article2936761.ece>.; Federal Bureau of Investigation, "Hijackers' Timeline [Declassified 9/11 Commission Document]." <http://www.cooperativeresearch.org/sourcedocuments/2001/pdfs/fbi911timeline.zip>.

203 They appear to have come in at least two, possibly three groups, based around social networks in their villages or mosques. Several had links to persons who had already fought in the jihad or were associated with Mujahedeen Services Center, which explains how they were able to transit directly the way house in Turkey. Some also had links to al-Qaeda via family members, such as Salem al-Hazmi. "9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States," 66-n102. "9/11 Commission Report," 233-34.

204 Abd al-Hadi al-Iraqi, "Notes from Abdul Hadi," AFGP-2002-000091, (2000) (West Point: The Combating Terrorism Center), 1-2. <http://www.ctc.usma.edu/aq/pdf/AFGP-2002-000091-Trans-Meta.pdf>.

205 Searches of GITMO records and other first hand information indicate this was in fact the case. National Commission on the Terrorist Attacks Upon America, "9/11 Commission Report," 157.

206 "Abu Zubayda Combat Status Review," 14. "United States vs. Noor Uthman Muhammed Stipulation of Fact." January 28, 2011, 7.

207 Hamid and Farrall, *The Arabs at War in Afghanistan*.

208 United States District Court for the District of Columbia. "Zayn al Abidin Muhammad Husayn, Petitioner vs. Robert Gates, Respondent," Civil Action No. 08-cv-1360 (RWR). October 27, 2009. Respondent's Memorandum of Points and Authorities in Opposition to Petitioner's Motion for Discovery and Petitioner's Motion for Sanctions, <http://truth-out.org/archive/files/memorandum.pdf>, 25-26 "Abu Zubayda Combat Status Review," 13.

209 "Abu Zubayda Combat Status Review," 14.

210 United States District Court for the District of Columbia. "Zayn al Abidin Muhammad Husayn, Petitioner vs. Robert Gates, Respondent," 25-26.

211 Both bin Attash and Khalid Sheikh Muhammad have indicated the hijackers were diverted from Turkey. See National Commission on Terrorist Attacks Upon the United States, "The 9/11 Commission Report," 233-234, 496-n97, 525-n107. This corresponds with elements of Sakka's account. After their arrival, Sakka started them on a rudimentary training program. See Gourlay, and Calvert. "Al-Qaeda Kingpin: I Trained 9/11 Hijackers;" Stark, Holger. "Syrian Had inside Knowledge of 9/11 and London Bombings."

212 Sayf al-Adl, "Biography of the Leader of the Jihad—Abu Musab Al-Zarqawi [in Arabic]." That al-Adl is speaking of Sakka, is a conclusion also independently reached by Steinberg. See Guido W Steinberg, *German Jihad: On the Internationalization of Islamist Terrorism* (New York: Columbia University Press, 2013), 122.

213 Abu Musab al-Zarqawi too was allegedly involved in this plot and was convicted in absentia by Jordan in 2002. However, after arriving in Afghanistan and being supported by al-Qaeda to establish his own training camp, al-Zarqawi's focus was more immediately on the training task at hand, rather than external operations such as the Millennium Plot. This is reflected in the absence of his involvement in any more plots emanating from this network.

214 Craig Whitlock and Munir Ladaa. "[Al-Qaeda's New Leadership] Midhat Mursi al-Sayid Umar, Weapons Expert and Trainer Nationality: Egyptian;" *The Washington Post*, 2006. <http://www.washingtonpost.com/wp-srv/world/specials/terror/omar.html>

215 "Al-Qaeda chemical expert 'killed'," *BBC News*, July 28, 2008. [http://news.bbc.co.uk/2/hi/south\\_asia/7529419.stm](http://news.bbc.co.uk/2/hi/south_asia/7529419.stm).

216 "[Al-Qaeda's New Leadership] Midhat Mursi al-Sayid Umar, Weapons Expert and Trainer Nationality: Egyptian."

217 Ibid.

218 [REDACTED] Witness Testimony], "United States of America v. Sulaiman Abu Ghayth," United States District Court – Southern District of New York. S1398 CR 1023 (LAK), March 11, 2014, 666.

219 Hamid and Farrall, *The Arabs at War in Afghanistan*; Lia, *Architect of Global Jihad: The Life of Al Qaeda Strategist Abu Musab al-Suri*, 250.

220 The only exception is Nasiri, who recounts that he met a figure he believes was Abu Khabab, who encouraged him to consider joining Gamaah Islamiyyah. Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 244.

221 "[Ressam, Ahmed Testimony]." United States of America v. Mokhtar Haouari." United States District Court, Southern District of New York, S4 00 Cr. 15 (JFK), July 3rd, 2001, 555. <http://f11.findlaw.com/news.findlaw.com/hdocs/docs/haouari/ushaouari70301rassamtt.pdf>.

222 Alan Cullison, "Inside Al-Qaeda's Hard Drive," *The Atlantic*, 1 September, 2004. <http://www.theatlantic.com/magazine/archive/2004/09/inside-al-qaeda-s-hard-drive/303428/>

223 Anne Stenersen, "'Bomb-Making for Beginners': Inside an al-Qaeda E-Learning Course," *Perspectives on Terrorism*, 7:1 (2013): <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/241/html>.



- 224 “[Al-Qaeda’s New Leadership] Midhat Mursi al-Sayid Umar, Weapons Expert and Trainer Nationality: Egyptian.”
- 225 Alan Cullison and Andrew Higgins, “Forgotten Computer Reveals Thinking Behind Four Years of al Qaeda Doings,” *The Wall Street Journal*, December 31, 2001. <http://online.wsj.com/news/articles/SB100975171479902000>.
- 226 Lia, *Architect of Global Jihad: The Life of Al Qaeda Strategist Abu Musab al-Suri*, 300.
- 227 Farral and Hamid, *The Arabs at War in Afghanistan*. See also “Letters to Abu Khabab,” <https://www.ctc.usma.edu/posts/letters-to-abu-khabab-english-translation-2>. Note as at the date of report writing, the translated document is not available on the website.
- 228 Lia, *Architect of Global Jihad: The Life of Al Qaeda Strategist Abu Musab al-Suri*, 34.
- 229 Ibid., 38-39.
- 230 Ibid., 71.
- 231 Ibid., 71, 75, 81.
- 232 Ibid., 55, 149.
- 233 Ibid., 231, 233.
- 234 Ibid., 291.
- 235 Ibid., 250.
- 236 Ibid., 253.
- 237 Ibid., 253
- 238 Ibid., 253.
- 239 Paul Cruickshank and Mohammad Hage Ali, “Abu Musab Al Suri: Architect of the New Al Qaeda,” *Studies in Conflict & Terrorism*, 30 (2007): 5. <http://www.lawandsecurity.org/Portals/0/Documents/AbuMusabalSuriArchitectoftheNewAlQaeda.pdf>
- 240 Hamid and Farral, *The Arabs at War in Afghanistan*.
- 241 Ibid.; Cruickshank and Ali, “Abu Musab Al Suri: Architect of the New Al Qaeda,” 7.
- 242 Hamid and Farral, *The Arabs at War in Afghanistan*.
- 243 Lia, *Architect of Global Jihad: The Life of Al Qaeda Strategist Abu Mus’ab al-Suri*, 325.
- 244 Foreign Broadcast Information Service, “Compilation of Usama Bin Laden Statements 1994-January 2004.” January 2004. <http://www.fas.org/irp/world/para/ubl-fbis.pdf>.
- 245 Mawlawi Wakil Ahmad Mutawakil, *Afghanistan aw Taliban* (Kabul: 2007), chapter 32.
- 246 Hamid, *Cross over Kandahar Sky*, chapter 2.
- 247 Ibid.
- 248 Hamid, *Cross over the Kandahar Sky*, chapter 2.
- 249 Bergen, *The Osama bin Laden I Know: An Oral History of al-Qaeda’s Leader*, Kindle Electronic Edition: Location 4386-8.
- 250 See Sasson *Growing Up Bin Laden*, 245. Also, interviews, Kandahar, 2009-10.
- 251 Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*, 150-4.

- 252 Sasson, bin Laden and bin Laden, *Growing Up bin Laden*, 245.
- 253 Hamid, *Cross over Kandahar Sky*, chapter 2.
- 254 Roy Gutman, *How we missed the story: Osama bin Laden, the Taliban, and the hijacking of Afghanistan* (New York: Vanguard Books, 2008), 129.
- 255 Hamid, *Cross over the Kandahar Sky*, chapter 2.
- 256 Hamid, *Cross over the Kandahar Sky*, chapter 2.
- 257 Alan Cullison and Andrew Higgins, "Once-Stormy Terror Alliance Was Solidified by Cruise-Missiles," *The Wall Street Journal*, August 2, 2002). <http://online.wsj.com/news/articles/SB1028236160532452080>; Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11*, Kindle Electronic Edition: Location 9031-9043.
- 258 Lia, *Architect of Global Jihad: The Life of Al Qaeda Strategist Abu Mus'ab al-Suri*, 287.
- 259 *Ibid.*, 284.
- 260 Hamid, *Cross over Kandahar sky*, chapter 2.
- 261 Steve Coll, *Ghost wars: the secret history of the CIA, Afghanistan, and bin Laden, from the Soviet invasion to September 10, 2001*. Kindle Electronic Edition: Location 7802-7815; Cullison and Higgins, "Once-Stormy Terror Alliance Was Solidified by Cruise-Missiles."
- 262 Coll, *Ghost wars: the secret history of the CIA, Afghanistan, and bin Laden, from the Soviet invasion to September 10, 2001*, Kindle Electronic Edition: Location 7802-7815.
- 263 Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11*, Kindle Electronic Edition: Location 268.
- 264 Coll, *Ghost wars: the secret history of the CIA, Afghanistan, and bin Laden, from the Soviet invasion to September 10, 2001*, Kindle Electronic Edition: Location 7850-51; Richard Bonney, *Jihad: From Qur'an to bin Laden*, 124.
- 265 Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11*, Kindle Electronic Edition: Location 5072-5084.
- 266 Interviews, Kandahar and Kabul, June/July 2010.
- 267 "Afghanistan: Taliban's Mullah Omar's 8/22 Contact with State Department," National Security Archive, [U.S. Department of State, Cable] August 23, 1998, 4. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB134/Doc%202.pdf>.
- 268 Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*, 173.
- 269 Sasson, *Growing Up Bin Laden*, 245.
- 270 *Ibid*, 246-7.
- 271 *Ibid*, 247. The outlines of this meeting are also confirmed in Hamid, *Cross over Kandahar Sky*. One interview conducted had Mullah Mohammad Omar's response as follows: "This is not a matter of Islam or not. This is a country and we have our own limitations. We want to prevent a situation that might lead to conditions that are unsafe for you. We don't want that so here are our conditions. You can accept them or leave." (Interview, Kabul, July 2010.)
- 272 Steve LeVine, *The Oil and the Glory: The Pursuit of Empire and Fortune on the Caspian Sea*. (New York: Random House, 2007), Kindle Electronic Edition: 5609.
- 273 Cullison and Higgins, "A Once Stormy Terror Alliance Was Solidified by Cruise Missiles."

274 Amnesty International, "Afghanistan: Detentions and killing of political personalities," March 1, 1999, <http://www.amnesty.org/en/library/info/ASA11/005/1999>.

275 Zaeef, *My Life With the Taliban*, 128-30.

276 Kate Clark, "Mullah Mohammad Rabbani," *The Independent*, April 18, 2001. <http://www.afghanistannewscenter.com/news/2001/april/apr18k2001.html>. In August 2000 Rabbani was seated on the far edge of the stage at a military parade, which commentators claim was an indication of his having been sidelined; Zaeef, *My Life with the Taliban*, 128-30

277 In April 1999, Mullah Khaksar, a senior Taliban member, travelled in secret to Pakistan to meet with American representatives to explore possible ways of dealing with the problem of bin Laden, but no solution was agreed upon. For full details of this visit see Kathy Gannon, *I is for Infidel*. (New York: Public Affairs, 2006), 61-5.

278 *Ibid*.

279 Declassified document listing U.S. engagement with the Taliban, "U.S. engagement with the Taliban on Osama Bin Laden," <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB97/tal40.pdf>.

280 *Ibid*; Zaeef, *My Life With the Taliban*.

281 "Afghanistan: Taliban's Mullah Omar's 8/22 Contact with State Department."

282 "Taliban warns Bin Laden against threats," *The Atlanta Journal and Constitution*, August 24, 1998.

283 Note there are two publicly available accounts of this meeting, one is the interviews given by Turki al-Faisal to journalists in subsequent years, and then the one printed in Sayyed Iftikhar Murshed, *Afghanistan: The Taliban Years* (London: Bennett & Bloom, 2006), 300.

284 "Afghanistan: Tensions Reportedly Mount Within Taliban as Ties With Saudi Arabia Deteriorate Over Bin Ladin," [National Security Archive, U.S. Embassy (Islamabad), Cable] *September 28, 1998*, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB227/31.pdf>

285 Hamid, *Cross over Kandahar Sky*, chapter 2.

286 *Ibid*.

287 Shuja Nawaz, *Crossed Swords: Pakistan, its Army, and the Wars Within* (Oxford: Oxford University Press, 2008), 536-7.

288 Agence France-Presse, "Taliban trying to ease back into diplomatic circles: analysts," February 11, 1999. <http://www.afghanistannewscenter.com/news/1999/february/feb11k1999.htm>

289 "Osama bin Laden: Taliban Spokesman Seeks New Proposal for Resolving bin Laden Problem," [National Security Archive, U.S. Department of State Cable]. *November 28, 1998*, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB253/19981128.pdf>.

290 For a translation of Mullah Mohammad Omar's letter to President Clinton, dated 6 September 1999 see Murshed, *Afghanistan: The Taliban Years*, 310.

291 Declassified document listing U.S. engagement with the Taliban, "U.S. engagement with the Taliban on Osama Bin Laden," <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB97/tal40.pdf>.

292 "From 3,276 tonnes of opium in 2000, production fell dramatically to 185 tonnes in 2001." David MacDonald, *Drugs in Afghanistan: Opium, Outlaws and Scorpion Tales* (Pluto Press, 2007), 78; Murshed, *Afghanistan: The Taliban Years*, 310.

293 Peter Bergen, *Holy War, Inc: Inside the Secret World of Osama bin Laden* (New York: Free Press, 2001), Kindle Edition Location 3355-15.

294 Credit to Thomas Barfield for this characterisation; Barfield, *Afghanistan: A Cultural and Political History*. (Princeton: Princeton University Press, 2010), Kindle Edition Location 3432 ff.

295 "Afghanistan: Taliban's Mullah Omar's 8/22 Contact with State Department."

296 Zaef, *My Life With the Taliban*, 136-9.

297 "Resolution 1267 (1999)"

298 Strick van Linschoten and Kuehn, *An Enemy We Created: The Myth of the Taliban / Al-Qaeda Merger in Afghanistan, 1970-2010*, 175.

299 Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia*, 53.

300 Hamid, *Cross over Kandahar Sky*, chapter 2.

301 Hamid and Farrall, *The Arabs at War in Afghanistan*.

302 Ibid.

303 Ibid.

304 Ibid.

305 Ibid.

306 Ibid.

307 Ibid.

308 Ibid.

309 See for example al-Suri's breakdown of which groups supported the Taliban. See Lacey, *A Terrorist's Call to Global Jihad: Deciphering Abu Musab al-Suri's Islamic Jihad Manifesto*, 115, 120, 131-133. See also Hamid's account of his own oath to Taliban leader Mullah Muhammad Omar and his doing so to encourage others to follow suit in an effort to overcome divisions among the Arabs on this and other issues. Hamid gave his oath on 2 November 1998. See Mustafa Hamid, *Sleepwalkers* [in Arabic] (2009), [http://www.4shared.com/file/121534031/e3e9a7fb/\\_12.html](http://www.4shared.com/file/121534031/e3e9a7fb/_12.html), 24-25. For those who were strongly against the Taliban see "The Truth About Abu Abdullah Al-Muhajir Who Misled Al-Zarqawi and Made Him Expand Causing Bloodshed [in Arabic]," 2005. <http://www.almahdy.net/vb/showthread.php?t=3354>; Abu Bilal al-Ruwaili, "Is Bin Laden from the Preachers of Hell's Gates?" [in Arabic] 2007, <http://www.almahdy.net/vb/downloads.php?do=file&id=15>.

310 Hegghammer, *Jihad in Saudi Arabia: Violence and Pan-Islamism since 1979*, 149-50.

311 Hamid gave his pledge on 2 November 1998. The Uzbeks followed shortly thereafter. Al-Suri's pledge reportedly came later. See Hamid, *Sleepwalkers*, 25. See Lacey, *A Terrorist's Call to Global Jihad: Deciphering Abu Musab al-Suri's Islamic Jihad Manifesto*, 92-93.

312 Al-Suri did not give a pledge to Mullah Muhammad Omar until 15 April 2000. See Lacey, *A Terrorist's Call to Global Jihad: Deciphering Abu Musab al-Suri's Islamic Jihad Manifesto*, 93.

313 Hamid and Farrall, *The Arabs at War in Afghanistan*.

314 For further details of bin Laden's and Hamid's pledges see Hamid, *Sleepwalkers*, 23-30.

315 Ibid., 25.

316 Ibid., 25.

317 Ibid. According to al-Suri, the Libyan Islamic Fighting Group finally decided to support the Taliban, although it is not clear if this ever manifested in a pledge of allegiance, or its direct participation in combat activities. See Lacey, *A Terrorist's Call to Global Jihad: Deciphering Abu Musab al-Suri's Islamic Jihad Manifesto*, 131-133. The Moroccan Islamic Fighting Group (GICM), given its close alignment with the Libyan and Egyptian groups presumably took a similar stance.

318 They declined to recognise Omar's status as the Commander of the Faithful, or Afghanistan as a Dar al-Islam. These groups were predominantly North African, and were renowned for their takfir/rejectionist positions on other Muslims. Although al-Suri makes no mention of them recognising the Taliban, other literature indicates that these groups were among the regime's most vocal critics. See "The Truth About Abu Abdullah Al-Muhajir Who Misled Al-Zarqawi and Made Him Expand Causing Bloodshed [in Arabic];" and al-Ruwaili, "Is Bin Laden from the Preachers of Hell's Gates?"

319 Some left for Peshawar. See Abu Musab, "Status of Jihad." See also "The Truth About Abu Abdullah Al-Muhajir Who Misled Al-Zarqawi and Made Him Expand Causing Bloodshed [in Arabic];" and al-Ruwaili, "Is Bin Laden from the Preachers of Hell's Gates?"

320 "The Truth About Abu Abdullah Al-Muhajir Who Misled Al-Zarqawi and Made Him Expand Causing Bloodshed [in Arabic]."

321 Ibid. The members of the Khalden camp under al-Muhajir did not believe in fighting alongside the Taliban.

322 Ibid.

323 Ibid.

324 The situation devolved into one of fatwa and counter-fatwa, and involved religious figures from outside of Afghanistan, such as Abu Qatada. See Burke, *Al-Qaeda: Casting a Shadow of Terror*, 184-85.

325 Hamid, *Cross over Kandahar Sky*, 22.

326 Al-Suri was seeking to curtail al-Qaeda's influence. For example, see his study on Central Asia, which he presented to Mullah Omar in 1999 in support of his view, and which was a part of his curtailment efforts. The paper was written to support his argument for a greater role for the Uzbeks. Al-Suri recommended to Omar that the Uzbeks be given authority over the foreign volunteers garrisoned in Kabul. See Abu Musab al-Suri, *Muslims in Central Asia and the Coming Battle of Islam* (1999). <http://ia331415.us.archive.org/2/items/MuslimsInCentralAsiaAndTheComingBattleOfIslam/MuslimsInCentralAsiaAndTheComingBattleOfIslam.pdf>. For al-Suri's account of the role his study played, see al-Suri, *The Global Islamic Resistance Call*, 785. For a discussion of the rival blocs see Hamid and Farrall, *The Arabs at War in Afghanistan*.

327 Farrall and Hamid, *The Arabs at War in Afghanistan*.

328 Ibid.

329 Ibid.

330 Ibid.

331 Ibid.

332 Ibid.

333 Ahmad Val Ould Eddin interviews Abu Hafs al Mauritani on 'Special encounters' *Al-Jazeera*, 17 October 2012; Sayf al-Adl, "To Dear Brother Mukhtar," June 13, 2002. (West Point: The Combatting Terrorism Centre), 2. <https://www.ctc.usma.edu/wp-content/uploads/2013/10/Al-Adl-Letter-Translation1.pdf>; National Commission on Terrorist Attacks Upon the United States, "The 9/11 Commission Report," 251. See also Farrall and Hamid, *The Arabs at War in Afghanistan*.

334 Farrall and Hamid, *The Arabs at War in Afghanistan*.

335 Ibid.

336 Ibid.

337 Ibid.

338 Ibid.

- 339 George Tenet, *At the Centre of the Storm: My Years at the CIA* (New York: HarperCollins, 2007).
- 340 Farrall and Hamid, *The Arabs at War in Afghanistan*.
- 341 Ibid.
- 342 Ibid.
- 343 As Hegghammer points out, the motivation of people coming to Afghanistan was diverse: “[p]ersonal accounts suggest that classical jihad was the main driver for people.” Hegghammer, *Jihad in Saudi Arabia: Violence and Pan-Islamism since 1979*, Kindle location 1639.
- 344 “The Convert.” Four Corners. *Australian Broadcasting Corporation*. February 27, 2006. <http://www.abc.net.au/4corners/content/2006/s1580223.htm>
- 345 Ibid.
- 346 Ibid.
- 347 Ibid.
- 348 Mark Dunn, “ ‘Jihad Jack Thomas says he is on a mission of peace and Islam has been hijacked,” May 11, 2013, *Herald Sun*, <http://www.heraldsun.com.au/news/victoria/jihad-jack-thomas-says-he-is-on-a-mission-of-peace-and-islam-has-been-h-jacked/story-e6frf7kx-1226639664916>.
- 349 “(Interview Sahim Alwan) Chasing the Sleeper Cell.” *Public Broadcasting Service*. October 16, 2003. <http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/interviews/alwan.html>.
- 350 Ibid.
- 351 [REDACTED] Witness Testimony], “United States of America v. Sulaiman Abu Ghayth,” United States District Court – Southern District of New York. S1398 CR 1023 (LAK), March 10, 2014, 442-43.
- 352 Neighbour, Sally. “My Life as a Terrorist.” *The Australian*. December 4, 2007. <http://www.theaustralian.com.au/national-affairs/policy/my-life-as-a-terrorist/story-e6frg8yx-1111115023061>.
- 353 See also Hegghammer who reaches a similar conclusion on the basis of his empirical research, writing those who came in the late 1990’s “were a diverse crowd, close to all of who we know however appeared to have links to the early networks, through friends or relatives.” Hegghammer, *Jihad in Saudi Arabia: Violence and Pan-Islamism since 1979*, Kindle location 1602.
- 354 “(Interview Sahim Alwan) Chasing the Sleeper Cell.”
- 355 Neighbour, “My Life as a Terrorist.”
- 356 “(Interview Sahim Alwan) Chasing the Sleeper Cell.”

357 This membership figure is based on accounts of al-Qaeda's membership and documentation such as the lists available in the CTC Harmony Database, the account of a former FBI agent talking of lists discovered, which indicated al-Qaeda's core membership at the time of 9/11 was 200 persons and a list obtained by Wall Street Journal Journalist Alan Cullison. Additionally, from the account of Hamid, in early 2000 al-Qaeda's membership remained around 100, indicating it grew by close to 100 persons in the time frame al-Faruq was open. "[Complete Names of Al-Qa'ida, Document Found on the Muhammad Atef Laptop]." Author Farrall was graciously granted access for earlier research by A Cullison. See also Ken Silverstein, "The Al Qaeda Clubhouse: Members Lacking," Harper's Magazine July 5, 2006. <http://harpers.org/archive/2006/07/sb-al-qaeda-new-members-badly-needed-1151> 963690. For the lists held at the Combatting Terrorism Centre at West Point see <http://www.ctc.usma.edu/posts/list-of-names-of-al-qaida-members-english-translation-2>, and <http://www.ctc.usma.edu/posts/list-of-names-of-al-qaida-members-2-english-translation-2>. See also Hamid and Farrall, *The Arabs at War in Afghanistan*.

In relation to camp estimates, this figure was drawn from a comprehensive analysis of all open source information relating to camps and guesthouses and training course sizes and rotations. For brevity purposes this will not be listed here. However, based on what we know about how long al-Faruq was open and the length of the components within the basic training course it is therefore possible to deduce that the camp hosted some 14 basic training programs, graduating around 560 trainees This calculation is based on the charitable assumption that a full training course was 40 people and that each course was full. The calculation is also based on the premise that training courses started on April 1, 2000 and the last training course commenced in September 2001. The figure is probably lower given that al-Faruq was closed to new training in late August and there does not appear to have always been 40 people in the training courses. Even assuming training courses were conducted simultaneously for the duration of its time in operation (which does not appear to be the case), and based on what we know about class size, we can reasonably assume al-Faruq still trained less than 1200 people. For class size being around 30-40 people see "Defense Trial Exhibits: Substitution for the Testimony of Mohammad Manea Ahmad Al-Qahtani (Phase 2), United States v. Zacarias Moussaoui, Cr. No. 01-455-A. Documents posted July 31, 2006. Document no longer available; accessed on 15/08/06 at <http://www.rcfp.org/moussaoui/pdf/DX-ST001.pdf>. For course sizes of between 20 to 30 see "Fahed Abdullah Ahmad Ghazi," The Guantanamo Docket, *The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/26-fahed-abdullah-ahmad-ghazi#10>.

358 Hamid and Farrall, *The Arabs at War in Afghanistan*.

359 "(Interview Sahim Alwan) Chasing the Sleeper Cell."

360 This was possibly as a result of the return of Arab mujahedeen from Bosnia. For re-organisation of trainers see "United States vs. Noor Uthman Muhammed Stipulation of Fact." January 28, 2011, 4.

361 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 122, 124-5; "United States vs. Noor Uthman Muhammed Stipulation of Fact." January 28, 2011, 2-3.

362 "United States vs. Noor Uthman Muhammed Stipulation of Fact." January 28, 2011, 3.

363 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 174.

364 *Ibid.*, 129-130.

365 "United States vs. Noor Uthman Muhammed Stipulation of Fact." January 28, 2011, 2.

366 Abu Musab, "Status of Jihad." (2000), AFGP-2002-601693 (West Point: The Combating Terrorism Center), 5. <http://www.ctc.usma.edu/posts/status-of-jihad-english-translation-2>.

367 Nasiri, *Inside the Jihad: My Life with Al Qaeda*.

368 Even those who had already attended were required to go through this process again. See Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 172.

369 "United States vs. Noor Uthman Muhammed Stipulation of Fact." January 28, 2011, 3.

370 *Ibid.*, 3.

371 *Ibid.*, 2.

372 Ibid., 3.

373 "[Ressam, Ahmed Testimony]." United States of America v. Mokhtar Haouari." United States District Court, Southern District of New York, S4 00 Cr. 15 (JFK), July 3rd, 2001, 546. <http://fi1.findlaw.com/news.findlaw.com/hdocs/docs/haouari/ushaouari70301rassamtt.pdf>.

374 Ibid., 547.

375 Ibid., 547-548.

376 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 200.

377 Ibid., 144.

378 "[Ressam, Ahmed Testimony]." July 3rd, 2001, 548.

379 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 136.

380 Ibid., 141.

381 "United States vs. Noor Uthman Muhammed Stipulation of Fact." January 28, 2011, 4.

382 Nasiri and Ressam both had lengthy stays. This was the norm. See Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 141, 157; "[Ressam, Ahmed Testimony]." July 3rd, 2001, 639.

383 Abu Musab al-Suri. "[Letter to Bin Laden and Covering Letter for Ayman Al-Zawahiri]," (1998).

384 This would be based on the majority of recruits spending at least 6 months in the camps, as is commonly reported to have been the time frame for the basic training compliment.

385 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 157.

386 Ibid., 141, 174.

387 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 174.

388 "[Ressam, Ahmed Testimony]." July 3rd, 2001, 548.

389 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 174.

390 "Unclassified Summary of Evidence for Administrative Review Board in the case of Muhammad, Zamir," January 16, 2008, 2.<http://projects.nytimes.com/guantanamo/detainees/707-noor-uthman-muhammed/documents/9#search/p1/Khalden>.

391 "United States vs. Noor Uthman Muhammed Stipulation of Fact," January 28, 2011, 4.

392 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 168.

393 Ibid., 138-140, 145-146. "United States vs. Noor Uthman Muhammed Stipulation of Fact," January 28, 2011, 4.

394 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 148-151.

395 "United States vs. Noor Uthman Muhammed Stipulation of Fact," January 28, 2011, 4.

396 "[Ressam, Ahmed Testimony]." July 3rd, 2001, 549.; Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 141-145; "United States vs. Noor Uthman Muhammed Stipulation of Fact," January 28, 2011, 4.

397 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 205-13.

398 Hamid and Farrall, *The Arabs at War in Afghanistan*.

399 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 160.

400 Ibid., 160-64.



401 Ibid., 160-64.

402 Ibid., 160-64.

403 "[Ressam, Ahmed Testimony]." July 3rd, 2001, 550.

404 Ibid.

405 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 164-68; "United States vs. Noor Uthman Muhammed Stipulation of Fact," January 28, 2011, 4; "[Ressam, Ahmed Testimony]." July 3rd, 2001, 550-551.

406 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 164-168; "[Ressam, Ahmed Testimony]." July 3rd, 2001, 551; "United States vs. Noor Uthman Muhammed Stipulation of Fact," January 28, 2011, 4-5.

407 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 167-168.

408 Ibid., 168.

409 Ibid., 169.

410 Ibid., 182-85.

411 Ibid., 187-91.

412 Ibid.

413 Ibid.

414 National Commission on Terrorist Attacks Upon the United States, "The 9/11 Commission Report," 489-n15, 500-n8.

415 Abu Ubaydah al-Maqdisi, "The Leader Abu Zubayda: This Is How I Knew Him and This Is How He Was Captured" [in Arabic] (2006). <http://www.tajdeed.org.uk/forums/showthread.php?threadid=45815>; Abu Ubaydah al-Maqdisi. *Martyrs in a Time of Alienation* [in Arabic] (Al-Fajr Media Centre, 2008). <http://ia301524.us.archive.org/2/items/Ghurabaa-Afghanistan-S-o-T/shuhada.pdf>.

416 The 9/11 report suggested American citizen and close associate of Abu Zubayda, Khalil Deek, was involved in this project. Khalid Sheikh Muhammad too was also involved, when he "worked with Abu Zubayda's group on some 'media' projects" after rejecting Bin Laden's offer to join al-Qaeda in late 1996. National Commission on Terrorist Attacks Upon the United States, "The 9/11 Commission Report," 489-n15, 500-n8.

417 Nasiri, *Inside the Jihad: My Life with Al Qaeda*, 149-151.

418 "Abu Zubaydah." The Guantanamo Docket, *The New York Times*, 9. <http://projects.nytimes.com/guantanamo/detainees/10016-abu-zubaydah/documents/7>.

419 "United States vs. Noor Uthman Muhammed Stipulation of Fact," January 28, 2011, 3.

420 Ibid.

421 "Zayn al Abidin Muhammad Husayn, Petitioner vs. Robert Gates, Respondent." Civil Action No. 08-cv-1360 (RWR). October 27, 2009. Respondent's Memorandum of Points and Authorities in Opposition to Petitioner's Motion for Discovery and Petitioner's Motion for Sanctions, 35. <http://big.assets.huffingtonpost.com/1295-00oppositiontodiscovery.pdf>.

422 Ibid.

423 "Zayn al Abidin Muhammad Husayn, Petitioner vs. Robert Gates, Respondent," 6.

424 Ibid.

425 Ibid., 23.

426 National Commission on Terrorist Attacks Upon the United States, "The 9/11 Commission Report," 106, 165, 496-n90, n96-97.

427 Khalid Sheikh Muhammad, in Karachi, provided their 'real' training just before their return journey to Europe. It was ad-hoc, lasting only two weeks, and designed to assist them with plot formation. *Ibid.*, 157, 165-66.

428 The recording of the lecture has become an enduring and powerful recruitment tool for al-Qaeda. It has featured in numerous As-Sahaab videos, see for example As-Sahaab, *Knowledge is for Acting Upon: The Manhattan Raid*. (As-Sahaab, 2006). <http://www.dvidshubnet/video/141403/al-bahlul-pe-30-knowledge-acting-upon#.U2aOcMezill>; As-Sahaab, *The State of the Umma*. (As-Sahaab 2001) <http://www.dvidshub.net/video/141605/al-bahlul-pe-031e-state-ummah-scene-1#.U2aO08ezill>; <http://www.dvidshub.net/video/141936/al-bahlul-pe-031f-state-ummah-scene-2#.U2aO5Mezill>; <http://www.dvidshub.net/video/141937/al-bahlul-pe-031g-state-ummah-scene-3#.U2aO58ezill>.

It has also been released as a standalone video. For the presence of the Hamburg group see <http://www.msnbc.msn.com/id/15082633/> which has a slideshow of the Hamburg group members present in the audience.

429 For the use of the lecture to frame the video see the account of al-Bahlul, the creator of the tape, who claims he was provided with the speech as a template; See "Ali Hamza Ahman Suliman Al Bahlul, Record of Trial: Prosecution Exhibits 001-019," Proceedings of a Military Commission, United States v. Ali Hamza Ahmad Suliman al Bahlul (Office of Military Commissions -- United States Department of Defense, 2008), 42, <http://www.defense.gov/news/PE%20001-019%20Redacted.pdf>. For use in the guesthouse, Temple-Raston, *The Jihad Next Door: The Lackawanna Six and Rough Justice in an Age of Terror* (New York: PublicAffairs™, 2007), 107.

430 "(Interview Sahim Alwan) Chasing the Sleeper Cell."

431 This can be clearly seen in the unscripted comments of 9/11 pilot hijacker Ziad Jarrah as he was attempting to rehearse his martyrdom speech. See "Prosecution Exhibit 26: [Transcript of Martyr Tape of Ziad Samir Jarrah, AFGP-2003-001320]," Proceedings of a Military Commission, United States v. Ali Hamza Ahmad Suliman al Bahlul (Office of Military Commissions -- United States Department of Defense 2008), 44-51. <http://www.defense.gov/news/PE%2021%20-%2031h%20Redacted.pdf>

432 The theme of the rewards for external action being greater is visible in al-Qaeda's later video releases such as As-Sahaab, *Knowledge is for Acting Upon: The Manhattan Raid*. It is implicit in bin Laden's featured speeches such as one where bin Laden tells camp trainees that a squadron of martyrs has gone out, a veiled reference to the forthcoming 9/11 operation.

433 Ramzi bin al-Shihb reported after his arrival he met privately with bin Laden and his account suggests others members of the Hamburg group were privately feted by bin Laden in order to recruit them for the project. See National Commission on Terrorist Attacks Upon the United States, "The 9/11 Commission Report," 167. Private audiences with bin Laden or other senior leaders have also been used as a means to recruit volunteers earmarked for external operations, particularly when al-Qaeda's numbers were small. See for example the case of Jack Roche and Mohammad Jabarah in Sally Neighbour, *In the Shadow of Swords: On the Trail of Terrorism from Afghanistan to Australia* (Sydney: Harper Perennial, 2005), 236-37, 271-72. See, for example, the case of the Buffalo group when the first of its members tried to leave.

434 "(Interview Sahim Alwan) Chasing the Sleeper Cell." See also Temple-Raston, *The Jihad Next Door: The Lackawanna Six and Rough Justice in the Age of Terror*, 121-22.

435 Neighbour, Sally. "My Life as a Terrorist."

436 *Ibid.*

437 *Ibid.*

438 For the hyping of the visits, see al-Qaeda's video: As-Sahaab, *The State of the Umma*. For bin Laden's account of how he reviewed and selected candidates and how all reports reached him, see As-Sahaab, *Knowledge is for Acting Upon: The Manhattan Raid*.

439 "Al Qa'ida Staff Count Public Appointments," AFGP-2002-00012, (West Point: The Combating Terrorism Centre), 2-3. <http://www.ctc.usma.edu/posts/al-qaida-staff-count-public-appointments-english-translation-2>; "Defense Trial Exhibits: Substitution for the Testimony of Mohammad Manea Ahmad Al-Qahtani (Phase 2)," United States v. Zacarias Moussaoui, Cr. No. 01-455-A, 5-6. Documents posted July 31, 2006. Document no longer available; accessed on 15/08/06 at <http://www.rcfp.org/moussaoui/pdf/DX-ST001.pdf>; "United States V John Phillip Walker Lindh, Defendant; Indictment Criminal No. 02-37a," (United States District Court For the Eastern District of Virginia, February 5, 2002), 8. <http://news.findlaw.com/hdocs/docs/lindh/uswlindh020502cmp.html>; "Various Admin Documents and Questions," (2000), AFGP-2002-801138 (West Point: Combating Terrorism Center), 15. <http://www.ctc.usma.edu/posts/various-admin-documents-and-questions-english-translation-2>; As-Sahaab, *Knowledge is for Acting Upon: The Manhattan Raid*.

440 As-Sahaab, *Knowledge is for Acting Upon: The Manhattan Raid*.

441 Ibid. There were exceptions made when particularly promising trainees came to the al-Qaeda leadership's attention, or where they were identified as possessing a particular skill or attribute useful to operations. The case of Nizar Trabelsi provides a useful case in point. Upon initially requesting to undertake a martyrdom attack, Trabelsi was told by the leadership that "the list...was full," although he was reportedly later successful in his efforts to have his name added. See Bergen, *The Osama Bin Laden I Know: An Oral History of Al-Qaeda's Leader*, 271-72. In his case it appears that rebuffing him was a part of his recruitment process, and probably a way of ensuring his commitment to the cause, while further radicalising him and his determination to be involved in a suicide attack.

442 The figure is outlined by Mojdeh whose account confirms the formalisation of this 'brigade' began in early 2001. See Wahid Mojdeh, *Afghanistan under Five Years of Taliban Sovereignty*, 36; and Temple-Raston, *The Jihad Next Door: The Lackawanna Six and Rough Justice in the Age of Terror*, 111. Hamid also notes that in August 2001 bin Laden told him he had over 100 volunteers registered for martyrdom operations. See Hamid, *Cross over Kandahar Sky*, 202. See also Khalid Sheikh Muhammad's mention of a martyrdom brigade in Yosri Fouda and Nick Fielding, *Masterminds of Terror: The Truth Behind the Most Devastating Terrorist Attack the World Has Ever Seen* (New York: Mainstream Publishing, 2003), 114.

443 "The Convert."

444 "Camp Acceptance Requirements," AFGP-2002-600849 (West Point: The Combating Terrorism Centre), <http://www.ctc.usma.edu/wp-content/uploads/2013/10/Camp-Acceptance-Requirements-Original.pdf>

445 "Employment-Contract," AFGP-2002-60045, (West Point: The Combating Terrorism Centre), <http://www.ctc.usma.edu/wp-content/uploads/2013/09/Employment-Contract-Original1.pdf>.

446 The book, *The Pillar Concerning Making Ready the Preparation for Jihad in the Path of Allah the Most High*, has been translated in part, including the section dealing with bayah. See Abdul Qadir Ibn Abdil Aziz, *The Refutation of Doubts Concerning Bayah and Imaarah*. <http://www.kalamullah.com/Books/BayahWallmaraah.pdf>. Book no longer available on this site.

447 Ibid., 89-90.

448 Ibid., 125-26.

449 Ibid., 89-90.

450 Ibid., 125-26.

451 Ibid., 106.

452 Ibid., 132.

453 "Abu Zubayda Combat Status Review," 13.

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Abdul Salam Zaeef. Felix Kuehn, editor, and Alex Strick van Linschoten, editor. *My Life With the Taliban*. London: C Hurst & Co Publishers Ltd, 2010.

"Zayn al Abidin Muhammad Husayn, Petitioner vs. Robert Gates, Respondent." Civil Action No. 08-cv-1360 (RWR). October 27, 2009. Respondent's Supplement to Memorandum in Opposition to Petitioner's Motion for Discovery. <http://big.assets.huffingtonpost.com/1295-00oppositiontodiscovery.pdf>

“Zayn al Abidin Muhammad Husayn, Petitioner vs. Robert Gates, Respondent,” Civil Action No. 08-cv-1360 (RWR). October 27, 2009. Respondent’s Memorandum of Points and Authorities in Opposition to Petitioner’s Motion for Discovery and Petitioner’s Motion for Sanctions. <http://truth-out.org/archive/files/memorandum.pdf>

“Zayn al Abidin Muhammad Husayn, Petitioner vs. Robert Gates, Respondent.” Civil Action No. 08-cv-1360 (RWR). October 27, 2009. Respondent’s Memorandum of Points and Authorities in Opposition to Petitioner’s Motion for Discovery and Petitioner’s Motion for Sanctions. <http://big.assets.huffingtonpost.com/1295-00oppositiontodiscovery.pdf>.





# LEAH FARRALL

## EDUCATION

### **PhD**

“Reconsidering al-Qaeda: an examination of its organisational, doctrinal and ideological evolution”

Monash University, Melbourne, Australia

2011

### **Master of International Relations and Asian Politics (MIRAP)**

University of Queensland, Australia

Areas of focus: International Relations, Non-traditional security threats, Terrorism, and Asia Pacific Security

1999

### **Bachelor of Arts (Government)**

University of Queensland, Australia

1997

## RELEVANT CAREER HISTORY

### **Senior Lecturer, Security Studies**

College of Humanities and Social Sciences

Massey University, New Zealand

2014

### **Research Associate (External)**

The United States Studies Centre

University of Sydney, Australia

2011 - Present

### **Consultant**

EU ASEAN Migration & Border Management Program (Jakarta–ASEAN Secretariat)

Department of Defence (Australia)

Control Risks Group (London)

Janes IHS (London)

2009

### **Acting Team Leader/Senior Counter Terrorism Intelligence Analyst**

Counter Terrorism Intelligence, Middle East/South Asia (MESA) Team

Australian Federal Police

February 2006 – July 2008

### **Senior Counter Terrorism Intelligence Analyst,**

Jakarta Regional Cooperation Team, Indonesia

Australian Federal Police

July 2005 – February 2006

**Senior Counter Terrorism Intelligence Analyst**

Convergence Team  
Australian Federal Police  
*October 2003 - July 2005*

**Intelligence Analyst**

Intelligence Product / Intelligence Briefing Team  
Australian Federal Police  
*October 2002 – October 2003*

**Course Coordinator/ Lecturer Level B**

“Terrorism and Insurgency in World Politics”  
School of Political Science and International Studies  
University of Queensland  
*July 2001 – October 2002*

**Lecturer Level A**

School of Political Science and International Studies  
“Introduction to International Relations,” “Conceptions of World Politics,”  
“Terrorism, Revolution and Insurgency in World Politics.”  
University of Queensland  
*January 2000 – July 2002*

**PRESENTATIONS, PUBLICATIONS & MEDIA WORK**

***Selected External Training/ Conference Presentations***

- Counter Terrorism Capability Conference, New Zealand Police (2005);
- Radicalisation Colloquium, Leadership in Criminal Intelligence Program, Australian Federal Police (2006);
- Radicalisation Roundtable, Department of Immigration and Citizenship (DIAC), Australia (2006);
- Terrorism and the Internet, Jakarta Centre for Law Enforcement Cooperation (JCLEC) (2007);
- Terrorism and the Internet, Counter Terrorism Intelligence Training Program (CTITP) (2008);
- Joint Intelligence Group Officer Skills Enhancement Course (JIGOSEC), Australia (2008);
- Radicalisation Crossing Borders, Global Terrorism Research Centre, Monash University, Australia (2008);
- Officer/Non Commissioned Officer Training, Department of Defence, Australia (2009);
- Safeguarding Australia Summit, Threats and Responses Conference, Canberra (2010).
- The 9/11 Decade, The United States Studies Centre, The University of Sydney (2011)

## SELECTED PUBLICATIONS

### **Forthcoming**

Hamid, Mustafa and Leah Farrall. *The Arabs at War in Afghanistan*. London: C Hurst & Co. Ltd. 2014.

### **Released**

“Egyptian revolution threatens to resolve into a hollow victory.” *The Australian*. December 22, 2012.

“What the al Shabab-al Qaeda merger means for Australia.” *The Conversation*. March 5, 2012.

“Al Qa’ida’s Global Reach Lengthens.” *The Australian*. February 16, 2012.

“Command and Control Challenges Facing Al-Qaeda’s Senior Leadership” *Janes Intelligence Review, Special Supplement*. January 2012.

“Interview with a Taliban Insider: Iran’s game in Afghanistan.” *The Atlantic*. November 14, 2011

“Australian blood price for war: former Taliban advisor Mustafa Hamid.” *The Australian*. October 8, 2011.

“Yes, Awlaki execution was a triumph – but mainly in the propaganda wars.” *The Australian*. October 3, 2011

“Will al-Qa’ida and al-Shabab formally merge?” *CTC Sentinel*. 4(7) July 2011.

“Challenges confront new al-Qa’ida chief.” *The Australian*. June 17, 2011

“Al Qaeda’s delayed announcement.” The Zawahiri era begins: An FP Roundtable. *Foreign Policy*. June 16, 2011

“Wanted: Charismatic Terror Mastermind. Some Travel Required.” *Foreign Policy*. May 03, 2011

“How al Qaeda works.” *Foreign Affairs*. March/April 2011

“Hotline to the Jihad.” *The Australian*. December 7, 2009

“Al Qaeda prefers the US to stick around.” *The Australian*. November 12, 2009

“The evolving dynamics of al Qaeda’s command and control.” *Jane’s Intelligence Review*. 21(12) November 2009

“Detentions come back to bite.” *The Australian*. September 16, 2009.

# Felix Kuehn

Writer and Researcher

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Felix Kuehn is writer and researcher with a focus on national and transnational militant Islamic groups and network. Kuehn has worked and lived in Yemen, Syria, Libya, Afghanistan, Somalia, Jordan and Pakistan. He is co-author/co-editor of three critically acclaimed books about the war in Afghanistan that are the product of over eight years field experience. He has published research papers with New York University and the Afghanistan Analyst's Network, advised several western governments and written for several major news outlets, including The New York Times and Foreign Policy magazine.

## Projects

### **Founder/CEO: 2012 - First Draft Publishing GmbH**

Founder and CEO of a publishing house project that seeks to preserve primary source texts and commission new books from up-and-coming field researchers.

### **Co-author: 2012 - NYU Report on Taliban Education Policy**

Report for the Center on International Cooperation, New York University on the Taliban's attitudes towards education. Based on written primary source material and interviews with senior Taliban figures and others involved in education from the 1980s till today.

### **Co-author: 2011 - ISAF Press Releases Report**

A quantitative database project published by the Afghanistan Analyst's Network that explored the war in Afghanistan through official ISAF press releases and statements.

### **Co-author: 2009-2011 - An Enemy We Created / NYU Report**

Originally a report commissioned by the Center on International Cooperation, the text was expanded and rewritten into a book-length treatment (published by Hurst (UK) and Oxford University Press (USA)).

### **MPhil/PhD Student: 2012- 2015 - Negotiation with the Taliban (King's College London)**

The PhD explores negotiations that took place between the Taliban, foreign governments, international organisations and non-governmental organisations during the 1990s. It aims to extract useful lessons and determine in how far we can talk about a Taliban negotiation behaviour pattern and what most influenced it.

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**Senior Research Consultant: 2008-2009 - CAPS Provincial Profiles**

Responsible for supervising researchers who were producing three province profiles (including field research) at the Center for Peace Studies (CAPS) in Kabul, commissioned in association with the Independent Directorate of Local Governance (IDLG).

**Co-editor: 2007-2010 - My Life With the Taliban**

The autobiography of former Taliban ambassador, Mullah Abdul Salam Zaeef. Based on interviews with Mullah Zaeef, written tracts, crossed-referenced, richly annotated and footnoted. It was published by Hurst (UK), Columbia University Press (USA), Hachette (India) and others.

**Co-editor: 2006-2012 - Poetry of the Taliban**

Translated volume of poetry propagated and/or written by the Taliban. While the majority of the collection is taken from the Taliban's official website, it also includes commissioned work by current senior members, and a small selections of poems from the 1990s. The collection was the first fiction work published by Hurst (UK), Columbia University Press (USA) and Oxford University Press (Pakistan).

**Co-Founder: 2006-2009 - AfghanWire**

Afghanwire was a research and monitoring tool that allowed users to follow the debates and opinions within the Afghan media and understand them in context. A selection of news articles were translated every day and embedded in a contextual information database.

**Speaking Engagements**

Felix Kuehn has participated in panels hosted by The Frontline Club (UK), New York University (USA), Council on Foreign Relations (USA), Carnegie Endowment for International Peace (USA); and he has given lectures/presentations at the School of Oriental and African Studies (UK), International Institute of Strategic Studies (UK), The British Defence Academy (UK), the London School of Economics (UK), King's College London (UK), Chatham House (UK), Cambridge University (UK), Uppingham School (UK), Oxford University (UK), Princeton University (USA), the Brookings Institute (USA), the United States Senate (USA), the Sanctions Committee of the United Nations (USA), the United States War College (USA), the Middle East Institute (USA), the Naval Postgraduate School (USA), Harvard University (USA), and the Norwegian Institute of International Affairs (Norway), the US Senate (USA).

**Education**

2012 - King's College London Department of War Studies -- *MPhil/PhD*

2003-7 - School of Oriental and African Studies, London -- *BA Arabic and Development Studies*

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Alex Strick van Linschoten is the co-author/co-editor of three critically acclaimed books about the war in Afghanistan, products of over eight years field experience. He has published research papers with New York University and the Afghanistan Analyst's Network, and written for several major news outlets, including The New York Times and Foreign Policy magazine.

### Projects

2012- **Taliban Sources Project** - A major initiative to index, digitise, translate, and distribute a landmark collection of Taliban documents estimated to contain more than 1.5 million words of text. The TSP collection is one of only a few such private document archives in existence, and is the only collection to amass documentary evidence of Taliban cultural, social and legal output for the years 1979-2011

2012- **First Draft Press Berlin** - Co-founder of a project that seeks to preserve primary source texts and commission new books from up-and-coming authors.

2012 **NYU Report on Taliban Education Policy** - A genealogy of the Taliban's attitudes towards education from the 1980s up until the present day, based on new written primary source material as well as interviews with Taliban figures and those who were involved in forming their education policy.

2011-2012 **AHRC Report on Taliban Strategy** - This was a report commissioned by the UK Cabinet Office and King's College London on the Taliban's strategic intentions.

2011 **ISAF Press Releases Report** - A database project in which I read (and added into the database) over 4000 press releases from ISAF in Afghanistan, analysing the resultant data set for trends relating to the military targeting campaign against opposition groups and fighters. It was published by the Afghanistan Analyst's Network.

2009-2011 **An Enemy We Created / NYU Report** - Examines the relationship between the Afghan Taliban and al-Qaeda since the 1970s. Originally commissioned by the Center on International Cooperation (New York University), this was later expanded into a critically-acclaimed book-length treatment published by Hurst (UK) and Oxford University Press (USA).

2008-2013 **PhD (King's College London)** - Seeks to explore the evolving identity of the Taliban movement through its history, mainly through a translation and exploration of the primary sources relating to the movement which have not thus far been given a proper airing. I will submit my dissertation to the War Studies Department of King's College London in early 2013, where Anatol Lieven is my first supervisor.

2008-2009 **CAPS Provincial Profiles** - While working as a senior research consultant at the Center for Peace Studies (CAPS) in Kabul, I helped coordinate the production of three profiles of provinces in Afghanistan which had been commissioned in association with the Independent Directorate of Local Governance (IDLG).

2008 **'Talking to the Taliban'** - Helped subtitle videos of around 40 interviews with Taliban members that were the centrepiece of Graeme Smith's Emmy award-winning project, "Talking to the Taliban".

2007-2009 **Caged Bird** - This was a collaborative project with an Afghan NGO. I translated the poems of a young Afghan poetess from Dari into English, and edited some of the stories that they provided as well.

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2007-2010 **My Life With the Taliban** - This was the autobiography of former Taliban minister Mullah Abdul Salam Zaef. As co-editor, tasks included interviewing the subject, cross-referencing his account with that of his peers, as well as researching the background to each event described. It was published by Hurst (UK), Columbia University Press (USA), Hachette (India) and others.

2006-2012 **Poetry of the Taliban** - The Taliban's website includes a large number of poems, which were translated and edited for this book, published by Hurst (UK), Columbia University Press (USA) and Oxford University Press (Pakistan).

2006-2009 **AfghanWire** - A research organisation set up to improve awareness of the wide range of issues and opinions relating to Afghanistan through a newsletter and informational database, both available free to the general public and scholar/policy-maker alike.

2005- **'The Still Point'** - Ongoing book project relating to the presence of Sufi jihadism in Somalia, Iraq, Chechnya and Afghanistan. Have made trips to Somalia and Afghanistan (and other places), but more research still needed.

### Skills

Projects conducted together with a diverse range of organisations and collaborators have given me the opportunity to work in a wide range of roles:

- hiring, training and supervising multiple teams of researchers and translators
- project planning, arranging work schedules and timelines
- providing and checking quality of the research product
- monitoring and evaluation of staff
- and estimating and allocating budgets for projects, including all relevant reporting requirements for donors.

As such, I have built a wide network of contacts, from local staff members to research interlocutors, to academic peers, journalists, and aid and policy practitioners. The results of research work and accounts of time spent living in Kandahar, for example, have been presented to senior politicians, diplomats, military leaders and policy advisors of several countries, along with NGOs and other international organisations.

Working and living in Kandahar has meant adapting to and working amidst highly complex security situations. In this context, I have organised and planned field trips to new environments as well as managed to continue working in extremely adverse circumstances. Similarly, I conducted two trips to Somalia (in 2008 and 2010) when the security was highly volatile. This has given me experience in security and research dilemmas concerning myself as well as that of interviewees and staff members. I am accustomed to engaging and exchanging with foreign cultures as part of my research.

### Work Experience

2008-2009 **Senior Research Consultant, Center for Conflict and Peace Studies (Kabul)** - Hired to work with and help train Afghan research teams that formed the core of



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CAPS' staff in late 2008. This involved mentoring, editing work, as well as travelling together for project work.

2007-2008 **Analyst, Balancing Act Africa** - Liaised with a central news / newsletter production team based in London to produce a bi-weekly newsletter on trends relating to communication and technology in Africa.

2006-2009 **Co-Director, AfghanWire** - Started this organisation with my colleague, Felix Kuehn, in order to give a wider voice to Afghan media organisations and to allow for a better understanding of the context behind articles and opinions expressed. My roles included fundraising, public relations and media outreach, interacting with our user base, liaising with Afghan media outlets to secure their permission to republish translated content, as well as a large number of small administrative tasks relating to operating an office with staff inside Afghanistan.

2005- **Freelance Journalism / Analysis** - Published in a large number of different media outlets, reporting or offering comment/analysis from Afghanistan, Syria, Lebanon and Somalia. These include: Foreign Policy magazine (USA), The New York Times (USA), 'International Affairs' journal (UK), The Sunday Times (UK), The Globe and Mail (Canada) and The Tablet (UK). I was also the Afghanistan stringer for the Norwegian news outlet 'ABC Nyheter' in 2008.

2003-2004 **Fundraising Assistant, Afghan Association of London** - Worked with a small Afghan NGO in London to research and put in bids for donors to support their activities. I also carried out some media outreach for their programmes and met with clients (Afghan refugees needing support upon arriving with their families in the UK).

### Languages

**Arabic** – very good in both written/spoken (Lebanese/Syrian dialect) - University course

**Dutch** – fluent understanding, but almost no written or spoken

**English** – fluent, mother-tongue

**Farsi/Dari** – excellent written and spoken (Afghan dialect) - University and Self-Taught

**French** – understanding and spoken skills good, but written only moderate - Self-Taught

**German** – virtually fluent spoken and understanding, but written only moderate - Self-Taught

**Pashto** – excellent comprehension and good speaking (Kandahari dialect) - Self-Taught

**Urdu** - Basic understanding / spoken / written - Self-Taught

### Speaking Engagements

Alex has participated in panels hosted by The Frontline Club (UK), New York University (USA), Council on Foreign Relations (USA), Carnegie Endowment for International Peace (USA); and he has given lectures/presentations at the School of Oriental and African Studies (UK), International Institute of Strategic Studies (UK), The British Defence Academy (UK), the London

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School of Economics (UK), King's College London (UK), Chatham House (UK), Cambridge University (UK), Uppingham School (UK), Oxford University (UK), Princeton University (USA), the Brookings Institute (USA), the United States Senate (USA), the Sanctions Committee of the United Nations (USA), the United States War College (USA), the Middle East Institute (USA), the Naval Postgraduate School (USA), Harvard University (USA), and the Norwegian Institute of International Affairs (Norway).

### Education

I have supplemented the more formal educational achievements listed below by training myself through several programmes; this has included the use of programming and database techniques for advanced data handling, advanced information processing software, as well as ongoing language studies.

- 2008- King's College, London — PhD in War Studies (Supervisor: Anatol Lieven)
- 2003-7 School of Oriental and African Studies, London -- BA Arabic and Persian
- 2002-3 Robinson College, Cambridge -- BA Music
- 1997-2002 Ampleforth College, North Yorkshire -- Secondary school

### References

Barnett R. Rubin  
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Anatol Lieven  
Chair of International Relations, War Studies Department, King's College London  
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