

**POLICING MECHANISMS TO COUNTER TERRORIST ATTACKS IN SOUTH
AFRICA**

by

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Greatness is not where we stand, but in what direction we are moving. We must sail sometimes in the wind and sometimes against it – but sail we must and not drift, nor lie at anchor – Oliver Wendell Holmes

Certainly, completing this thesis has been a rite of passage into realm of self-knowledge, and I could not have achieved this success without the encouragement and support of the following people:

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This thesis is dedicated to ‘DJ’ and the belief that ‘impossible is nothing’.

DECLARATION

I, Rufus Kalidheen (student number: 36788333), hereby declare that 'Policing Mechanisms to counter terrorist attacks in South Africa' is my own work and that all the sources that I have used or quoted, have been indicated and acknowledged by means of complete references.

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R. Kalidheen

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Date

ABSTRACT

Terrorism remains a cardinal threat to national, regional, and international peace and security. It violates the fundamental principles of law, order, human rights and freedom and remains an affront to the Global Charter of the United Nations (UN) and the values and principles enunciated in Africa's Constitutive Act of the African Union (AU). Moreover, it presents a grave and direct threat to the territorial integrity, security and stability of States. In this regard, effective counter terrorism mechanisms and approaches remain fundamental tools in curbing the threats and devastating effects of terrorism. Since the advent of the 'war on terror', issues regarding terrorism and counter-terrorism have become pronounced norms within the international realm. Yet, while an abundance of literature has been focussed and analyzed on counter terrorism approaches within the United States (US), the United Kingdom (UK), Russia and India; little has been documented on effective counter terrorism approaches in South Africa post-2001. Given emerging trends of terrorist camps within the country and the fact that South Africa will be hosting the international event of the 2010 FIFA Soccer World Cup, it is imperative that South Africa improves the overall direction of its counter terrorism strategy.

Essentially, this study offers recommendations for the most effective counterterrorism mechanism, which will aid policing in South Africa. History and current events indicate that South African Police Service (SAPS) has the capacity and capability to successfully deal with threats of terrorism. What is lacking is a concrete proactive counter terrorism approach that makes SAPS stand out as the lead department in countering terrorism. Yet, it should be borne in mind that the most important principle of any counter terrorism operational concept is to co-ordinate an operation with an integrated approach. Bearing this in mind, this study includes an assessment of the counterterrorism methodologies of various agencies responsible for counter terrorism within South Africa, with SAPS being the focal point. To establish the most effective counter terrorism strategy applicable to the South African context, this study considers a comparative analysis of counter terrorism strategies adopted within specified developed (Russia, US and UK) and developing countries (India and Algeria) as well as a conceptual analysis of relevant policing mechanisms that are currently considered as appropriate mechanisms to counter terrorism within specified countries.

The synopsis of best-case practices of counter terrorism in developed and developing countries as well as the relevant literature on policing mechanism are then synthesized and interrogated into conceptualising an effective policing mechanism to counter terrorism in South Africa.

Keywords: Terrorism, Counter Terrorism, Policing, Mechanisms, South African Police Services (SAPS).

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LIST OF ACRONYMS

| | |
|----------|--|
| ACSRT | African Centre for the Study and Research on Terrorism |
| ALF | Animal Liberation front |
| ANC | African National Congress |
| AQIM | Al-Qaeda in the Maghreb |
| AU | African Union |
| AUPSC | African Union Peace and Security Council |
| BSF | Border Security Force |
| CATS | Crimes against the State |
| CIA | Central Intelligence Agency |
| CISF | Central Industrial Security Force |
| COSATU | Congress of South African Trade Unions |
| COSCO | China Ocean Shipping Company |
| CSVN | Centre for Study of Violence and Reconciliation |
| CTC | Counter Terrorism Centre |
| CTED | Counter Terrorism Executive Directorate |
| CTIC | Counter Terrorism Interdepartmental Community |
| CTSA | Counter Terrorism Security Advisers |
| CTWG | Counter terrorism Working Group |
| DoS | Department of State |
| EAG | Eurasia Group on Money Laundering |
| ETA | Euzkadi Ta Askatasuna |
| EU | European Union |
| EUROPOL | European Police |
| FARC | Revolutionary Armed Forces of Columbia |
| FBI | Federal Bureau of Investigations |
| FICA | Financial Intelligence Centre Act |
| FIS | Front Islamique du Salut (Islamic Salvation Front) |
| FIU | Financial Investigation Unit |
| FN | Forces Nouvelle |
| FSB | Federal Security Bureau |
| GSPC | Groupe Salafist pour la Predication et le Combat |
| HUM | Harkat-ul-Mujahideen |
| IB | Intelligence Bureau |
| IED | Improvised Explosive Device |
| IIPB | Islamic International Peacekeeping Brigade |
| IIU | Intelligence and Investigation Unit |
| ILP | Intelligence led Policing |
| INTERPOL | International Police |
| IRA | Irish Republican Army |
| ISI | Inter-Services Intelligence (Pakistan) |
| ISS | Institute for Security Studies |
| JCPs | Justice, Crime, Prevention and Security Cluster |
| JEM | Justice Equality Movement (Sudan) |
| JOC | Joint Operations Commission |
| JSC | Joint Security Cluster |
| JTAC | Joint Terrorism Analysis Centre |

| | |
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| JTTF | Joint Task Team Force |
| KKK | Klu Klux Klan |
| LOC | Line of Control |
| LRA | Lord's Resistance Army |
| LT | Lakshkar-e-Toiba |
| LTTE | Liberation Tigers of Tamil Eelam |
| MI5 | Military Intelligence (UK Internal) |
| MI6 | Military Intelligence (UK External) |
| MIPT | Memorial Institute for the Prevention of Terrorism |
| MK | uMkhonto we Sizwe |
| MPS | Metropolitan Police Service |
| NCC | National Coordination Committee (South Africa) |
| NCIS | National Criminal Intelligence Services |
| NCTC | National Counter Terrorism Committee (Russia) |
| NEPAD | New Partnership for Africa's Development |
| NIA | National Intelligence Agency |
| NICOC | National Intelligence Coordinating Committee |
| NIM | National Intelligence Model |
| NSG | Nuclear Suppliers Group |
| NYPD | New York Police Department |
| OAU | Organisation of African Unity |
| PAC | Pan African Congress |
| PAGAD | People against Gangsterism and Drugs |
| PFLP | Popular Front for the Liberation of Palestine |
| PICOC | Provincial Intelligence Coordinating Committee |
| PIJ | Palestine Islamic Jihad |
| PKK | Kurdistan Workers Party |
| PLF | Palestine Liberation Front |
| PLO | Palestinian Liberation Organisation |
| POCDATARA | Protection of Constitutional Democracy against Terrorist and Related Activities Act |
| RIRA | Real Irish Republican Army |
| SA | South Africa |
| SACP | South African Communist Party |
| SAIIA | South African Institute of International Affairs |
| SANCO | South African National Civic Organisation |
| SANDF | South African National Defence Force |
| SAPS | South African Police Service |
| SASS | South African Secret Service |
| SCIC | Supreme Council of Islamic Courts |
| SCU | Special Counter terrorism units |
| SPG | Special Protection Group |
| SPIR | Special Purpose Islamic Regiment |
| UDF | United Democratic Front |
| UN | United Nations |
| UNISA | University of South Africa |
| UNSC | United Nations Security Council |
| USA | United States of America |

WMD Weapons of Mass Destruction

CHAPTER 1

INTRODUCTION

1.1 Background to the Study

Terrorism is a global threat with global effects; its methods are murder and mayhem, but its consequences affect every aspect ... – from development to peace to human rights and the rule of law. No part of our mission is safe from the effects of terrorism; and no part of the world is immune from this scourge –

Kofi Annan, Secretary General of the United Nations, 2005

The above statement by Former Secretary General of the United Nations (UN), quoted from the report entitled ‘In Larger Freedom: Towards Development, Security and Human Rights for All’ (2005), aptly captures the essence of the threat of terrorism facing the world today. Terrorism remains a cardinal threat to national, regional, and international peace and security. It violates the fundamental principles of law, order, human rights and freedom and remains an affront to the Global Charter of the UN and the values and principles enunciated in Africa’s Constitutive Act of the African Union (AU). Moreover, it presents a grave and direct threat to the territorial integrity, security and stability of States. In this regard, effective counter terrorism mechanisms and approaches remain fundamental tools in curbing the threats and devastating effects of terrorism. Since the advent of the ‘war on terror’, issues concerning terrorism and counter terrorism have evolved into pronounced norms within the global system. Yet, whilst an abundance of literature have been focussed and analysed on counter terrorism approaches within the United States (US), the United Kingdom (UK), Russia and India; little has been documented on effective counter terrorism approaches in South Africa post 2001. Given emerging trends of terrorist camps within the country and the fact that South Africa will be hosting the international event of the 2010 FIFA Soccer World Cup, it is imperative that South Africa improves the overall direction of counter terrorism strategy in the country. The key will be to reflect on an integrated and holistic approach to state security, both in terms of the nature of specific tools and programs and the wider societal contexts in which they emerge.

As such, this study consists of a search for the most effective counter terrorism mechanism, which will aid the policing of terrorism in South Africa (SA). The study will initially be a terrorist threat assessment in South Africa. It will include an assessment of the counter terrorism methodologies of various agencies responsible for counter terrorism within South Africa, with the South African Police Service (SAPS) being the focal point. Furthermore, to establish the most effective counter terrorism strategy applicable to the South African context, this study will consider the counter terrorism strategies adopted within specified developed and developing countries. The eventual aim is to provide an appropriate mechanism to combat terrorism in South Africa for the national enforcement agency in the country, the SAPS. This will be elaborated upon in Section 1.3 of this study.

1.2. Research question

In order for South Africa to proactively counter terrorism, there is a need for SAPS to reconceptualise and strengthen its counter terrorism strategy to reflect existing global realities.

1.3. Research aim and objectives

1.3.1. Aim

The aim of this study is to evaluate policing mechanisms to counter terrorism in South Africa. In achieving this aim, the research assessed the anti terrorism methods adopted by developed and developing countries globally. The study determined where in the state structures, counter terrorism could be most effective. It also identified and assessed the mechanisms adopted to prevent terrorism. The study also considered the role of law enforcement agencies to counter terrorism. In finality, the study revealed the most effective method, which South Africa and specifically SAPS, should consider.

1.3.2. Objectives

The following elements were considered as key objectives at the commencement of this study:

- Assess policing mechanisms to counter terrorism internationally, by countries and organisations, including experts in the subject matter;
- Identify policing mechanisms in SAPS and determine its effectiveness;
- To reflect on the outcome of the results of the research; and
- To make recommendations on the results obtained.

1.4. Value of Research

This study adds important value to countering terrorism and thereby ensuring a safe environment in South Africa. SAPS will be able to refer to the research to assist in adopting refining its policing mechanisms to counter terrorism. The research contributes as a point of reference for future research on counter terrorism. This research could also be utilised by other law enforcement agencies and departments responsible to counter terrorism globally to aid in the development of counter terrorism strategies. Terrorism is of a dynamic nature and recent measures to counter terrorism are always valued.

1.5. Research Methodology

This study utilised the best possible research method to obtain credible results. This section will elaborate on the research approach, design, data collection and analysis adopted to reach the desired outcome for the study.

1.5.1. Research approach and design

This study utilised the qualitative research approach. Such an approach considered qualitative research as ‘open and emerging’ (Cresswell, 1998:8) and was necessary since it considered prior research done on the subject matter and essentially influenced the study’s understanding and interpretation of events (Struwig and Stead, 2001:13). In this regard, the study considered both primary and secondary sources of data to conceptualise and contextualise the understanding of terrorism and counter terrorism. Primary literature included national strategies of selected countries and interviews with local experts. Secondary sources included journals, books, newspapers and magazines related to the topic of terrorism and mechanisms to counter terrorism.

1.5.2. Target population and sampling

The target population in South Africa was counter terrorism experts within academia and the National office of the SAPS. Interviews were conducted with nine relevant subject matter experts (see References for list of interviewees and stated expertise) from research institutions such as the Institute of International Security Studies (ISS), South African Institute of International Affairs (SAIIA), University of South Africa (UNISA), University of Pretoria, and the South African Police Service (SAPS).

The sampling method, which was utilised in this study, was that of non-probability convenience sampling. This involved the sample group being chosen from that part of the population who are knowledgeable on the subject matter and are relatively convenient as it stems essentially from convenience in terms of availability and proximity. Within this framework, the method of snowball sampling was also utilised. Snowball sampling is utilised when the desired sample characteristic (in this instance that of policing experts on terrorism) is rare. This method of sampling relies on referrals from initial subjects (<http://www.statpac.com/surveys/sampling.htm>).

1.5.2.1. Operationalising the data sampling process

In this context, interviews were conducted with experts within the field of terrorism and policing with the aim of identifying practical counter terrorism approaches. The sampling process allowed for a ‘snow ball’ effect whereby subject matter experts provided further referrals on the subject. This increased the expanse of interviews pertaining to the study and further gave impetus to an in-depth analysis and critique of the area under discussion.

The study commenced with the identification of known experts within the relevant fields of terrorism and policing based on their research and expertise as disseminated within the public domain. These experts are revered within relevant academic, diplomatic and public domains. Their work as well as their recommendations within their specific subject areas has influenced policy making and theoretical understandings at the various levels of government over the years. Their extensive publication list also adds value to their credibility within the realm of counter terrorism. Within the sphere of academic credibility, the following experts were chosen: Anneli Botha (Senior Research on terrorism at the Institute for Security Studies), Boyane Tshehla (Head of the Crime and

Justice Programme at the Institute for Security Studies), Clifford Shearing (Professor of Criminology and the Director of the Institute of Criminology), Michael Hough (Director of the Institute for Strategic Studies), Hussein Solomon (Director of the Centre for International Political Studies with emphasis on religious fundamentalism in South Africa) and Richard Gueli (Researcher for the Council for Scientific and Industrial Research). With the aim of practical applicability to the study, the following experts were chosen: Johan Burger (Senior researcher in the Crime and Justice Programme at the Institute for Security Studies and former Assistant Commissioner at SAPS) and a Senior SAPS official (Crime Intelligence). To obtain legal objectivity within the ambit of this study, Andre Thomashausen (Professor at the Institute of Foreign and Comparative Law) was selected and Kurt Shillinger (Research Fellow at the South African Institute of International Affairs and former journalist) shed light on the public dimensions of terrorism.

The relevant experts were contacted and informed of the objectivity of this study and were allowed an opportunity to participate in this research process. The participants were provided with a copy of the interview schedule and a letter confirming the authenticity of the research prior to the interview.

1.5.3. Method of data collection

There are different instruments of data collection, namely, observations, interviews, documents and audio-visual materials (Silverman, 2005:129). The afore-mentioned illustrate the four basic forms of data collection in qualitative research. This study made use of individual semi-structured interviews. Interviews conducted involved verbal communication either in person or telephonically. Questionnaires were communicated to interviewees prior to interviews to allow for effective interaction on specified questions. The focus of these interviews rested on two related pillars. The one involved interviews on the substantive issues of counter terrorism. The second element of the research was streamlined towards effective policing mechanisms to counter terrorism.

The counter terrorism approach evaluated considered relevant regulations. These included the United Nations (UN) and South African regulations. In essence, the counter terrorism approach as envisioned must comply with these regulations so that it can be acceptable and correlate to the norms of global governing bodies. The regulation considering the rights of individuals was also of essence.

1.5.4. Data analysis

According to Struwig and Stead (2001:149), the analysis of data is the interpretation of data to make it understandable. This study utilised the qualitative method of data analysis. The basic elements of qualitative data analysis incorporate the ability to collect; to interpret; to criticise and provide a balanced argument on critical issues that underlie this study. The Tesch eight-step process of analysis incorporates the critical elements of qualitative data analysis and was utilised in this study (Technikon SA, 2001: 62). The Tesch eight-step process is structured as follows:

- get a sense of the whole;

- pick a document from a transcribed interview, read through it carefully and identify its meaning;
- make lists of topics and cluster them together;
- code the information;
- classify them by grouping them together;
- make final decisions and alphabetise the codes;
- assemble same categories and do preliminary analysis; and
- recode if necessary (Technikon SA, 2001: 62).

This analysis used textual data. The data was then qualitatively analysed into manageable themes. Copious notes made during the interviews were analysed. A critical examination ensued with information collected from relevant open source information. The objective was to provide an appropriate argument as a basis for this study.

1.5.5. Methods used to ensure validity and reliability

Reliability in qualitative research is synonymous with consistency. Validity refers to trustworthiness and credibility in qualitative research. This defined is the degree to which we rely on concepts, methods and inferences of studies (Struwig and Stead, 2001:148). Other measures that ensured the study's validity and reliability were methods relating to triangulation; checking of memberships and whether, the chain of evidence was correct. Triangulation is often used to indicate that more than one method is incorporated in order to cross – reference findings for the objective of credibility (Struwig and Stead, 2001:133).

In this study, triangulation was encapsulated within the literature review where more than one source was utilised to obtain an unbiased understanding of key concepts. Triangulation was also encompassed within the process of interviews, where different authors proved varied and sometimes common approaches to key concepts and themes. This again assisted in formulating a balanced argument within this thesis. Another method of ensuring reliability and validity was the cross-referencing of findings between interviews conducted and information collected from open source references such as that from journals, newspapers and books.

1.6. Research Structure

The structure of the research encompasses six chapters with specific themes, which includes the conceptualisation of terrorism globally, a comparative analysis of counter terrorism mechanisms in developed and developing countries, and the contextualisation of terrorism in South Africa with emphasis on the formulation of an appropriate policing mechanism to counter terrorist attacks in South Africa.

Chapter 2 discusses the nature of terrorism globally. The chapter provides a brief overview of the history as well as the current trends noted in terms of global terrorism. The chapter provides intricate details on the typologies of terrorism and extent to which such types of terrorism exist in the global realm. Also analysed, is the threat of terrorism as it relates to South Africa, as well as the vulnerabilities identified.

Chapter 3 analyses current literature on counter terrorism and the debates that have emerged regarding appropriate counter terrorism mechanisms to combat such threats of terrorism. The chapter also illustrates a comparative assessment of various counter terrorism methods adopted by countries, agencies and international entities including counter terrorism methods suggested by experts. Countries from the developed (United States, United Kingdom) as well as developing (India, Algeria) countries will be utilised to highlight the extent of terrorism as well as the differing mechanisms that exist and thereby hint at possible mechanisms that could be utilised in enhancing South Africa's counter terrorism capabilities.

Chapter 4 provides an overview of the extent of terrorism and counter terrorism as it pertains to South Africa. It will outline historical as well as current counter terrorism mechanisms employed in South Africa and effectively ascertain whether such mechanisms are appropriate in dealing with current trends and threats of terrorism identified within the country.

Chapter 5 will reflect upon best practices of policing mechanisms adopted by countries globally. The chapter will further explore the historical development of policing mechanisms. The eventual aim is to identify a policing mechanism, which may be a credible and viable measure to effectively counter terrorism. The chapter also incorporates the findings of interviews conducted with relevant experts on a policing mechanism to counter terrorism to add a practical application to the literature surveyed.

Chapter 6 will be the concluding chapter, which aims to pull the study together and offer pertinent recommendations on the research topic. It will work towards a synthesis of literature surveyed and its relevance to research findings with the aim being the establishment of an appropriate framework for counter terrorism methodology and structures applicable to South Africa.

1.7. De-limitations of the Study

The limits of the study indicate the parameters of this research. The study on policing mechanisms to counter terrorism in South Africa was limited in two prominent areas of concern. Firstly, the study aimed to access information, which usually infringes on the clandestine activities of the Crime Intelligence Department in SAPS. This resulted in the study not being able to probe into the Intelligence facet of the SAPS Counter Terrorism approach, which may be prevalent in the recommendations made in Chapter 6. Intelligence forms an integral part of the strategy recommended but it occurs amongst others. It appears that because of related clandestine activities which need to occur in many intelligence agencies, SAPS has taken a decision to cloak the counter terrorism strategy from the public domain. This was recommended against in chapter 6 as well. Incidentally, many countries internationally have also embarked on similar exemptions.

The effects of this reservation, on inviting public discourse on a Counter Terrorism Strategy, have initiated the second concern. Research in the subject of policing counter terrorism in South Africa is limited. However, the study reflected on various interrelated disciplines, which then contributed to a merged product. The restrictions mentioned in the

prior concern may not be the only reasons to this limitation. South Africa is a young democracy, and does not perceive itself as a primary target of international terrorism (Kasrils, 2007). However, researchers have always reflected on prior research, which then provides the impetus for further discourse.

The following elements also fall within the realm of delimitation of this study and include: geographical boundaries, time frames, and definitional concepts.

1.7.1. Geographical boundary

The geographical boundary of the study will be South Africa. The country is in the Southern tip of the African continent. It has two ocean boundaries, the Atlantic Ocean on the west coast and the Indian Ocean on the east coast. Its' country boundaries are Namibia, Botswana, Zimbabwe and Mozambique. It includes Swaziland and Lesotho countries within the South African territory. The country divides into nine local provinces. These are the Eastern Cape; Free State; Gauteng; Kwazulu-Natal; Limpopo; Mpumalanga, Northern Cape; North West and the Western Cape (http://en.wikipedia.org/wiki/South_Africa).

1.7.2. Time Frame

The time frame of the study regarding counter terrorism strategies internationally encapsulates the period September 11, 2001 to the present day (US Commission, 9/11 Report). The effects of the 9/11 terrorist attacks on an influential global power, the US, prompted a trend which saw increased vigilance being attributed to negating the growing threats of terrorism. Furthermore, the UN, after the 9/11 attacks commissioned Resolution 1352 which obligates countries to adopt effective counter terrorism measures.

Counter Terrorism in South Africa will embody the methods utilised post-1994 owing to the new democratic dispensation in the country. The essence of this is to reflect upon current counter terrorism methodology dynamics.

However, the period concerning terrorism will not be restricted to the above limitations but will include historical reflections. This will provide a comprehensive overview of particular facets of terrorist activities.

1.7.3. Definitional Concepts

Essential concepts will need defining to enable an effective understanding of key variants that underlie this study. Definitions of concepts such as 'Terrorism' and 'Counter Terrorism' still remain open to interpretation within the academic arena. No common interpretation exists given the varying dynamics of terrorism itself. As such, this sub-section seeks to provide an overview of existing definitions with the purpose of streamlining an interpretation that best serves the objectives of this study.

1.7.3.1. Defining Terrorism

Terrorism is a difficult concept to define because it is constantly evolving and partly because its definition may be subjectively interpreted. However, it can be maintained, there are certain fundamental issues of terrorism (Cronin, 2004: 3). Terrorism as argued by Wilkinson (2006:3) has a political aspect and involves acts of violence, which intends to bring about political change by influencing the political behaviour of governments, communities or specific groups.

Other academics like Clutterbuck (2004; 141) contend that terrorism is not a tangible entity and therefore it cannot be defeated in any realistic sense. The ‘war on terrorism’, may also be considered, as a ‘war on crime’; therefore, policing is not amenable solely to the use of military means. Since the resurgence of terrorism in the 1960s, it is the conception of ‘terror as crime’ and not ‘terror as war’ that has primarily driven the response to terrorism of a liberal democratic nation. In addition, Clutterbuck considers terrorism as a phenomenon that is global in its range, constant in its presence and inevitably involves the commission of crime. Any national or international mechanism to counter terrorism must be predicated on that understanding (2004: 141).

Conversely, Wilkinson (2006) distinguishes terrorism from other elements of crime on the basis that it plans to propagate a climate of extreme fear amongst its audience. The act of terror extends beyond the immediate victim. The terrorist subjectively chooses the targets. The target may be of a random choice or of a symbolic nature. This is dependent on the terrorists themselves (Wilkinson, 2006:3).

Despite the numerous definitions of terrorism, the international community and academics have, been unable to provide a suitable definition of terrorism. Schmid and Jongman (1988: 28) consider the following basic elements of terrorism to provide this comprehensive definition:

Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group, or state actors, for idiosyncratic, criminal, or political response, whereby — in contrast to assassinations — the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorists (organisations), (imperilled) victims, and main targets are used to manipulate the main target (audience), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought.

In addition to Schmid and Jongman’s definition, numerous other definitions of terrorism are useful:

Terrorism is the deliberate employment of violence or the threat to use violence by sub-national groups and sovereign states to attain strategic

and political objectives. Terrorists seek to create overwhelming fear in a target population larger than the civilian or military victims attacked or threatened. Acts of individual and collective terrorism committed in modern times have introduced a new breed of extralegal ‘warfare’ in terms of threats, technology, targets and impact (Alexander, 1994: 1)

Apart from the definition prescribed by academics, Multilateral Organizations, such as the United Nations Security Council (UNSC) defines terrorism as:

Criminal Acts, including (those) against civilians; these acts are committed with intent to cause death or serious bodily injury; or the taking of hostages; with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons; intimidate a population or compel a government or an international organisation to do or abstain from doing any act which constitute offences within the scope of and as defined in the international conventions and protocol relating to terrorism; are under no circumstance justifiable by considerations of political, philosophical, ideological, racial, ethnic, religious or other similar nature (UNSC Resolution 1566, October 2004).

Terrorism researchers also define terrorism by considering the definitions adopted by State departments. The U.S. Department of State defines terrorism at differing periods as:

...premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience (Hunsicker, 2006: 11).

And

...the calculated use of violence to inculcate fear, intended to coerce or intimidate governments or society' (Townshend, 2002:3).

The United States, at an earlier period, utilized the definition in the US Code Title 22 section 2656f (d) since 1983 and reads:

Terrorism is the premeditated politically motivated violence perpetrated against non-combatant targets by sub national groups or clandestine agents, usually intended to influence an audience.

The Federal Bureau of Investigation (FBI) has defined terrorism as:

...the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives (Hunsicker, 2006: 13).

The South African government, according to Schönteich (cited in Botha, 2001), has since 1994 adopted internationally acknowledged definitions and categories of terrorism. The South African government's official policy on terrorism defines terrorism as:

An incident of violence, or the threat thereof, against a person, a group of persons or property not necessarily related to the aim of the incident, to coerce a government or civil population to act or not to act according to certain principles (Botha, 2001).

For the purposes of this study, the following definition of terrorism will be utilised:

An unlawful act of violence or the threat thereof against a person or persons or property with the aim to intimidate a government or population to do or abstain from doing any act, according to certain principles for the furtherance of the perpetrator or perpetrators objectives.

Given these differing perspectives, in 1977, Laquer aptly wrote that it could be predicted with confidence that disputes about a comprehensive, detailed definition of terrorism will continue for a long time; however, they will result in consensus and that they will make some noticeable contribution to the understanding of terrorism (cited in Clutterbuck, 2004:142).

1.7.3.2. Defining Counter terrorism

If terrorism is considered as a motivation to propagate fear and anxiety then the contrary may imply that counter terrorism is a foundation on which defensive strategies and tactics are based (Bolz, Dudonis and Schulz, 2002: 3). Kushner (2003:101) considers counter terrorism as the use of personnel and resources to prevent terrorism and their support networks.

When addressing methods on countering terrorism it may be necessary to note methods adopted in similar acts such as counter insurgency. McCuen (1966), a principle writer on the topic of revolutionary warfare considers counter insurgency to involve the protecting of the population against terror and insecurity. In effect, it prompts a response to terror (Hough, Kruys and du Plessis, 2005:18).

Wilkinson (2006:6) defines counter terrorism as:

... practices, tactics, techniques, and strategies that governments, militaries and other groups adopt to fight terrorism.

It also may be useful to consider the meaning of the two terms separately: ‘counter’ and ‘terrorism’. The term counter is defined as:

... actions or activities that are intended to prevent other action or activities or that respond to them (Collins, 2001:345).

Similarly, counter terrorism in this study will be a method or manner in which the terrorist attack is prevented. It will embody a comportment to defend the terrorist attack.

It will include a defensive approach of securing vulnerabilities that may be exploited by terrorists, for example, the securing of the ports of entry. It will include an offensive, proactive approach, for example, the collection of intelligence through networks. It includes the many facets of legislation, enforcement, intelligence and other mechanisms upon which terrorism will be countered.

1.7.3.3. Policing

In this study, policing is defined as a:

Strategic approach adopted by the police to address criminal activity.

In 1822, the father of Modern policing Sir Robert Peel established the following nine principles that underlie all mechanisms of policing:

- The basic mission for police existence is to prevent crime and disorder.
- The ability of the police to perform their duties is dependent upon public approval of police actions.
- Police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public.
- The degree of co-operation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.
- Police seek and preserve public favour not by catering to public opinion but by constantly demonstrating absolute impartial service to the law.
- Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient.
- Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
- Police should always direct their action strictly towards their functions and never appear to usurp the powers of the judiciary.
- The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it (<http://www.nwpolice.org/peel.html>).

The word ‘Police’ generally means the arrangements made in all civilised countries to ensure that inhabitants keep the peace and obey the law. The word also denotes the employment of force by officers the peace (or police) for the purpose of maintaining order, enforcing the law and preventing and detecting crime. In 1829, Sir Richard Mayne wrote:

the primary object of an efficient police is the prevention of crime: the next that of detection and punishment of offenders if crime is committed. To these ends all the efforts of police must be directed. The protection of life and property, the preservation of public tranquility, and the absence of crime, will alone prove whether those efforts have been successful and whether the objects for which the police were appointed have been attained (<http://www.nwpolice.org/peel.html>).

In attaining these objects, much depends on the approval and co-operation of the public, and these have always been determined by the degree of esteem and respect in which the police are held (www.met.police.uk/history/definition.htm).

The above section (1.7) sets out the basic parameters of the study in terms of delimitations and the framework of definitional concepts. In summary, the study remained constrained by the access to relevant information not only by the SAPS but also within the academic, diplomatic and public fields, as counter terrorism in South Africa, within the global comparative is new terrain. However, to work on a basic framework of conceptualising the phenomenon of terrorism and formulating a policing mechanism to counter terrorism in South Africa, requires an understanding of the definitional concepts of policing, terrorism, and counter terrorism. Within this context, the section (1.7) provided some theoretical understanding of limitations and definitional concepts.

1.8. Ethical Considerations

The topic of terrorism thus far in the global arena has been subject to controversial interpretations. More specifically, certain aspects of religion and ethnicity have a perceived affiliation with terrorism; for example, the Muslim faith has been at the heart of recent terrorist debates. However, this study will not target religious or ethnic peculiarities, but will seek rather to engage with the problematic of counter terrorism.

The research will be conducted within the confines of the necessary regulations prohibiting plagiarism and adherence to copyright obligations. Moreover, interviewees (especially those within government structures such as the SAPS) will be afforded the opportunity to choose anonymity due to the sensitive nature of the subject matter.

1.9. Summary

This chapter provided insight into the theoretical and practical underpinnings regarding the methodological and conceptual understanding of the broader framework of the thesis. The following section moves away from methodology and gives insight on the global extent and parameters of terrorism and counter terrorism. To conceptualise the domestic sphere, it is imperative to understand the ongoing dynamics within the global sphere.

CHAPTER 2

THE NATURE OF TERRORISM

2.1. Introduction

For many, the idea of trying to ‘understand’ terrorists is ultimately self-defeating and perhaps treasonous - they don’t want to ‘understand’ terrorists, they simply want to defeat the terrorists...no one tried to ‘understand’ the Nazis...[yet]. .trying to understand how and why an ideology like Nazism could develop was key in ensuring that it never happens again –

Austin Cline, 2006 (www.atheism.about.com/b/a/242061.htm)

The above quote argues that central to establishing any response mechanism to arising threats it requires an understanding of the very elements that give rise to such a situation. Examining the nature of terrorism is representative of this quote. Understanding the nature of terrorism within the current context remains a multi-dimensional problem. Discussions on terrorism within debating circles are usually centred on criminal justice aspects such as prevention and punishment. Yet, the overriding questions surrounding terrorism are not simply jurisprudential; they go beyond this sphere and find themselves embedded in philosophical and political jurisdictions. Why terrorists employ the tactic of terrorism, the methods that they use and the objectives they wish to achieve are fundamental questions that will aid in understanding the various facets that underlie terrorism. Essentially, in order to correctly interpret indications and events of terrorism as well as formulate an apt response to threats of terrorism, it is imperative to clearly identify and distinguish the various methodologies and typologies that give rise to the current patterns of terrorism.

2.2. Current Global Trends of Terrorism

Preceding the section on the types of terrorism and the justifications that give rise to specific types of terrorism, it is crucial that a brief overview is given on defining trends of terrorist activities and the current patterns of terrorism that exist.

2.2.1. Defining trends of terrorist activity

According to Botha (2001), terrorist activity can be measured by considering public action. Evaluating the effects of public action may provide a tool to measure activity, which may be indicative of terrorism. Consider Table 2.1 below as described by Botha (2001):

Table 2.1: Public Order and the Measure of the Terrorist Activity

| Zones | Effects Of Public Action | Measure | Risk |
|----------------|---|--|-------------------------|
| Level 1 | Public action reflects the constitutional order, with a basic level of stability within a democratic society. | Ideal in utopia, however, not realistic in a democracy. Possible concerns of suppression. | Minimal |
| Level 2 | The comfort zone of usual activity, involves legitimate dissent and protest, both within and outside parliament. Legitimate protest regarded as a valuable mode of political communication, criticism and democratic consultation. | Ideal in a democracy. The public has confidence in the government and its processes. | Low |
| LEVEL 3 | This could be defined as a ‘grey’ area where contentious issues in society and the behaviour of individuals and groups result in disorderly conduct and acts of civil disobedience and conscientious objection, although the initial objective leading to these acts does not involve a comprehensive rejection of the state’s legal authority.. Peaceful acts of civil disobedience, may on occasion, be infiltrated or may even be taken over by those who have no inhibitions about the use of violence, or who have an ulterior motive. | Although it is a non-violent means of individual resistance to authority it may, on occasion, provoke a repressive response by the authorities or by members of the community. | Medium/ High |
| LEVEL 4 | Public action is the security zone, a level of disorder where the potential or actual occurrence of crime, conflict, violence and subversion poses a threat to society or the state. An escalation of the problem could lead to conditions of anarchy, militarisation and social collapse. | Internal violence can firstly endanger survival and stability of the constitution; secondly indirectly and cumulatively undermines the state’s authority. | High |

Source: ISS monograph, Anneli Botha, 2001

The above table indicates the levels at which terrorist activity may become prevalent in public. Generally, the public manifests itself in response to external factors and in a democracy; it does so in a prescribed manner. Terrorism arises when there is no proper channel to express their response. While levels 1 and 2 are more prominent in most democracies, there is a tendency for situations to arise where dissident groups may evolve into levels 3 and 4 if they are unsatisfied with prevailing conditions regarding rights and access to basic services.

The defining lines between the varying levels are thin, but the levels of public action help identify trends and early warning symptoms of emerging terrorist trends. However, in retrospect it is also essential to note that not all terrorist activity exposed in society is due to failure or limitations to create a conducive environment for expression. Terrorists may resort to terrorism for their own subjective reasoning, which may be very obscure from

society's logical norm. This is illustrated through the cult group, Aum Shirnyiko (Martin, 2003: 192).

Within South Africa, it is able to ascertain that public order that can lead to terrorism can be characterised as bordering between levels 2 and 3. Crime in South Africa has become a contentious issue and has forced communities to question the authenticity of security provided by the South African Police Service. Increasingly, as witnessed by the activities of PAGAD and now more recently in September 2007, dynamics in Port Elizabeth of communities questioning SAPS and their ability to manage gangsters in the area, these developments allow space for disorder to emerge within societies (www.saps.gov.za/dynamicmodules/internetsite/HPallnews.asp). There have also been reports of an alleged jihadi training facility outside Port Elizabeth as will be discussed further in Chapter 4. If terrorists were to feed into the insecurities of communities in Port Elizabeth against the SAPS and government, then South Africa would be moving fully into level 3 and enter a medium/high risk sphere for terrorism to flourish. In many ways, the Table assists in establishing a guideline for current and future scenarios for terrorism in South Africa as measured by public order.

2.2.2. Current patterns of terrorism

Global terrorism, although in existence through time has since post-9/11 been merited as being the greatest threat to global security. With this as the general perception, countries have come to understand and accept terrorism as dictated upon by powerful influential countries like the US. This in itself creates a paradigm of issues, which further complicates the issue of countering terrorism.

Within this context, interviewee and Research Fellow from the Council on Scientific and Industrial Research (CSIR), Richard Gueli (2007), considers terrorism to be a mere tool, which is utilised to gain political and economic influence. It is relied upon by countries such as Israel, which although has a justifiable threat against terrorism, uses terrorism to sustain global funding and political sympathy. The US's war on terrorism, likewise, can be affiliated to exerting political influence in countries such as Iraq and Afghanistan to secure national interests of energy security. Gueli reiterates that although the US's long term threats are the burgeoning economies of China and India, terrorism in some respects may be utilised to negate the influence of such countries in the global sphere as more eloquently witnessed through the realisation of the US Africa Command (AFRICOM) in Africa to counter growing Asian influence.

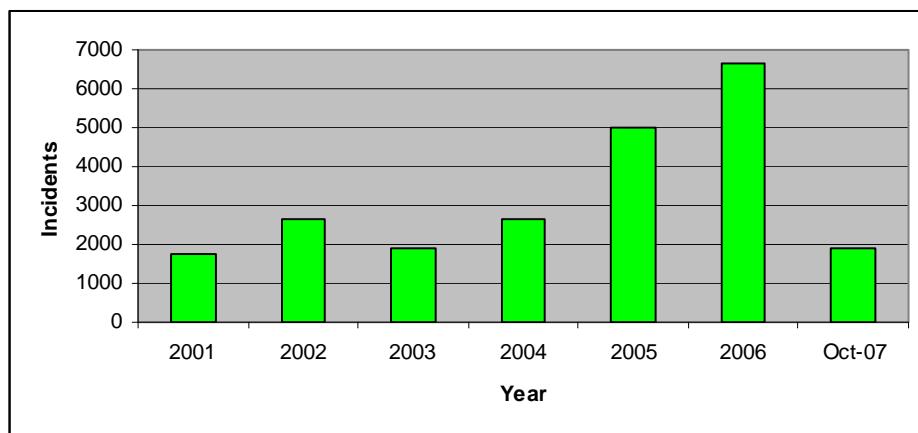
Complimenting Gueli's discernment, Andre Thomashausen from the University of South Africa (UNISA) argues that terrorism is not a global threat but instead a threat that is fabricated by an international industry of mercenary services, self-appointed security experts, and the arms and security industry. Instead of the emphasis on global terrorism, Thomashausen asserts that funds can be redirected to address the root causes of terrorism such as socio-economic inequalities.

In contrast, Boyane Tshelhla, Head of the Crime and Justice Programme at the Institute of Security Studies, sustains the global general perception on terrorism. Tshelhla argues that terrorism is not only a threat to international countries but more pertinently to the

African continent which arises from the lack of system inadequacies that exist in developing countries.

In balancing the varying perceptions, this study, contends that global terrorism is on the increase and can be characterised in political terms as an issue of 'high risk'. The basis of this assertion stems from empirical evidence on statistics derived from the number of terrorist incidents from the period 2001-October 2007. Consider Graph 2.1 below, which provides an overview of terrorist incidences since 2001:

Graph 2.1: Terrorist Incidences Globally, 2001- October 2007



Source: statistics adapted from Memorial Institute for the Prevention of Terrorism (MIPT (funded by US Homeland Security) Knowledge Base (www.tkb.org)

Statistics derived from the National Institute for the Prevention of Terrorism (MIPT), illustrate that terrorist incidences have more than doubled from 1732 reported in 2001 to 6639 recorded for 2006. Already from the period January to October 2007, more than 1900 terrorist incidences were noted. If Graph 2.1 is an indication for future trends, then it can be established that terrorism may be emerging as the new threat to state and human security and it is imperative that effective counter terrorism strategies are adopted to curb such threats.

2.3. Typologies of Terrorism

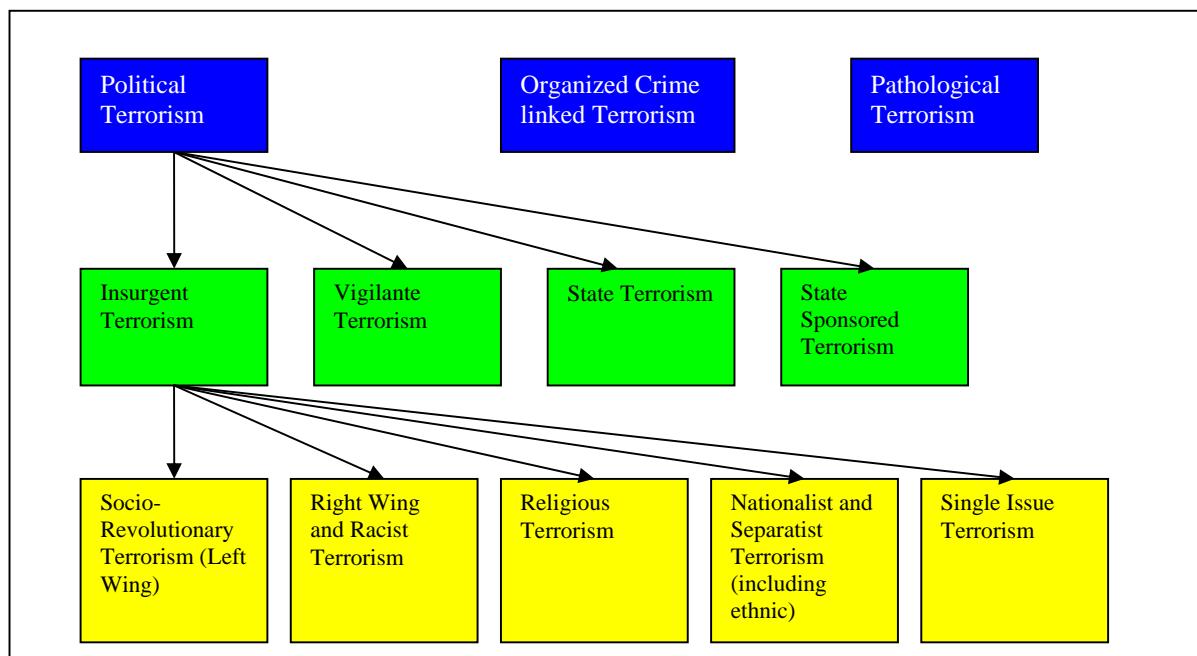
The types of terrorism as well as the justifications behind terrorism are as diverse as the kind of people who commit terrorist attacks. Terrorists often believe that they have exhausted all attempts at legitimate religious or political change and have no other option, but to resort to terrorism, to bring recognition to their cause and bring about change. Terrorism's success in yielding tactical gains (e.g. massive publicity, release of prisoners and large ransom payments) and the fact that the method is relatively cheap, is easy to organise and carries limited risk are also advantageous factors (Wilkinson, 2006:16). Political oppression, religious intolerance and nationalistic aspirations are just a subset of the most common reasons cited by terrorists as justifications for their attacks. Whether motivated by religious, political, or military beliefs there is no single reason terrorists use to justify their attacks. As such, this section provides a brief overview of the types of terrorisms that exist and the justifications that underlie terrorism.

2.3.1. Defining and conceptualising terrorism typologies

Within the context of terrorism, and as mentioned above, there are as many typologies of terrorism as there are definitions. Essentially, '*terrorism typology is a classification system of terrorism in all its forms and manifestations*' (Wadsworth Group, 2002). The purpose of exploring typologies is to supplement the focus of a counter terrorism approach owing to the misgivings of the diverse spectrums of definitions on terrorism.

There have been a number of attempts by terrorism experts to categorise typologies of terrorism emanating from the works of Schmid, Wardsworth, Littleton, and Eskridge. From the above, the following diagram by AP Schmid (1988) has been popularised in most academic discourse pertaining to terrorism. Schmid's typology as compared to Littleton's and Eskridge is far more pronounced and contemporary in elaborating on the aspects of terrorism. This typology is illustrated as follows:

Figure 2.1: Typologies of Terrorism



Source: AP. Schmid (1988: 48)

According to Schmid, there are three typologies of terrorism, these being 'Political Terrorism', 'Crime related Terrorism' and 'Pathological Terrorism'. The distinct forms of terrorism essentially arises from a variety of criteria based on the nature of terrorist activity as they stem from goals/objectives/tactics and mindset of terrorists. Political terrorism is classified as such due to the eventual goal/objective of terrorist activities. Crime related terrorism reflects upon the activities of terrorism itself. The third typology, pathological terrorism, characterises perpetrators considered pathologically challenged.

2.3.2. Subset of terrorist typologies

Within this framework, subsets of the stated typologies will be classified, defined and elaborated upon with specific examples in order to obtain a clear understanding of the strata that underlie types of terrorist activity.

2.3.2.1. Political Terrorism

Political terrorism embodies violence or the threat of violence against non-combatants in order to achieve political goals. Political terrorism is defined as:

... use or threat of terror by a state or a group outside government in pursuit of a set of ideological objectives that ignore the objectives of domestic and international law (O' Sullivan, 1986: 5).

This form of terrorism is used primarily for political ends. Political groups use terrorism as a modus operandi and it emphasizes their inability to achieve their political objectives through legitimate means. Political terrorism cannot be understood outside the context of the development of terrorist or potentially terrorist ideologies, beliefs and lifestyles. It can be argued that there is no clear classification for political terrorism across regional and ideological lines (Wardlaw, 1989). In sync with this statement, Schmid (1988:47) explains the dimensions of the typology of political terrorism within a larger subset of Insurgency, which is further streamlined into multiple categories (see Schmid diagram on typologies in Figure 1 above).

a) Insurgent terrorism

This larger category of political terrorism is accredited those who:

Seeks to rebel against or radically change the political system through the use of terrorist tactics (Combs, 2003: 162)

Insurgent terrorism largely seeks to undermine the legitimacy and credibility of a regime through fear and uncertainty (Bjorgo, 2005: 57). This category of terrorism is further exemplified by a number of different manifestations that embody the characteristics of insurgency, namely, social revolutionary (left wing); right wing and racist; religious; nationalist and separatist; and single issue terrorism. These are further elaborated upon below.

The first manifestation of insurgent terrorism as illustrated by Schmid's Figure (2.1) above is '*Social revolutionary*' (otherwise known as left - wing terrorism) which is defined as:

Those acts of terrorism perpetrated by groups/individuals seeking to overthrow the capitalist economic and social order (Post, 2005: 56).

Social revolutionary groups are epitomized by the 'European fighting Communist Organisations' active throughout the 1970s and 1980s such as the Red Army Faction in

Germany and the Brigate Rosse in Italy (Combs, 2003: 163). However, since the collapse of Communism and the End of the Cold war in 1991, the decline in the activities of such Leftist groups have been evident (Post, 2005: 57).

The second manifestation of insurgent terrorism is '*Right Wing terrorism*', which is generally aimed at:

Seeking to retain or re-establish an earlier status quo through the use of terrorist acts (Combs, 2003: 162).

Right wing extremism is a reaction against a perceived threat to a 'groups value system, its presumption of superiority, or its sense of specialness' (Martin, 2003: 23). Terrorism on the extreme right is believed to have increased since the opening of the Berlin Wall in 1989. As Leftist extremism become less relevant in 1991, the idiosyncrasy of rightist extremism attracted support from ethno-national, ideological and reactionaries from Europe, North America and Latin America (Martin, 2003: 181). A relevant example of right wing extremism in the context of South Africa (SA) is that of the Boeremag (further discussed in Chapter 5). The afore-mentioned right wing group, through terrorist tactics, attempted to return the fledgling democracy of SA to the past rule of apartheid and the former glory of the white minority.

The third manifestation of insurgent terrorism is '*Religious terrorism*'. English Clergyman Robert Burton (1577-1640) once wrote:

One religion is as true as another'; and as such all major religions in the world have justified the use of violence to fight evil in the name of a 'just cause' or simply for the sake of 'self-defence'(o'Connor: 2007).

Based on this understanding, religious justifications for terrorism have emerged as one of the oldest validations in the world. Terrorists who are religiously motivated view their acts with moral certainty and even consider their acts to have divine sanction. This helps explain the high level of commitment and willingness to risk death among religious extremists. Religiously motivated terrorist groups believe that they know what constitutes being righteous and that this knowledge obligates them to destroy the evil and the unjust (Martin, 2006:191).

Virtually all of the world's major religions contain martial metaphors. Whole books of the Hebrew Bible are devoted to the conquests of great kings. In Hinduism, warfare has contributed to great religious epics such as the Mahabharata (Brown, 2001). Warfare, however, is not just confined to mythic legends. It has spilled over into history with conflicts such as the Crusades, the Muslim conquests and the Religious Wars of the sixteenth century (Gary, 2001).

Religious justifications for violence, including terrorism, were the most frequent, even before the nineteenth century (Rapoport, 1984: 569). Consider for instance the example of the war between the Jewish Zealots and the Romans in 48 AD. A Jewish sect called the Zealots carried out terrorist campaigns to force a revolution against the Romans in Judea. These campaigns included the use of assassins, also known as the '*Sicarii*', or

dagger-men, who would infiltrate Roman-controlled cities and stab Jewish collaborators or Roman legionnaires with a ‘*sica*’ (dagger) (Hunsicker, 2006: 11). However, the religious justifications for terrorism are not only ancient but also contemporary (Lutz and Lutz, 2004: 64).

The early 1980s saw a dramatic emergence of terrorism motivated by extreme Islamist movements. Organisations which have developed significantly, in terms of capacity, are Hezbollah in South Lebanon, Hamas in Gaza and West bank, al-Gama’at al- Islamaiyya in Egypt, and the trans-national Al-Qaeda network (refer to Annexure 1 and 2 on Al-Qaeda and Usama bin Laden).

However, this is not to say that Islamism should be linked with terrorism. Equating mainstream Islamic religion to terrorism committed by extremists groups acting in the name of Islamic beliefs and similarly blaming the Christian religion for the actions of Torquemada (Spanish Dominican Friar, who was appointed as grand inquisitor by Pope Innocent VIII (1487), executed Jews and suspected Witches) or of the self-styled Phineas Priesthood (Christian identified movement against inter-racial intercourse, homosexuality and abortion) in America is incongruous (Randall, 1996; Christian Century, 1999). This is because the majority of victims of terrorism committed by Islamist fanatics in the twentieth century are Muslims, as evidenced by atrocities in countries such as Algeria, Iraq and Afghanistan (Wilkinson, 2006:30).

Islamism in its basic form sets out to create a feeling of belonging even across borders. Muslims all over the world, for example, belong to a universal ummah (Islamic community). ‘The ummah is not founded on race, nationality, locality, occupation, kinship or special interest. The foundation of the community in Islam is the principle, which designates submission to the will of Allah, obedience to His law and commitment to His cause. What is required of the community at large is likewise required of every individual member’ (Van Nieuwenhuijze, 1959: 5-22).

Yet, Islamic fundamentalism as practiced by groups such as Al-Qaeda in their quest for a pan-Islamic Caliphate (which is an ancient government system based entirely on Sharia, Islamic law, and led by one individual, a Prince of Believers) has become a cause for concern in the 21st Century (Reeve, 1999:181).

Other non-Islamic religious terrorist groups which have emerged as threats over the past decade or so include the Aum Shinrikyo, a mixture of Hinduism, Buddhism, and Christianity, who believed that its leader was the ‘enlightened one, and that the world was soon coming to an end. They were responsible for the 1995 Sarin poisonous gas attacks on Tokyo’s subway (Marshall, 1999).

Taken as a whole, religion has re-emerged as a major component in the understanding contemporary political developments, especially in the Middle East, Asia and Africa. The materialization of this phenomenon and its symbolism varies from religion to religion and culture to culture but there are some parallels in the organisation of religious groups and in the methods used by activists to arouse a popular response (Martin, 2006: 212-213).

The fourth manifestation of insurgent terrorism is '*Nationalistic and Separatist Terrorism*'. Wilkinson (2006: 16) defines nationalistic and separatist terrorism as:

Nationalistic terrorism is an outgrowth of an unwavering devotion and loyalty to a specific group that believes they have been suppressed, treated unfairly, or persecuted by the ruling authority of the country in which they live.

Regimes of totalitarianism, such as Nazism and Stalinism, and even more pertinent to South Africa, that of Apartheid, routinely used mass terror to control and persecute whole populations. The historical evidence shows that this was a tragically effective way of suppressing opposition and resistance. Yet, some of these regimes had central to the demise of these ideologies the existence of liberation movements. While such groups were characterised as terrorists, such being the case with the African National Congress (ANC) Umkhonto We Sizwe (MK's), these groups were effective in facilitating the downfall of repressive regimes (Ottaway, 1991: 61-82).

The central focus of nationalistic terrorism is the call for attention to the plight of the suppressed group. The goal is to eventually secure a separate independent homeland or country for the group. Terrorism is not the primary weapon in the struggles of new nationalist movements, but its increase may become prevalent in Asia, Africa and the Middle East (Medimorec, 2001: 92).

Historically, traces of nationalistic endeavours take root in the late 1940's when Asian States (like India) and African States (like Ghana) began the backlash against colonial rule. Nationalistic terrorism became more pronounced in the late 1960s and 1970s with the rise of secular nationalist and neo-Marxist terrorist groups, such as the Red Brigades. The root causes of many terrorist campaigns developed in the late 1960s and 1970s were quite independent from the cold war. However, it is of essence to note that the ideological conflict between western capitalism and communist evolutionism had a profound impact on the new patterns of low-intensity conflict that emerged in the later 1960s and 1970s. In many ways, it is argued that the leaders of insurgent groups espoused ideologies of Marxist revolutionism (Wilkinson, 2006:24).

Terrorists fighting a nationalist cause usually have large corps of activist and passive sympathisers. This inhibits the ability of security forces to ply vital intelligence and cooperation from the public from which they depend to apprehend terrorists. The Ethniki Organosis Agoniston (EOKA) terrorists were able to rely upon this foundation in their fight against the British Army and police in Cyprus (Schmid and Jongman, 1988: 528).

It is argued, that after the struggle for colonial independence the new states inherited frontiers, which had little regard for ethnic, religious and linguistic divisions. These created problems, where people were forced to coexist with others of diverse cultural and ethnic identities. The struggle to maintain internal cohesion and order were simply inherited by successor states. Many of them were ill equipped economically, politically and militarily. These factors contributed to nationalist and other movements (Wilkinson, 2006:23).

Due to the effects of colonialists and their abrupt exit from countries, no post-colonial country has escaped serious internal conflict in the form of separatists' struggles or inter-communal strife in the past decade. Examples supporting this assessment are the Palestinians, Kurds, Tamils, Kashmiris and Sikhs. As the frontiers of these countries become more established in the post-colonial era, it may be expected that an increasing number of these desperate groups, which are trapped within these frontiers, will resort to terrorism (O'Connor, 2007).

In addition, the following serve as contemporary examples of groups who engage in terrorism for nationalistic reasons.

- Arabs living in the land known as Palestine from which the Jewish nation, Israel, was created in 1948 began nationalistic terrorist activities around 1970. These include the Arab Palestinian terrorist organizations HAMAS (Islamic Resistance Movement) and Hezbollah (Party of God), in the early 2000s. Other active Arab Palestinian groups include Palestine Islamic Jihad (PIJ), Palestine Liberation Front (PLF), and Popular Front for the Liberation of Palestine (PFLP) (<http://avpv.tripod.com/terror-groups.html>).
- Pakistan and India have long clashed over the control of Kashmir. The people of Kashmir, however, want to be an independent Islamic state. Major Islamic terrorist groups fighting to create that independent state are Lashkar-e-Tayyaba (LT), meaning 'Army of the Pure,' Jaish-e-Mohammed (JEM), and Harakat ul-Mujahideen (HUM). Although the terrorists of Kashmir are predominately thought of as nationalistic terrorists, their struggle is an example of a nationalistic cause interlocked with a religious struggle (Schofield, 2000: 52).
- The Irish Catholic population of Northern Ireland, ruled by Britain, wants independence from Britain. The Protestant population of Northern Ireland resists the movement away from Britain. The major nationalistic terrorist group in 2004 working for separation from England is the Real Irish Republican Army (RIRA). Again, the RIRA's nationalist struggle has religious overtones. (<http://law.jrank.org/pages/11981/Terrorism.html>)
- The Chechen Muslims struggle for independence from Russia post 1991 has resulted in various terror activities in Russia. These include renowned terror incidents such as the 2002 hostage taking in a Moscow theatre and the capture of a school in Beslan in 2004 (Murphy, 2004).
- Africa has also seen its share of groups utilising terrorism for nationalistic pursuits. The Forces Nouvelle in Cote d'Ivoire, the Union of Islamic Courts in Somalia, the Mai-Mai in Kenya, the Justice for Equality Movement (JEM) in Darfur, as well the Lord's resistance Army (LRA) in Uganda all serve as contemporary African examples fighting for recognition within their respective countries.

The fifth manifestation of insurgent terrorism is ‘*Single Issue Terrorism*’. These are groups, which coalesce around various social issues such as racial equality, pro-abortion and anti-abortion, animal rights (Animal Liberation Front, ALF), nuclear issues, environmental concerns, land and economic rights, and other matters impinging on the public conscience. The group aims to change one aspect of policy and social behaviour rather than remodel the political and socio-economic order as a whole (Wilkinson, 2006:4).

The group usually operates within the parameters of legitimate democratic dissent. However, in certain cases these pressure groups exceed the bounds of legitimate protest. This form of terrorism is considered the least serious form of random violence against the public. In certain instances, issue-motivated terrorism may also include elements of religiously motivated terrorism, with reference to fundamental interpretations of religious doctrines, such as, the debate about euthanasia (Behm and Palmer, 1991: 174-175).

Many developed countries have experienced forms of single-issue terrorism such as eco-terrorism. For example, ecological activists have targeted multinational corporations such as Costain for years arising from the destruction of ecological sites (Badolato, 1991). Companies not only face financial threats from highly sophisticated, well-organised eco-organisations, but are also subject to terrorist tactics, such as bomb threats, and the intimidation of their staff. British police are investigating the tactics used by underground eco-groups, which distribute leaflets with instructions on how to assemble homemade explosives. In the US, in 1986, the group ‘Earth First’ was responsible for a successful attack on the Palo Verdes nuclear facility transmission lines in the US. Radical environmental movements, and acts of terrorism associated with them, are considered to be on the increase (Liddick, 2006: 59).

b) Vigilante terrorism

Gurr (1988: 97) defines vigilante terrorism as:

...(violent) activity intended to protect the status quo or to return to the status quo of an earlier period.

Vigilante terrorism is political violence that is perpetrated by non-governmental groups and individuals (Martin, 2003: 97). A vigilante movement never sees itself as a state of principled conflict either with the government or with the prevailing concept of law. It is not revolutionary and does not bring down authority. What characterizes the vigilante state of mind is the profound conviction that the government or some of its agencies have failed to enforce their own order in an area under their jurisdiction. Backed by the fundamental norm of self-defence and speaking in the name of what they believe to be valid law of the land, vigilantes, in effect, enforce the law and executive justice. Due process of the law is not an immediate concern (Sprinzak, 1995).

Vigilantism is defined by three basic categories (Terrorismexperts, 2007):

- Crime Control Vigilantism: refers to violent struggle against perpetrators who, after causing damage to property or harm to people, manage to escape the arm of the law due to the authorities inefficient, corrupt, or lenient treatment of crime.

- Social Group Control Vigilantism: refers to violence that aims to control competing groups or groups vying for a new social order. They do not focus on criminals but rather on population groups that want either social or political change.
- Regime Control Vigilantism: this activity occurs when certain groups feel that the current regime is not protecting their interests efficiently and by a violent reaction, they aim to alter the regimes functioning.

The one category that will be reflected upon in this study as it pertains to South Africa is Crime Control Vigilantism. The actions of PAGAD best illustrate this category of vigilante terrorism.

c) State terrorism

State repression and political violence were practiced regularly during the 20th century. State terrorism is defined as (Martin, 2003: 101):

.... actions aimed at preserving an existing order and to maintain state authority through demonstrations of state power.

Regimes that officially selected violent repression as a policy choice rationalised their behaviour as a legitimate method to protect the state from internal threat. However, Martin (2003: 101) argues that there are two distinct manifestations of state terrorism, namely, overt official state terrorism and covert official state terrorism. The former refers to the visible application of state political violence. It is a policy of unconcealed and explicit repression directed against a domestic enemy. Overt official terrorism has been commonly practiced in totalitarian states such as Stalinist Russia, Nazi Germany, and Taliban Afghanistan. Covert official state terrorism refers to the secretive application of state political violence aimed at repression of a domestic enemy. Covert state terrorism has been commonly practiced in countries with secret police services such as Shah Mohammad Reza Phlavi's Iran, President Hafez el-Assad's Syria and General Augusto Pinochets Chile (Martin, 2003; Zalman, 2007).

d) State sponsored terrorism

Cline and Alexander (1987: 12) define state sponsored terrorism as:

The deliberate employment of violence or the threat of use of violence by sovereign states (or sub-national groups encouraged or assisted by sovereign states) to attain strategic and political objectives by acts in violation of law. These criminal acts are intended to create overwhelming fear in a target population larger than the civilian or military victims attached or threatened.

Over the years, it has become apparent that states are involved in terrorism in a variety of ways, from various levels of general assistance, to operational aid, to initiating and

directing a terrorist organization's activities, and direct attacks perpetrated by official state agencies. Such forms of involvement classify states as "states supporting terrorism" or "terrorist states". The second category has become a political weapon used by states to describe their rivals or by terrorist organizations against opposing countries (Ganor, 1998; Cronin, 2004:3).

State sponsored terrorism can be illustrated through the example of the Pakistani government's involvement in the Kashmir conflict. The intelligence unit of the Pakistani army supported Muslim dissidents in Kashmir and sought to occupy Kashmir and render it as a province of Pakistan (Mohan, 1992: 299). A statistical assessment of active fighters in Kashmir concluded that 40 percent of those opposed to continued Indian rule in the region were Pakistanis or Afghans, who outnumbered the secular Kashmiri groups who were seeking an independent state (Stern, 2000:118).

Pakistan has aided other dissident groups elsewhere in India as well (Saikia 2002). It is not surprising that India has responded by covertly providing aid to Pakistani dissidents. There is evidence that Indian aid has been to a certain extent effective in destabilizing Pakistan (Laqueur, 1999:153). In these cases terrorism led to additional terrorism. However, foreign support did not create the opposition movements in either country, but clearly intensified the violence (Lutz and Lutz, 2004:49).

States are said to sponsor terrorists for the following reasons:

- *Pressure by the Diaspora to support dissident groups:* Dissident political organizations that have resorted to the use of violence have often had support from Diaspora communities. In addition to giving moral support and financial aid to dissident groups, supporters abroad have applied pressure on other governments to support dissidents (Lutz and Lutz, 2004:49). Such communities can prolong violence by providing safe havens for dissidents in their home country; by contributing funds and extremist propaganda (Stern, 2000:121). For instance, the IRA has been able to openly raise funds in the United States; the PLO has maintained widespread support from the Palestinian community worldwide and Kashmiris around the world have supported the dissidents in Kashmir (Byman, 1998:1610 and Mohan, 1992:304).
- *As part of a campaign for geographic expansion and political control, at the expense of existing state structures:* Through counter reaction against specific individuals from the targeted government, terrorists increase publicity and demonstrate to the people that their charges against the regime are well founded. Thereafter recruitment follows and more funds collected, especially under state sponsored terrorism. For example, Hezbollah made use of video recordings of their attacks. These recordings were sent to Iran where they receive their financial backing and instructions (Botha, 2001).
- *To destroy or weaken the political cohesion of a political entity:* State sponsored terrorism involves the employment of lethal force across international borders for the purpose of destroying or weakening the political cohesion of a targeted political entity. The state that resorts to terrorism does not use its own military

instruments to deliver the lethal force, but harnesses social elements within the targeted entity to do so (Maogoto, 2006).

State sponsored terrorism, as a trend, is expected to continue as a form of limited conflict used by marginalised states. State sponsored international terrorism can also be used as a tool of domestic or foreign policy. Iran, even with United States sanctions, continues to use terrorism as a weapon of foreign policy to kill dissidents and to disrupt peace processes through its support for Hamas, the Palestinian Islamic Jihad (PIJ) and the Popular Front for the Liberation of Palestine - General Command (PFLP-GC). It also provides a safe haven for the Kurdistan Workers Party (PKK) (Wheeler, 2007).

Essentially, the growth of international terrorist movements has been linked to the willingness of some nations to sponsor campaigns of terror directly or indirectly. States sponsor terrorism by providing funding, training, a safe haven, weapons and logistical support to terrorists. State sponsorship increases the danger of terrorism because it provides the client group with far greater firepower.

2.3.2.2. Crime-related terrorism

Criminal terrorism can be characterised as:

The systematic use of terror for ends of material gains (Wardlaw, 1989: 12).

The primary manifestations of force in this form of terrorism include kidnapping, extortion, assassination and murder. Targets are selected primarily on considerations of personal and material gain. If a member of a state structure is selected at all, it is either for direct personal gain or to reduce interference by governmental authorities in their efforts to put an end to criminal activity (Hanle, 1989: 111).

However, it is becoming more difficult to efficiently and accurately, distinguish between crime and crime committed in pursuance of terrorism. This is illustrated, by the problem of financial offences. In criminal terms, illegally obtained money converts into legal money as is the case with money laundering. In terrorism terms legally held money as well as the proceeds of crime, are used to support terrorist activity. Today the demarcation appears to be breaking down, and the unique features of terrorism and serious crime have become increasingly unreliable in identifying the motivation of perpetrators. Theft, extortion and fraud have become regular activities for terrorist groups. In Japan Aum Shinrikyo was involved in fraud. In Columbia, the Revolutionary Armed Forces of Columbia (FARC) was supported by money from narcotics and kidnapping for ransoms. In June 2002 in the US, two members of Hezbollah were convicted of smuggling tobacco. The Revolutionary Organization, which has been active in Greece since 1975, has been regularly involved in human trafficking and smuggling. In Northern Ireland groups and individuals formerly involved in terrorism have now transformed themselves into organized crime groups (Clutterbuck 2004:146-147).

Crime related terrorism might also be the consequence of certain dynamic socio-economic factors, which become prevalent. The dissolution of the Soviet Union into 15

independent states provides an apt example. Poor socio-economic conditions contributed to a deterioration of law enforcement, border forces and to general unemployment. Control over weapons and explosives weakened, and this threatened not only national, but also regional and international security. The national security of states in the region was also threatened by the escalation of criminal gangs and organised crime syndicates. Criminal terrorism within this region took contained elements of contract assassinations, kidnappings and intimidation bombings. Targets included business people, politicians, government officials, government buildings, military personnel, trains and border guards (Botha, 2001 and Hesterman, 2004).

In South Africa, the phenomenon of taxi violence can be considered as crime related terrorism. Taxi violence is especially prevalent around Cape Town, Johannesburg and East London. Taxi violence occurs mainly between owners and operators of minibus taxis, between members of opposing taxi associations, and between minibus taxi operators and operators of other modes of transport such as buses. Competition for routes, licences and passengers exacerbates the problem. An emerging phenomenon in taxi violence is that of professional hit squads hired by operators to attack rivals in drive-by shootings. Nearly 1 500 people were said to be killed in taxi-related violence between 1996 and January 2000. In the Western Cape, violence in the transport industry escalated in April 2000 when a bus owned by the Golden Arrow Bus Company was shot at near the Nyanga bus terminal. This attack unleashed 57 violent incidents between April and August 2000, during which two commuters and 11 bus drivers were killed, and 42 commuters were injured. In July 2000 alone, there were 13 attacks by independent minibus owners and drivers, against buses of the Golden Arrow Bus Company. These attacks started in late May 2000 (Botha, 2001 and Dugard, 2001).

a) Narco-terrorism

Although narco-terrorism is a sub-element of crime-related terrorism, it is significant enough to be considered in its own right. Narco-terrorism can be described as:

...terrorism conducted to further the aims of drug traffickers (Chouvy, 2004: 3).

Narco-terrorism includes narcotics trafficking by terrorist groups in return for the funds with which to conduct terror. Narco-terrorism may occur in the form of assassination, extortion, hijacking, bombing, and kidnapping. These may be directed at government officials to disrupt government order and thereby divert interest from the drug operations (Chouvy, 2004: 3).

In the Asia/Pacific region, narco-terrorism is linked to political terrorism. The objective is to compel governments or their agencies (such as law enforcement agencies) to scale down their activities against drug syndicates. Narco-terrorism, in this regard, will be the use of extreme pressure and violence by the growers, producers, or distributors of narcotics to force a government agency to modify its policies with regard to the prohibited sale and the use of narcotics (Hanle, 1989: 127).

Colombia is one of the more pertinent examples of a state where narcotics introduced not only terrorism, but also an illegal international arms-trade network. State-sponsored terrorism also plays a role as a destabilisation factor. For example, all major terrorist groups in Colombia – Autodefensas Unidas de Colombia; Fuerzas Armadas Revolucionarias de Colombia; and Ejercito de Liberacion Nacional - have received arms and training from Cuba and aid from Libya. The involvement of Cuba and Libya (although indirectly) supports the conclusion that an international network exists, linking terrorist groups and individual role-players. Colombia has historical ties with Cuba, organised crime organisations (which are active in drugs, guns and illegal alien smuggling in Panama) and the Russian Mafia responsible for supplying weapons to Colombian narco-terrorist forces (Ehrenfeld, 1987, Teicher 2005).

China's flagship commercial shipping fleet, China Ocean Shipping Company (COSCO), is directly connected to the Chinese armed forces, the People's Liberation Army, and the Chinese government. COSCO ships have served as carriers for massive smuggling operations of weapons, drugs and illegal aliens around the world. In addition, the Chinese government has used COSCO in missions to ship missiles and components of weapons of mass destruction to rogue nations such as Pakistan and Iran (American Defence Centre, 2003).

Narco-terrorism has included the assassination of political leaders; the bombing of civilian aeroplanes; alliances between armed guerrillas and narco-traffickers; gunrunning and may even involve attempts to overthrow a government that aims to curtail the drug trade. As long as the drug trafficking is allowed to continue, terrorists will be able to benefit from the positive spin offs from trade in illegal substances.

2.3.2.3 Pathological terrorism

Terrorism has to be executed by individuals: planners, trainers, actual bombers and killers. In terms of this execution, individuals have to possess the requisite pathological, disturbed emotional condition that would allow them to consciously engage in the killing of innocent civilians. The Holocaust is considered one example of pathological terrorism. The Holocaust leaders, who directed and participated in gross human rights abuses, were inarguably possessing of some degree of pathological antisocial condition, however enhanced by culture, background, education and training (White, 2001).

Another prime example of pathological terrorism is that of the 9/11. To fly a passenger plane (United 91) into the Twin Towers, killing thousands of civilians, unquestionably mandates a plane hijacker with a dysfunctional emotional composition. Although political and religious factors provided these men with what they perceived as pragmatic rationalisations for their actions, it was pathological terrorism that equipped them with the will to commit the devastating mission (Martin, 2006: 21).

2.3.3. Geographic specifications of terrorism

The above typologies of terrorism operate within the following spheres of geographic specifications:

2.3.3.1. International acts of terrorism

This involves types of terrorism which occur beyond the jurisdiction of a country. Alexander and Gleason (1981: 16) define international acts of terrorism as:

Terrorist activities may be regarded as international when the interests of more than one state are involved, for example, when the perpetrator or the victim is a foreigner in the country where the act is done or the perpetrator has fled to another country.

International acts of terrorism have clear international consequences. These acts include incidents where terrorists cross national borders to strike foreign targets, select victims or targets because of their connections to a foreign country (for example, diplomats, local executives), attack airliners on international flights, or force airliners to fly to other countries (Wilkinson, 2006:16). International acts of terrorism would include all three typologies with exception to State terrorism (see Section 2.3.2).

2.3.3.2. Trans-national acts of terrorism

Anderson (1998: 282) and Mickolus (1985: 35) define trans-national acts of terrorism as:

... the use, or threat of use, of anxiety — including, extra normal violence for political purposes by any individual or group, whether acting for or in opposition to established governmental authority, when such action is intended to influence the attitudes and behaviour of a target group wider than the immediate victims and when, through the nationality or foreign ties of its perpetrators, through its location, through the nature of its institutional or human victims, or through the mechanics of its resolution, its ramifications transcend national boundaries.

The Central Intelligence Agency (CIA) distinguishes trans-national acts of terrorism as:

...carried out by basically autonomous non-state actors, whether or not they enjoy some degree of support from sympathetic states', (http://www.zundelsite.org/english/advanced_articles/alert.G-7.html)

In other words, perpetrators of trans-national terrorism generally overcome traditional national differences by concentrating on a common goal of achieving social change, under the banner of personal beliefs, through violence. These individuals may not consider themselves to be citizens of any particular country, but instead seek common political, social, economic or personal objectives that transcend nation or state boundaries. The World Trade Centre bombing may be considered as an act of trans-

national terrorism, because of the different nationalities of the terrorists involved. The suspected bombers included Egyptians, Iraqis, Jordanians, Palestinians and US citizens (Botha, 2001). Within the typologies of terrorism, trans-national crime would encompass the following typologies – Political (in all subsets except State terrorism), Crime related and Pathological (see Section 2.3.2.).

2.3.3.3. Domestic acts of terrorism

Domestic acts of terrorism are restricted to the borders of one country and occurs when the violence and terror associated with it are confined to national territories and do not involve targets abroad. However, this is very difficult to find since any intensive terrorist campaign cannot remain purely internal and are bound traverse the national borders for support, weapons, financial assistance and a safe haven (Botha, 2001). The Memorial Institute for the Prevention of Terrorism defines domestic acts of terrorism as:

Incidents perpetrated by local nationals against a purely domestic target
[\(http://www.tkb.org/Glossary.jsp\)](http://www.tkb.org/Glossary.jsp)

Groups that can be cited as domestic terrorists include, ‘The Basque ‘(Spain), PAGAD (South Africa), as well as the ‘Boeremag’ (South Africa). Basque terrorists operate in Northern Spain. Hoping to convince the Spanish government to create an independent Basque homeland, Basque terrorists carry out domestic acts of terrorism. The largest Basque terror group is Basque Fatherland and Liberty, or Euzkadi Ta Askatasuna (ETA). Because their goal is to separate the Basque people from Spain, ETA is also commonly referred to as the Basque Separatists (<http://law.jrank.org/pages/11981/Terrorism.html>).

Within the South African context, PAGAD carried out acts of terrorism within the Western Cape as a result of its lack of faith in country’s criminal justice system. Another domestic terrorist group within South Africa was the Boeremag which was an extreme right wing terrorist group that sought to overthrow the ruling ANC.

2.3.4. Summation of Terrorist Typologies

Typologies as conceptualised in sections 2.3.2 and 2.3.3 contribute to an analysis tool to aid the response to terrorism due to the subjective interpretation to defining the concept (Schmid and Jongman, 1988: 39). Typologies of terrorism are ideal classifications and not a true reflection of nature of the terrorism. A pertinent example may be the diverse analysis of Usama bin Laden and Al-Qaeda. The group can be classified as a religious group with psychopathic megalomania attributes which emanates from the objective of realizing a caliphate that is devoid of existing patterns of societal norms. What this example illustrates is the inter-linkages between the types of typologies that exist within Schmid’s conceptualisation of terrorism.

Nevertheless, by grouping acts and motivations of terrorism within their respective typologies, effective measures to counter such acts become manageable.

2.4. Terrorists Modus Operandi (method of operation)

The contemporary period has witnessed a paradigm shift in the modus operandi that terrorists utilise to achieve set objectives. Modus operandi is defined as '*a distinct pattern or manner of working that is associated with a particular crime*' (Bolz et al, 2002: 3). Terrorism's modus was in the 1960s, 1970s and 1980s rooted in gaining publicity and public attention for groups undertaking attacks. Largely, innocent civilians were not targeted. Terrorists of the 1990s and especially the 21st century no longer seem concerned about public opinion, rather the goal is 'increasing the number of body counts of the perceived enemy' (Staten, 2002).

Tactics have become far more pronounced and methods that were previously thought to be unimaginable have now become a reality, a case in point being the skyjacking of two airplanes by Al-Qaeda suicide attackers and the crashing of these planes into the Twin Towers in New York.

Tactics utilised by terrorists as well as the targets that have become the central focus in the 21st century. In order for any counter terrorism strategy to be effective, it is imperative that questions around the 'who' (target) and 'how' (modus operandi) are essentially highlighted.

2.4.1. The Target

Illustrative of terrorists who seek to weaken a hated political authority that is responsible for illegitimate policies/rule; a terrorist's focus tends not only to be restricted to political authorities but includes victims, which are innocent civilians (Berry, 2003).

The desired effect of terrorism is not only the physical hurt to the victim, but also the psychological impact on the target. Consequently, the terrorist's victims are carefully selected to ensure the maximum possible psychological impact on the target. The subjects of terrorist attacks generally have little intrinsic value to the terrorist group but represent a larger human audience whose reaction is sought by terrorists. The most basic reason for terrorism is to gain recognition or attention. Violence and bloodshed always excite human curiosity, and the theatricality, suspense and threat of danger inherent in terrorism enhance its attention-drawing qualities (Crenshaw, 1981: 387).

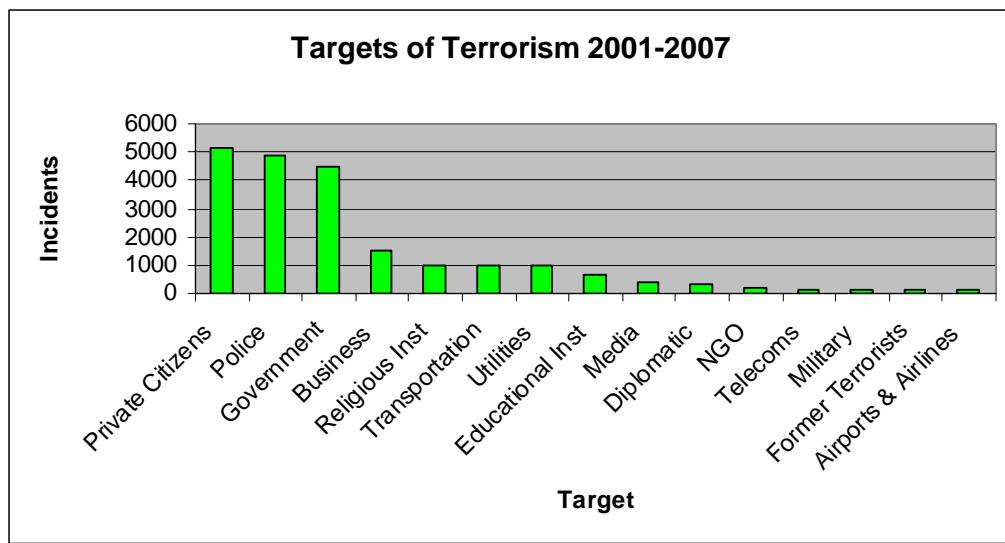
Terrorism is also used to disrupt and discredit the processes of government. Terrorism as a direct attack on a regime aims to highlight the incompetence of the political authority to safeguard its citizens and inevitably promotes the insecurity and demoralisation of government officials. Terrorists produce these effects by attacking the following targets:

- Government buildings, military bases, weapons, ships, airplanes, trains, brigades and tunnels;
- Government officials, soldiers, police and diplomats;
- Banks and the security and electronic transmission of currency;
- Symbolic public monuments;
- Business headquarters, personnel and factories;
- Civilian crowds, modes of transport and transportation facilities;

- Electric power plants, dams and grids;
- Communications stations; and
- Computers and their networks (Berry, 2003).

Graph 2.2 below illustrates that from the period 2001 – August 2007; three main target groups remain extremely vulnerable to terrorist threats, these being: the Police; Private Citizens/Properties and Governments. If anything, this Graph indicates the importance of being proactive in developing counter terrorism mechanisms that protect these vulnerable groups.

Graph 2.2: Terrorist Incidences by Target Group 2001-2007



Statistics adapted from the Memorial Institute for the Prevention of Terrorism (MIPT): Terrorism knowledge database

Police seem to be one of the prime targets for terrorists in the period specified above. One of the main reasons for this trend may be attributed to creating a sense of false security within a targeted country. If the police are unable to protect citizens, then the state is seen as incapable of providing safety and security. As such, citizens begin to question the governments in power; this may also result in the rise of vigilantism, disorder and mayhem, three preconditions wherein terrorists may flourish without being singled out. (Table 2.1 may provide substantiation for this argument).

If patterns of terrorism are increasing and tactics becoming more innovative, there is concern that innocent civilians as the new focus of terrorists are becoming more vulnerable. As such, counter terrorism strategies being adopted should be weary of this factor and should consider mechanisms and methods that safeguard this vulnerable group.

2.4.2. Terrorist Tactics

According to Hunsicker (2006:85), the most important tactical operations involving terrorists are, in order of relative frequency:

- Bombing
- Assassination and Assault
- Hostage-taking/Kidnapping/Skyjacking/Barricade Situation

From 1968 and 1999, more than 7 000 terrorist bombings were recorded. The trend is a shift away from attacking specific targets towards indiscriminate killings. The most serious concern is that terrorists are seeking to kill and injure more innocent civilians (Botha, 2001).

2.4.2.1 Bombing

This has been the most common tactic used by terrorists since the manifestation of international terrorism in the 1960s. The objectives have changed from symbolic bombings not intended to produce casualties (especially in the 1970s), to incidents where the ultimate objective is to cause as many casualties as possible.

The latter objective emerged in the 1980s, especially with the suicide bombings used by religious extremists in the Middle East and North Africa. The most obvious reason for the popularity of bombing as a modus operandi is that explosives can be easily purchased, stolen or manufactured from commercially available materials. Knowledge of how to build bombs and explosives can be obtained from books and the internet. Individuals have access to conventional as well as unconventional bomb-building material through mail order catalogues. Former Iranian President Ali Akbar Hashemi Rafsanjani refers to this access as ‘the poor man’s nuclear bomb’ (Laquer, 1997).

Currently, terrorist groups are able to harvest the necessary data on weaponry and techniques using the internet (Laquer, 1997). Terrorists are further exploring advanced technologies and are utilising more imaginative ways of operating explosives, detonators, communications, and concealed devices. Terrorists rely upon computers, cellular phones and encryption software to aid in their terrorist exploits. Ramzi Ahmed Yousef and his gang, were convicted of a plot to blow up 12 US airliners over the Pacific in 1995, used these methods of evading detection, as well as, the forging of documents and passports, extensively. Yousef was arrested in Islamabad, Pakistan, in February 1995, after fleeing from the United States and was sentenced to 240 years imprisonment in November 1997. Yousef was convicted of the explosion at the World Trade Centre in New York in which six people died and more than 1 000 were injured, and of planting a bomb that killed one person on a Philippines Airlines flight to Tokyo in 1994 (Wilcox, 1997).

Usama Bin Laden, who uses computers and cellular phones to co-ordinate the activities of his international network of operatives, illustrates another example of technology in planning terrorism. After the Afghan war, Usama Bin Laden emerged as one of the

primary role-players in exporting trans-national terrorism. During the Afghan war, close co-operation was established with Muslims from different nationalities that form part of the current network of Islamic extremist elements. Bin Laden heads the large Islamic organisation Al-Qaeda. Most of the groups that participate in his front remain independent, although the organisational barriers between them are fluid. In the centre of Al-Qaeda is Bin Laden's own inner group, which conducts missions on its own. The best-known terrorist act with which Usama Bin Laden is connected is the bombing of the US embassy in Nairobi, Kenya, in August 1998, which killed more than 200 people. Ten minutes after the Nairobi blast, a bomb placed in a refrigerator truck exploded outside the US embassy in suburban Dar es Salaam, Tanzania, killing 11 people (Terrorism Update, 1998).

Professional terrorists have become increasingly ruthless, sophisticated and operationally more competent. Although most terrorist groups remain technologically conservative, using off-the-shelf weaponry, some groups adapt or improvise their weaponry. For example, terrorists used readily available fertiliser as the main component of their device to bomb the World Trade Centre in New York in February 1993. Although the modus operandi of international terrorist groups is to a large extent static, the first use of chemical weapons by terrorists occurred in March 1995 when members of the Japanese cult, Aum Shinrikyo, placed sarin gas on five trains in Tokyo. Bombings still characterise most international terrorist incidents (Karim, 2005).

The above is illustrative of the fact that terrorists use whatever means available to further their objectives. Furthermore, the technological advances of the modern era have made this possible and have created opportunities and vulnerabilities.

Table 2.2: The 15 worst bombing attacks since 1983, in terms of casualties

| Date | Location | Event | Fatalities | Injuries |
|-----------|---|---------------------------------------|------------|----------|
| 07 Aug 98 | Nairobi, Kenya | Bomb attacks on U.S. embassy complex | 253 | 5,075 |
| 11 Sep 01 | New York, Virginia, and Pennsylvania, USA | Terrorist attacks using aircraft | 3,000 | 2,250 |
| 11 Mar 04 | Madrid, Spain | Bomb attacks on trains | 192 | 1,500 |
| 31 Jan 96 | Colombo, Sri Lanka | Bomb attack on Ceylinco House | 100 | 1,500 |
| 12 Mar 93 | Bombay, India | Series of 13 bomb attacks | 300 | 1,100 |
| 26 Feb 93 | New York, USA | Bomb attack in the World Trade Center | 6 | 1,000 |
| 7 July 05 | London, UK | Bomb attacks in trains and bus | 57 | 700 |

| | | | | |
|------------|-------------------------|---|-----|-----|
| 19 Apr 95 | Oklahoma City, USA | Truck bomb attack on government building | 166 | 467 |
| 12 Oct 02 | Bali, Indonesia | Bomb attack in a nightclub | 190 | 300 |
| 23 Oct 83 | Beirut, Lebanon | Bomb attack on U.S. Marine barracks and French paratrooper base | 300 | 100 |
| 03 Sept 04 | Beslan, Russia | Hostages killed | 360 | NA |
| 21 Dec 88 | Lockerbie, UK | Explosion of U.S. PanAm B-747 | 270 | NA |
| 18 Jul 94 | Buenos Aires, Argentina | Bomb attack | 95 | 147 |
| 23 Nov 96 | Comoros, Indian Ocean | Hijacked Ethiopian aircraft ditched at sea | 127 | NA |
| 13 Sep 99 | Moscow, Russia | Bomb destroys apartment building | 118 | NA |

Source: Auerswald, 2006: 8

Information Box 2.1: Illustrative example of a terrorist bombing: PAN AM 103

In December 1988, a bomb exploded on flight Pan Am 103. Pieces of the plane fell onto the Scottish town of Lockerbie, killing 259 people on the plane and 11 people on the ground. This incident is regarded as the worst air-disaster of the 20th century. The Popular Front for the Liberation of Palestine-General Command (PFLP-GC) was suspected of being responsible for planting the bomb. Despite the threat of economic sanctions, Libya initially refused to deliver two of its nationals, who were the main suspects of the bombing: Abdel Basset al-Megrahi and Al-Amin Khalifa Fhimah, after they were charged with murder, conspiracy to murder and contravention of airline security. In April 1999, with the contribution of former South African president Nelson Mandela, Libya extradited the two suspects to stand trial in the Netherlands according to Scottish law. The trial commenced in May 2000. Al-Amin Khalifa Fhimah was alleged to belong to Libyan intelligence and to have been the station officer of Libyan Arab Airlines in Malta at the time of the bombing. In January 2001, Fhimah was acquitted of the charges against him. Abdel Basset al-Megrahi was alleged to have been a senior officer of the Libyan Intelligence Services and head of Libyan Arab Airlines security in Malta in December 1988. Al-Megrahi bought clothes from a Maltese store that were contained in the suitcase bomb on board flight Pan Am 103. Al-Megrahi was convicted and sentenced to life imprisonment (Emerson and Duffy, 1990: 12-18).

Bombings require little organization and can easily be one-man operations. As diplomatic and military targets have become more protected, terrorists have focussed their attacks on soft targets. Terrorists are also exhibiting a lack of discrimination in target selection, with the trend towards huge truck bombs in urban centres such as, for example, Buenos Aires and Moscow (Auerswald, 2006:8).

It can be reasonably envisaged that the reliance of terrorists on bombings as a modus operandi will increase in the future; primarily due to the ease at which it can be procured, developed and the after effects of the hype created after an explosion.

2.4.2.2 Assassinations

In modern times, types of assassinations have included:

- diplomatic assassination (group or state);
- murder involving religious issues (individual, group or state);
- murder where the driving motive is nationalism (individual, group or state);
- murder where the driving motive is class struggle (individual or group); and
- murder committed for reasons of state (state).

A recent example of this type of terrorism took place in June 1995, when gunmen attempted to assassinate Egyptian president Hosni Mubarak during a visit to Ethiopia. Ethiopian counter terrorist forces and Egyptian security forces foiled the attempt. Al-Gama'a al-Islamiyya (Islamic Group or IG), masterminded by Egyptian citizen Mustafa Hamza, claimed responsibility. According to Egypt's security forces, Khartoum's Islamist junta was involved in the attack. Hamza took refuge in Khartoum since he possesses a Sudanese diplomatic passport (Reeves, 2001).

In the United States, during the early part of the 20th century, anarchists operating under the banner of the Black Hand preyed on newly arriving immigrants in New York City. Their tactics of selective assassinations with guns and bombs proved extremely effective during that period (Hunsicker, 2006: 85).

In South Africa, the most prominent examples of assassinations were those of Captain Bennie Lategan and Magistrate Piet Theron. Captain Bennie Lategan, a member of the SAPS' PAGAD Investigation Team, was killed in January 1999. Captain Lategan was investigating cases of terrorism in the Western Cape. Ismail Edwards and Ebrahim Jeneker, both members of PAGAD's G-Force, were implicated in this assassination. Furthermore, Magistrate Piet Theron, who was presiding over urban terrorism cases, was also assassinated in front of his house in September 2000 (Botha, 2001).

2.4.2.3. Hostage taking

Hostage taking, whether by kidnapping individuals, hijacking airlines or storming buildings, has always been a popular tactic due to its demonstrated effectiveness.

Although Jenkins of Rand Corporation argued in 1987 that the seizing of embassies would decrease because of an increase in their security measures, the left-wing Tupac Amaru Revolutionary Movement seized the Japanese embassy in Peru in 1997. Hostage situations have also been on the increase among desperate groups in many developing and less developing countries. In fact, there was a 33% rise in the kidnapping of foreigners in the 1990s (Wilkinson, 1996: 18).

Hostages are selected by criteria of the terrorist; essentially the objective is to exert influence to acquire a desired effect. It is for this reason that the selection of targets for hostages is wide and incumbent upon the subjective interpretation of the hostage. Hostages may include:

- Political figures and figures of authority; such has presidents and other government officials (for example, hostages captured in the Japanese embassy, supra, included high profiled Peruvian government officials).
- Schoolchildren held hostage during the Chechyan siege at Beslan (<http://www.keystosaferschools.com/russiashoolhostages.htm>).
- Journalists such as the recently renowned Daniel Pearl hostage taking incident is an exemplar of such (www.pbs.org/newshour/media/response/pearl.html)
- Tourist as well are victims to hostage taking, a recent example included the capture of South African citizens whilst visiting the Philippines by terrorist group Abu Sayyaf. (<http://news.bbc.co.uk/1/hi/world/asia-pacific/763512.stm>).

The list of individuals that can be selected as hostages are endless and in essence, any individual can be a target for a terrorist. The taking of hostages is often complimented by attention from the media and the public. These commodities of a modern era either wittingly or unwittingly provide amplification for the need of the terrorist. At times, this in itself, was also an essential desired effect of the terrorist action; the objective may be to receive attention to the plight of the terrorist. The media unequivocally essentially contributes to most hostage takings.

The desired effects of terrorism like the selection of hostages also seem endless. These may include the following:

- Abu Sayyaf was known to take hostages for financial gain. The cumulative benefit of the hostages also provided incite of the international community into the purpose of the terrorist group (Niksch, 2002).
- The release of counter parts of terrorist groups arrested in other countries may also be included in the common list of desired effects. The capturing of passengers on flights and the demanding for the release of arrested terrorists by the PLO may provide an exemplar of such (Suro, 1988).
- Terrorists may further resort to hostage taking by mere default as a medium to achieve a short-term objective. Terrorists may also resort to hostages for protection and safe transit if aggressively pursued by enforcement agencies. David Kohesh tried to use his victims as leverage when pursued by enforcement agencies (Docherty, 2001).

Essentially hostage taking is also a common modus operandi of terrorist and like other terrorist activity; it requires a concerted response to effectively, reduce the activity.

2.5. Terrorist Support Base

In effect, individuals who vent their ‘grievances’ through terrorist activity commit terrorism. Individuals who become terrorists are often unemployed, socially alienated individuals. For example, those with little education, such as youths in Algerian ghettos or the Gaza Strip, may try to join a terrorist group out of boredom and a desire to have an action-packed adventure in pursuit of a cause they regard as just (Hudson, 1999: 37-38).

In contrast, individuals from Western countries who become terrorists are generally both intellectual and idealistic. Usually, these disenchanted youths, educated or uneducated, engage in occasional protest and dissidence. Potential terrorist group members commence as sympathizers of the group. Recruits may often come from support organizations, such as prisoner support groups or student activist groups. From a sympathizer, an individual may become a passive supporter. Often, violent encounters with police or other security forces further motivates an already socially alienated individual to join a terrorist group. However, membership in a terrorist group is highly selective. Over a period of a year or more, a recruit generally moves in a slow, gradual fashion toward full membership in a terrorist group. Therefore, recruits would not only need to have a personality that would allow them to fit into the group, but ideally a certain skill needed by the group, such as weapons or communications skills (Hunsicker, 2006: 21).

In addition, Oots (1989: 146) considers that terrorists support includes a whole spectrum of organisational requirements related to terrorist activity such as:

- financial support;
- training;
- weapons;
- organisational support: groups and friendly regimes supply terrorists with passports, documents or propaganda support, social support; and
- operational support.

To surmise, to effectively counter terrorism it is of fundamental importance that a frequent and effective risk analysis is conducted. Risk analysis is a survey to ascertain how high the probability is of one of these dangers occurring, how well the organization can respond should the threat become a reality, and how well the organization can carry on once that reality materializes. Inherent in the analysis is the identification of the vulnerabilities and threats that go along with the risk. Therefore, as an example, a branch office or non-essential satellite facility may be more susceptible to attack than the central office. In the course of the analysis, one of the things to be determined is the extent of the organization’s exposure, which could materially contribute to loss or damage in the event of a terrorist attack (Hunsicker, 2006: 85).

2.6. Summary

Although not all of the above-mentioned categories of terrorism exist in South Africa, terrorism is an international phenomenon. The implication for South Africa is that trans-national terrorism, in association with trans-national crime, presents a real threat to national, regional and international security. South Africa is an open society with a large number of illegal immigrants and a well-established infrastructure. This presents a fertile ground for individuals and groups who want to engage in terrorist activities.

South Africa is regarded as the gateway to the rest of Africa, especially to southern Africa. However, as with other African countries, the threat presented by terrorism is on the increase. The threat can be seen to exist on two levels, namely as an external threat and as an internal threat. Given these dynamics, it is imperative that South Africa seeks to put in place an effective counter terrorism strategy that will be proactive in countering existing and potential terrorist threats. The next chapter of the study will seek to identify appropriate mechanisms for counter terrorism. This will be done by engaging in a comparative analysis of counter terrorism approaches in selected developed and developing countries to ascertain appropriate methodologies that can be associated in conceptualising South Africa's approach to counter terrorism.

CHAPTER 3

COUNTER TERRORISM IN PERSPECTIVE: INTERNATIONAL OVERVIEW OF MECHANISMS IN DEVELOPED AND DEVELOPING COUNTRIES

3.1. Introduction

The study aims to outline aspects of counter terrorism approaches in differing countries that have proven to be effective and that may impact positively if applied to the South African context. The section is initiated by considering the various interpretations in defining the concept of ‘counter terrorism’. Moreover a comparative analysis of counter terrorism approaches at the multilateral as well as country levels - United States (US), United Kingdom (UK), Russia, India, and Algeria - will be undertaken to ascertain appropriate mechanisms for counter terrorism. This analysis will at most highlight best practice case studies to aid in developing a suitable counter terrorism approach for South Africa.

3.2. Multilateral Entities and their approach to counter terrorism

Terrorism, according to some South African academics and interviewees of this study - Boyane Tshelhla, Hussein Solomon, Kurt Shillinger and Andre Thomashausen - has had a profound impact on the global security matrix, of which a major consequence has been the inculcation of a ‘state of paranoia’ within global security measures. This according to the afore-mentioned academics is amplified by the conduct of officials at ports of entries into specific countries (like the US and the UK). Within this context, other international academics believe that the threats of terrorism are not over-rated and global initiatives are imperative to curb impending threats.

Global initiatives for counter terrorism serve as examples of best-case scenarios that filter into national strategies to counter terrorism. Counter terrorism has been approached in a militaristic format and at times considering a policing approach. Both approaches are hailed to be custodians to the UN Counter Terrorism Strategy. Unequivocal attention also has to be paid to the respect for human rights. This section will provide an overview of multilateral entities and their current approaches to counter terrorism. Entities that will be included are the United Nations (UN), African Union (AU), the European Union (EU) and the International Police (INTERPOL). Multilateral institutions offer international standards of counter terrorism that countries may refer to as yardsticks against which they can measure appropriate national strategies to counter terrorism.

3.2.1. United Nations (UN)

The UN council’s response after 9/11 was the ratification of Resolution 1373, which requires countries to evoke defensive measures if global peace and security is threatened. In terms of Resolution 1373, member states are obligated to provide measures to suppress terror financing; ensure proper border control including effective procedures to check travel documentation; and possess a national criminal code to prosecute acts of terrorism.

If UN Member States fail to comply with the above-mentioned regulations, they will be subjected to sanctions. In addition to the Resolution, the UN also has in existence 12 international conventions or instruments on terrorism, a number of which South Africa still has to accede to, sign or ratify (See Annexure 3).

The overseeing authority for Resolution 1373 is the Counter Terrorism Centre (CTC). The centre monitors Member States compliance with the regulations contained within Resolution 1373 (Wilkinson, 2006:169). The CTC is also effectively the de facto coordinator of counter terrorism technical assistance by supporting States to adopt new, or improve on, existing counter-terrorism related laws and accede as well as implement the 12 international conventions and protocols related to terrorism. Further to the CTC, other supporting bodies of UN measures to counter terrorism include: The Counter Terrorism Executive Directorate (CTED), the 1540 Committee, the Al-Qaida/Taliban Sanctions Committee, and the 1566 Working Group (Millar and Benjamin, 2005: 5-7).

Another important UN measure in the process of combating global terrorism is General Kofi Annan's five-pillar strategy to counter terrorism as advocated for in 2005. Enunciated in the report entitled 'In Larger Freedom: towards development, security and human rights for all (A/59/2005), the strategy as duly endorsed by the United Nations 2005 Summit of Heads of State on 8 September 2006, seeks to:

- Dissuade people from resorting to terrorism and supporting it;
- Deny terrorists access to funds and materials;
- Deter States from Sponsoring terrorism;
- Develop State capacity to defeat terrorism; and
- Defend human rights.

At the UN multilateral level, it seems that all attempts are being made to strengthen global efforts towards eradicating threats of terrorism. The UN not only has appropriate conventions in place, but the institution has supplemented these legislative efforts with a global strategy. In terms of this global strategy, South Africa is working towards the first, second, fourth and fifth aspects. The fourth aspect is however, the most pertinent to this study in terms of strengthening the capacity of both SAPS and the relevant intelligence agencies as well as facilitating coordination between the relevant institutions.

3.2.2. African Union (AU) (formerly the Organization of African Unity - OAU)

The US State Department's annual country assessments of global terrorism stated in April 2006:

Though it is unclear to what extent terrorist groups were present and operating in west and central Africa, the fundraising, terrorist recruiting, and other support activities of al-Qaeda and affiliated persons and groups in SA, Nigeria, and across the trans-Saharan region remained a serious concern.

It lists incidents of either concern or co-operation in 16 African countries ranging from arrests of terrorist suspects and disruption of alleged terrorist operations in Kenya to

recruitment activities by known al-Qaeda affiliates in Nigeria, to the abuse of South African travel documentation by foreigners, on US and UK terrorist alert lists. Essentially, these trends highlight the fact that terrorism is not just a western concern. It is an international issue requiring a coherent international response. Africa has a vital role to play in ensuring security within and beyond its shores. Building counter terrorism capacity requires moving beyond broad pledges to a systematic, incremental approach that recognises both the threat and required resources. As such, the Bush administrations' National Strategy for Combating Terrorism highlights the African Union (AU) as one of the "essential elements" in a common front against transnational terrorism (Shillinger, 2006b).

In 1999, in the wake of the devastating attacks against the US embassies in Kenya and Tanzania, the Organisation of African Unity (OAU) adopted its Convention on the Prevention and Combating of Terrorism. The convention defines a terrorist act as any act which is in violation of the criminal laws of a state party (that is a member state of the OAU that has ratified or acceded to the convention) and that may endanger the life, physical integrity or freedom of — or cause serious injury or death to — any person(s), or causes damage to public or private property, natural resources, environmental or cultural heritage, and is intended to:

- intimidate, put in fear, force, coerce or induce any government, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint;
- disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
- create general insurrection in a state (www.africa-union.org)

In this regard, 36 of the 53 AU Member States ratified the Convention on the Prevention and Combating of Terrorism. Furthermore, according to the convention, state parties are forbidden from any activities aimed at organizing, supporting, financing, committing or inciting to commit terrorist acts, or providing havens for terrorists, including the provision of weapons and their stockpiling in their countries and the issuing of travel documents (www.africa-union.org/conventions).

In the case of the African Union (AU), the African Union Non-Aggression and Common Defence Pact supplements the framework provided by the OAU Convention of 1999, as established in Abuja, Nigeria on 31 January 2001. The Pact specifically declares that, 'the encouragement, support, harbouring or provision of any assistance for the commission of terrorist acts and other violent trans-national organized crimes against a member state', constitutes an act of aggression (Art 1(d) (xi)). Member states are prohibited from using their territory: 'for the stationing, transit, withdrawal or incursions of irregular armed groups, mercenaries and terrorist organizations operating in the territory of another member state', (Art 5(c)). The member states are obliged to 'extend mutual, legal and all other assistance in the event of threats of terrorist attack or other organized international crimes' and to 'arrest and prosecute any irregular armed group(s), mercenaries or terrorist(s) that pose a threat to any member state', (Art 6) (Hough et al, 2005:93).

Moreover, in 2002, at a meeting in Algiers, the AU adopted a plan to bring states in line with the Convention of 1999. The plan called for the creation of an African Centre for the Study and Research on Terrorism (ACSRT) to co-ordinate the analyses of terrorism and counter terrorism activities on the continent with AU member states and the regional economic communities. The ACSRT is tasked to centralise, collect and disseminate studies and analysis on terrorism and terrorist groups. The states and regional economic communities are required to designate focal points to liaise with the centre. While this counter terrorism mechanism in Algiers envisions a highly integrated network of regional and state focal points co-ordinated centrally through the centre in Algiers, the probability of the Centre functioning effectively is constrained by funding commitments and the lack of human resource capacity of the regional economic communities. Thus far, only 20 of 53 states and 3 of 8 regional organisations have designated focal points. South Africa is among those states that has not identified a focal point (Shillinger, 2006b).

Given the above situation, the immediate strategy should be to build Africa's capacity based on a blunt and practical division of labour among states and regional organisations according to their strengths. That means building strong co-operative ties between the centre in Algiers and the key states where concerns about terrorism and capacity to respond converge. This would include Kenya, Tanzania, Nigeria, Mali, South Africa and Mozambique. Critically, it also requires resolving the conflict over Western Sahara in order to integrate Morocco — the only African state which is not an AU Member State (www.africa-union.org/Terrorism/terrorism2.htm). These measures will inherently aid in coordinated efforts on the continent to combat terrorism.

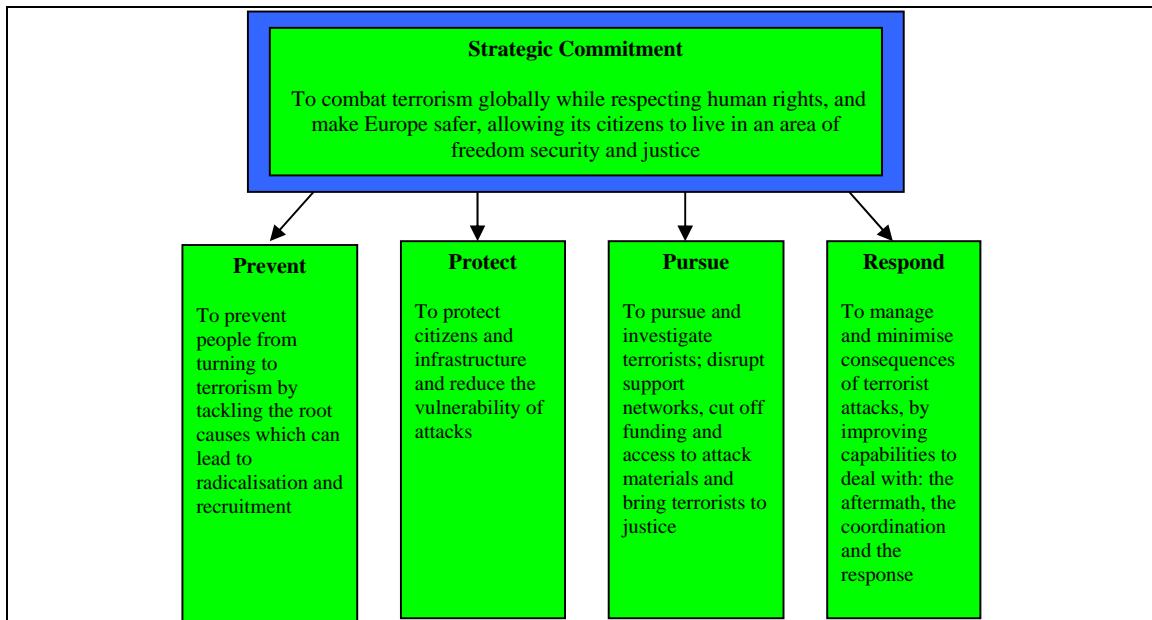
Nonetheless, while African governments and regional institutions are gradually strengthening their counter terrorism capacities through improved intelligence services, legislation and international co-operation, many African leaders remain deeply ambivalent about terrorism as a security priority. For most African states, urgent development issues rightly trump concerns about terrorism. In addition, former liberation movements as well as the AU, meanwhile, dispute where to draw the line between "terrorists" and "freedom fighters" (Vaknin, 2004). Yet, the AU Convention on preventing and combating terrorism as well as the establishment of the ACSRT illustrates Africa's commitment in dealing with threats of terrorism.

3.2.3. The European Union (EU)

The European Union's (EU) counter terrorism approach is aimed at developing a common approach to counter terrorism. The EU Counter terrorism strategy was adopted in December 2005 and was laid down in an action in February 2006. It structures more than 160 separate measures horizontally and according to sector along four critical strands, namely: prevent, protect, pursue and respond (Bendiek, 2006: 11).

The strategy is illustrated as follows:

Figure 3.1: EU Counter Terrorism Strategy 2005



Source: adapted from Bendiek, 2006

EU Member States support the strategy in four critical ways:

- Strengthening national capabilities: by using best practices; sharing knowledge and experiences to improve national capabilities. This is done by improved collection and analysis of information and intelligence;
- Facilitating European cooperation: establishing and evaluating mechanisms to facilitate cooperation including between police and judicial authorities, and through legislation;
- Developing collective capability: ensuring EU capacity to understand and make collective policy responses to terrorist threats, and making use of EU bodies including Europol, Eurojust, Frontex, the MIC and SitCen;
- Promoting international partnership: working with others beyond the EU, particularly the UN, and other international bodies to deepen international consensus on counter terrorism.

Inherent in the four critical elements of the EU Strategy – Prevent, Protect, Pursue and Respond – is the elements ‘cooperation, collective capability and international partnership’. These elements are regarded as key in attempting to safeguard the European Union.

3.2.4. International Police (INTERPOL)

Interpol is an organization that aims to provide and promote mutual assistance between criminal police authorities within the limits of national laws and the Universal Declaration of Human Rights. Originally formed in Vienna in 1923, the organization has steadily grown in membership but never substantially changed in form or objectives. Interpol is not a supranational police agency with investigative powers, but a cooperative network intended to foster collaboration and to provide assistance in police work among law enforcement agencies in many nations (Deflem and Maybin, 2005: 178).

There have been trends of structural reorganisations within Interpol to deal effectively with existing and potential terrorist threats. In the aftermath of September 11, Interpol reorganized in several key respects. Most concretely, during a press conference in Madrid on September 14, 2001, Secretary General Noble announced the creation of ‘11 September Task Force’ at Interpol’s Headquarters in Lyon, France. The objective of this special task force is to coordinate international criminal police intelligence received at Interpol’s Headquarters. The creation of the task force is meant to ensure that information received is processed as quickly as possible for immediate forwarding to the Interpol National Central Bureau in Washington, DC, and, through it, to the Federal Bureau of Investigations (FBI) (www.interpol.int/public/ICPO/pressreleases/pr2002/pr200209.asp).

Also instituted following the September 11 attacks was a General Secretariat Command and Co-ordination Center which is operational 24 hours a day, 7 days a week. A new Financial and High Tech Crimes Sub-Directorate tasked with monitoring money laundering was also created. In April 2002, Interpol announced the creation of an Interpol Terrorism Watch List, which provides direct access by police agencies to information on fugitive and suspected terrorists who are subject to red (arrest), blue (location) and green (information) notices (Deflem and Maybin, 2005: 178).

On June 22, 2001, Interpol established a system for member agencies to automatically upload and retrieve information from a database encompassing cases on stolen travel documents. Further to this, at a Cameroon meeting of 2002, the establishment of a new global communications project was announced as Interpol’s highest priority. This project involved the launching of a new internet-based Global Communications System, called ‘I-24/7,’ to provide for a rapid and secure exchange of data among Interpol’s member agencies. Now operational, the I-24/7 system allows for the searching and cross-checking of data submitted to Interpol by the organization’s members over a virtual private network system that transmits encrypted information over the internet (Deflem and Maybin, 2005: 180-183).

Clearly, Interpol has undergone significant changes since September 11 as part of a renewed and vigorous effort to more efficiently; organize international police cooperation against the terrorist threat. As illustrated above, new systems of information exchange among police across the world have also been instituted. As such, formal policy resolutions have been developed to offer a foundation to these new counter-terrorist arrangements.

3.2.5. Measuring the effectiveness of Multilateral Entities approach to counter terrorism

Multilateral initiatives have, at best, been effective in increasing the awareness of the global nature of terrorist threats. It has facilitated a sense of common purpose, motivated states to take precautionary measures against terrorist threats and expand their counter terrorism capacities, and encouraged coordination efforts among states and regional organisations. However, whilst the broader framework exists for conceptualising terrorist threats, there are still a number of hurdles that impact on developing a fully functional coherent and robust global approach to counter terrorism. Reflecting on Graph 2.1 of terrorist incidences in Chapter 2, it is apparent that terrorist incidences have increased seven-fold since 9/11. One argument for the increase in terrorist incidences rests on the challenge that Al-Qaeda has transformed from a unitary entity into a movement or something more akin to an ideology. As Al-Qaeda spreads, it becomes a more dispersed, hidden and persistent target, which is more difficult to combat (Gambari, 2006). The lack of a coherent multilateral approach to counter terrorism has been identified as the chasm that enables terrorist groups like al-Qaeda to operate within the global realm.

The level of incoherency at the multilateral echelon is demonstrated by the inability of the UN to charter a comprehensive convention on international terrorism and the failure to enforce the UN counter terrorism strategy as proposed by Kofi Annan in 2005 and duly adopted in September 2006. In totality, the multilateral has promoted and adopted 12 international conventions (see Annexure 3) that criminalize specific acts of terrorism, however, UN authority on terrorism would be greatly enhanced by a comprehensive convention which would establish a definition for terrorism and outlaw terrorism in all its forms. Currently, UN Member States still remain ambivalent on the core elements that define terrorism. At the heart of much debate, UN Member States still remain divided over the same critical questions – *whether the activities of armed forces should be exempted from the scope of a common convention since they are governed by international humanitarian law; and whether that exemption should also cover armed resistance groups involved in struggles against colonial domination and foreign occupation* (Gambari, 2006).

Despite theoretical challenges of defining terrorism, the UN also faces human, administrative and institutional capacity deficiencies. A proliferation of counter terrorism programs and initiatives (as illustrated in the section above) has led to overlapping mandates, lack of consensus over reporting requirements on counter terrorism by States and a duplication of work. Moreover, because of administrative and other limitations experienced by operating in a highly politicized multilateral institution, the UN has been unable to effectively fulfil their mission of analysis, coordination, and information sharing on impending threats of terrorism (Millar and Benjamin, 2005). Interviewee Andre Thomashausen (2007) also considers the global initiatives on terrorism to be ineffective and also contributory factors to social and political tensions. The ‘global initiatives as propagated and coordinated by the UNSC Terrorism Committee are rejected universally but have been grudgingly and without enthusiasm implemented wherever the dependence on goodwill by the US government is perceived to be too strong to allow for outright rejection’ (Thomashausen, 2007). Developing countries, especially the vast majority of African nations (49 of the 53) have managed since 2002 to

avoid implementing the measures that the CTC is trying to impose, offering various excuses, in particular the lack of capacity or need.

At the regional level, functional organisations like the AU, EU and Interpol, whilst improving efforts to address threats in the last four to seven years, have likewise been faced with the similar stumbling blocks as the UN. The AU in particular has had difficulty engaging with classification of rebel movements within Africa as terrorists. Whilst some clarification has been given on groups such as the PALIPHEHUTU-FNL in Burundi and the Justice and Equality Movement (JEM) in Darfur, other groups like the Forces Nouvelle (FN) in Cote d'Ivoire still remain unclassified. The inability of the AU's Peace and Security Council (PSC) to function at full capacity as demonstrated by the dissolution of AMIS and the evolution of the UN/AU hybrid force attests to the lack of financial capacity within Africa's multilateral body to effectively deal with issues of peace and security. If Africa's multilateral is currently submerged in difficulties related to peace support operations, prospects for dealing with issues of terrorism become even more complex.

In terms of measuring effectiveness, the development of appropriate global initiatives to counter terrorism is still undergoing fundamental theoretical and practical transformations. Multilateral initiatives remain at the level of infancy and a good deal has to be done to facilitate the transition from theoretical debate to practical application. As a result, the room and gap exists for terrorist organisations to monopolize on inherent weaknesses to further their own strategic objectives. In the interim, and given existing impediments, it is deemed vital that States work towards strengthening their counter terrorism capabilities and capacities. Working from a bottom-up approach of solidifying the base of counter terrorism from the state level will assist in enhancing the overall global response to terrorism. As such, the proceeding section provides an analysis of current counter terrorism measures pursued at country levels.

3.3. Counter Terrorism in Developed Countries

This section provides an overview of counter terrorism approaches in developed countries. The countries identified are the United States of America (US), the United Kingdom (UK) and Russia. Their approach to terrorism will be analysed with the underlying aim of determining aspects that have been successful in countering terrorism. These three countries are considered superpowers within the international arena, as they command enormous political and economic influence within the multilateral fora. Both the US and the UK have been victims of recent devastating acts of terrorism on their home soil. Russia, as well, has a persistent history of terrorism originating from the Chechyan struggle. The experiences of the above-mentioned countries, which have both the resources and the expertise to counter the terrorist threat, may provide valuable insights on ascertaining relevant and appropriate counter terrorism strategies.

3.3.1. United States of America (US)

The United States is situated in North America between the North Atlantic Ocean and North Pacific Ocean. The land boundaries are Canada, Mexico and Cuba. (www.cia.gov).

3.3.1.1. Extent of Terrorism

No group or nation should mistake America's intentions: We will not rest until terrorist groups of global reach have been found, have been stopped, and have been defeated -

President George W. Bush, November 6, 2001

While all democracies may be particularly good targets for attacks by terrorists, the US is particularly appealing to a wide variety of dissidents. The US has the dubious distinction of being the most favoured target of international attacks as it remains symbolic of the 'West, modernization, democracy, capitalism, and multinational corporations'; key elements which often form the focus of terrorist organisations. The biggest threat to the US is Al-Qaeda. Most of its attacks have been undertaken outside the US since they are easier to undertake in those locations, but there is no doubt that the US and its national interest as encapsulated in its foreign policy objectives are the targets. However, apart from international threats, the US is also prone to acts of domestic terror (Wilkinson, 2003: 110).

In the domestic sphere, the extreme right wing in the US has become important in recent years as a political influence in the country. Extreme right wing groups include a variety of racist organizations such as the surviving elements of the Klu Klux Klan (KKK); the Aryan Nations; other dissident groups that have a more obvious religious orientation; tax resistors; those who fear a take over of the US by traitors who favour a one world government; and some elements of the American militia movement and associated patriot groups. The KKK is by far the most well known secular terrorist organization in the US (Rapoport, 1984:51). The KKK in its second manifestation in the United States in the 1920s (the first being in late 1860s) represented a right wing movement that fought against anything approximating to equal rights for black Americans, but it was also opposed to increasing patterns of immigration, particularly when the migrants were Oriental, Jewish or Catholic. The KKK utilised terror as part of its tactics, targeting minorities. The lynching of black Americans, for instance, sent a clear message to other black Americans of the consequences of seeking greater equality (Lutz and Lutz, 2004: 147).

Information Box 3.1 provides an illustration of the trends of domestic and international terrorist activities pertaining to the US since the 1900's.

Information Box 3.1: A list of terrorist attacks against the US

- | | |
|------|--|
| 1901 | Assassination of President William McKinley (US DOS National Strategy for Combating Terrorism, 2003). |
| 1915 | Senate reception room in the US bombed by Erich Muenter, who was upset over the sales of ammunition to allies at war. |
| 1920 | Anarchists bombed a horse cart filled with dynamite near the intersections of all and Broad Streets, taking 40 lives and wounding about 300 others (US DOS National Strategy for Combating Terrorism, 2003). |
| 1968 | Senator Robert F. Kennedy, senior policy adviser to President John F. Kennedy was assassinated. |
| 1971 | Bomb explodes in US senate room opposition to US policies in Vietnam. |
| 1983 | Hezbollah suicide truck bomber destroyed the US Marine barracks in Beirut, killing 290 and wounding 200. |
| 1993 | World Trade Centre bombing, Ramzi Yousef, leader wished to punish the US for its policies in the Middle East. |
| 1997 | Ali Hassan Abu Kamal a Palestinian fired at tourists at the Empire State building, allegedly with the objective of revenge for Palestinian treatment. |
| 1998 | Simultaneous car bombings of US embassies in Kenya and Tanzania linked to Al-Qaeda and Usama Bin Laden. |
| 1998 | Planet Hollywood restaurant in Cape Town, South Africa in retaliation for attacks by US in Afghanistan and Sudan. |
| 2000 | The bombing of the USS Cole (US warship) in Yemen in 2000 (US DOS National Strategy for Combating Terrorism, 2003). |
| 2001 | Bombing of the World Trade Organization Twin Towers by Al-Qaeda |

Source: Pena, 2006: 175

3.3.1.2. US Counter Terrorism Strategic Approach

The approaches to the phenomenon of counter terrorism are as many and as diverse as they are definitions of the problem of terrorism. For academics such as Wilkinson (2006: 6), a counter terrorism strategy is a multi pronged approach for a ‘liberal state’ (otherwise herein referred to as democratic states), which does not undermine or seriously damage the democratic process and the rule of law, while providing sufficient flexibility to cope with a whole range of threats. Intrinsically, there are three responses to counter terrorism in developed democratic states, these being, the use of politics, law enforcement and the military. Lutz and Lutz (2004), on the other hand expands on the approaches to counter terrorism. The following are considered as key elements in the US approach to counter terrorism:

a) Increased security

Increasing security, especially around critical targets or personnel is one solution to counteract the threat of terrorism as it reduces the appeal of vulnerable targets. Potential targets may include any government or party official or any member of the security services. In most cases, no defence system is completely effective; however, it does not imply that improved security is not important. For instance, targeted persons can vary their routines or take suitable precautions to prevent kidnappings or assaults. While such actions are eminently wise, they cannot grant immunity. Any measure ‘that would preclude every possible terrorist group for every possible motive is not even theoretically conceivable’ (Hoffman, 1997: 10).

Whilst enhanced security and prevention can limit the damage that attacks will generate; the possibility still exists that enhanced security will only have temporary effects in reducing attacks as terrorist groups will limit their activities until such time that security is relaxed (Gurr, 2003: 212). In addition, Enders and Sandler (2002: 152) argue that increased security can have negative ramifications, for instance, the widespread use of metal detectors in airports led to more deadly attacks with bombs against airlines. Greater security can help but there are far too many targets for security measures to be effective.

b) Intelligence gathering-detection and prevention

Prevention through intelligence gathering and infiltration of dissident groups is another possible measure in the battle against terrorism. The role of counter terrorism intelligence is to retrieve timely and credible information on details of a terrorist attack and prevent such attacks. Intelligence, which identifies terrorist targets, the securing of these targets, preventing of the terrorist attack and or locating and prosecuting of perpetrators, is extremely valued. Such details have proven to be central in disrupting terrorist attacks. Intelligence that disrupts successive terrorist cells and terrorists is regarded as the most fruitful counter terrorism exercise. Intelligence obtained regarding a target of terrorism can ensure that the target is secured. Disrupting a terror cell is considered fundamentally more effective in countering terrorism. However, obtaining intelligence to achieve these objectives remains difficult. (Pillar, 2004: 116-119).

Major components of intelligence are collection, analysis, and dissemination to relevant parties. Intelligence can be collected in diverse ways, from old-fashioned legwork to sophisticated electronic voice and data capture. In addition to the gathering of intelligence, effective intelligence analysis provides either a warning of terrorist attacks or an assessment of terrorists. The assessments of terrorism by analysis may be either of a strategic or tactical nature. The tactical assessment considers the collection of information and trying to establish the identity of terrorists. The process also guides further collection of intelligence to fill gaps in the assessment. Intelligence analysis may determine the intentions, capabilities and the threat of terrorist organizations (Hunsicker, 2006: 73-74; Johnson, 2003).

Strategic Intelligence analysis provides information on trends and patterns in international terrorism. Strategic intelligence is also able to contribute to changes in foreign policy and the amount of resources that are allocated to terrorism. Strategic intelligence, in the US, is used as an instrument to highlight foreign organisations and countries, which sponsor terrorism. In many respects, the US classification of State sponsored terrorism is considered as subjective. The US lists of states, which support terrorism, include Libya, Iran, Iraq, Syria, Cuba, North Korea, and Sudan. The US ignores allies, potential allies, and countries, which are not a concern for the US. It may be of relevance to note that the South African government pre-1994 aided terror groups in Mozambique and Angola but was never included in the list. Similarly, the former Soviet Union never did make the list since including them would have resulted in serious implications to diplomatic relations with countries (Lutz and Lutz, 2004: 9).

Counter intelligence information can also be utilised to plot possible future actions of terrorists. Information is obtained and possible scenarios of terror implications are considered. This will provide early warning and possible target areas, which can be secured. To be able to accurately predict future terrorist acts is dependent on the need to obtain ‘plot specific information’ (Pillar, 2004: 116-119). Hunsicker (2006: 80-81) provides the following general assessment categories, which may be utilised for a defensive strategy for targets of terrorism:

- *Targets:* Information on targets can be subdivided into two categories. The first concerns the types of targets that may be attacked; the other includes information on contingency plans. Target identification should also be rated according to vulnerabilities.
- *Target Profile:* This refers to subjective information of identified potential targets. If the potential identified target is for example a corporate entity then it must be analysed considering the perception of the company’s image in the local community, the country, and perhaps even the world. Individuals within the company should be evaluated as symbolic or of strategic importance to terrorist operatives.
- *Terrorists:* Information on future terrorist targets can be primarily gleaned from professional security publications and their archives and databases, newsletters and even well circulated publications. The Internet allows access to a variety of governmental and private resources, including the FBI, Department of State (DoS), and Central Intelligence Agency (CIA). Terrorist groups also maintain

- websites providing clues to current activities and specific references to enemies of their cause.
- *The Target Analysis:* Target or threat analysis considers the likelihood of becoming a target. It analyses whether defences are sufficient to discourage potential attacks or to protect individuals and organizations.

c) Finances

A special area where intelligence can be combined with other initiatives involves attempts to limit or eliminate the flow of financial support to terrorist organizations. Financial support has been important for many terrorist groups. Some financial aid has been through direct avenues and in other cases it has been channelled through institutions. Money can come from foreign governments, but it can also come from private sources. Usama bin Laden's wealth and support from other Muslim contributors have helped mould Al-Qaeda (Comras, 2005).

Money has been important for either maintaining the dissident groups or making them more precarious. When the financial sources of these groups are curtailed their ability to mount attacks is reduced even if not eliminated, and groups become less dangerous. The initial efforts of either accountants or intelligence operatives to find or track the funding sources for Al-Qaeda have not been successful. Al-Qaeda has apparently been able to move some of its financial resources into commodities like precious stones and gold, hence making it more difficult to trace (Schultz and Vogt, 2002:379).

Money laundering can lead to financial terrorism and many well known financial institutions have either intentionally or unintentionally been involved in the movement of funds in and out of offshore banks. An alternative to that would be the so-called *Hawala* (remittance) system, also known as "Hundi", an ancient system originating in South Asia. Today it is used around the world to conduct legitimate (untraceable) remittances. Like any other remittance system Hawala plays an extremely vital role in money laundering (Hunsicker, 2006: 62).

d) Repression

Powerful authoritarian or totalitarian states, due to their repressive nature may eliminate terrorism (Heymann, 2002:34). Democratic states on the other hand are more vulnerable to attacks by domestic dissident groups or foreign terrorist groups (Lutz and Lutz, 2004: 228).

e) Retaliation or Punishment

Retaliation by the State is an obvious counter terrorism option and one that is often popular, but it is a choice filled with difficulties. Countries retaliate where there is evidence of support by another country for domestic terrorists. Retaliations can take on a form other than military action. Economic sanctions can be applied against the country suspected of encouraging terrorism (Chellaney, 2001: 99).

f) Pre-emptive action

A country has the option of a pre-emptive strike when the threat of retaliation has no deterrent effect. However, pre-emptive action may have an adverse effect and stimulate the uprising of new dissident groups. Even if there are no immediate negative political military or diplomatic consequences, the seeds may be sown for the formation of new groups willing to use violence in the future (Richelson, 2002: 246; Posen, 2002: 54).

g) Special Counter terrorism Units (SCUs)

Most countries have trained Special Forces to deal with terrorist situations. These forces may aid in rescue missions, however, they could also be utilised for the purposes of retaliation and pre-emptive action. Successful operations by SCU's may deter at least some terrorist attacks; however, the absence of such units can encourage hostage taking or actions (Lutz and Lutz, 2004: 234-235).

h) Concessions and reform

Instead of using repression or security measures to deal with dissidents, governments may decide to change some of its policies in order to address the issues that led to dissident violence. Nevertheless, concessions are not always a realistic option for a government. Democracies, for example, cannot banish racial minorities targeted by right wing terrorists. Another type of reform could include government programs to address the concerns of the population group that supports dissidents. Socio-economic reform programs have been considered the best antidote against terrorism (Crenshaw, 1995:23; Wilkinson, 2000: 82; Lutz and Lutz, 2004: 235).

i) Diplomatic Efforts

International agreements achieved through diplomacy are an additional possibility to complement efforts in dealing with terrorism. Cooperation among nations in terms of dealing with terrorism has increased, providing prospects that this approach may be beneficial in countering terrorism (Jenkins, 2001: 323). International conventions and diplomatic approaches will be constrained by the failure of the international community to arrive at a common definition of terrorism and the failure to guarantee that persons identified as terrorists are prosecuted (Dartnell, 2000:203-4).

3.3.1.3. Specific Counter Terrorism Strategies

All of the above-mentioned components are encapsulated in two crucial US counter terrorism strategies, these being, the US Department of State's National Counter Terrorism Strategy and the US National Counter Intelligence Strategy. These are discussed below.

a) The US Department of State (DoS) National Strategy for Combating Terrorism

This strategy was developed in 2003 adopts a four dimension strategy (4D strategy) which seeks to ‘defeat, deny, diminish and defend’. The first tenet of the strategy is aimed at the *‘Defeat of Terrorists and their Organizations’*. This tenet calls for defeating terrorist organizations with a global reach through the direct or indirect use of diplomatic, economic, information, law enforcement, military, financial, intelligence, and other instruments of power. This tenet seeks to:

- *Identify terrorists and terrorist organizations:* The Intelligence Community and law enforcement agencies continue their aggressive efforts to identify terrorist and their organizations, map their command and control and support infrastructure, and then ensure appropriate distribution of the intelligence to federal, state, and local agencies as well as to international US allies.
- *Locate terrorists and their organizations:* For intelligence to succeed the US relies on technical intelligence and other types of intelligence needed to get inside terrorist organizations, locate their sanctuaries, and disrupt their plans and operations. The law enforcement community, using the advantage provided by the US criminal justice system, identifies and locates terrorist organizations operating in the US and abroad.
- *Destroy terrorist and their organizations:* The US and its allies aim to utilize available mechanisms to disrupt, dismantle, and destroy terrorists’ capacity to conduct acts of terror. In collaboration with its partners and appropriate international organizations, the US aims to eliminate the sources of terrorist financing. To synchronize these efforts, the Department of State takes the lead in developing specific regional strategies for defeating terrorism.

The second tenet seeks to *‘Deny Sponsorship, Support, and Sanctuary to Terrorists’*. The goal of this tenet is to eliminate terrorist groups – their access to territory, funds, equipment, training, technology, and unimpeded transit. The objectives are to:

- *End the state sponsorship of terrorism:* The US assumes a pragmatic approach in prosecuting the campaign against terrorism. This includes incentives for ending state sponsorship.
- *Establish and maintain an international standard of accountability with regard to combating terrorism:* UNSCR 1373 clearly establishes states’ obligations for combating terrorism. Additionally, the 12 international counter terrorism conventions and protocols, together with UNSCR 1373, set forth a compelling body of international obligations relating to counter terrorism. The US aims to encourage all states to become parties to and fully implement these conventions and protocols.
- *Strengthen and sustain the international effort to fight terrorism:* Through a ‘coalition of the willing’ the US will aim for a united international front to fight terrorism.
- *Implement the National Strategy for Homeland Security:* The establishment of the US Department of Homeland Security will help mobilize and organize the US’s ability to secure the U.S. homeland from terrorist attacks. The recommendations of the National Strategy for Homeland Security and the

National Strategy for Combating Terrorism compliment and reinforce each other. From enhancing the analytical capabilities of the FBI and recapitalizing the U.S. Coast Guard, to preventing terrorist use of WMD through better sensors and procedures and integrating information sharing across the federal government, the objectives in these national strategies are vital to the US's future success in the war on terrorism.

The third tenet is aimed at '*Diminishing the underlying conditions that terrorists seek to exploit*'. Two objectives underlie this tenet:

- *Partnering with the international community to strengthen weak states:* The US State will ensure that efforts are designed to identify and diminish conditions contributing to state weakness and failure are a central US foreign policy goal.
- *Winning the war of ideas:* The US government will use the political influence of its State to delegitimise terrorism.

The fourth tenet of the strategy is to '*Defend US Citizens interests within the US and abroad*'. Four objectives underpin this tenet:

- *Attaining domain awareness:* the key element within this objective is the need to attain effective knowledge of all activities, events and trends within the specified domain.
- *Enhance measures to ensure the integrity, reliability, and availability of critical physical and information-based infrastructure in the US and abroad:* Emphasis within this element is placed on the protection of vital systems within the US.
- *Integrate measures to protect US citizens abroad:* Emphasis is placed on the protection of citizenry abroad as a mechanism to secure economic vitality abroad.
- *Ensure an integrated incident management capability:* Solid plans, preparations, and immediate response are key to mitigating acts of terrorism.

b) The US National Counter Intelligence Strategy, 2005

Counterintelligence, as defined in the National Security Act of 1947, is 'information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations or foreign persons, or international terrorist activities.' The *National Security Strategy of the United States* seeks to defend the peace by fighting terrorists and tyrants, to preserve the peace by building good relations among the great powers, and to extend the peace by encouraging free and open societies on every continent.

The *National Counterintelligence Strategy of the United States* has four essential objectives: Identify, assess, neutralize, and exploit the intelligence activities of foreign powers, terrorist groups, international criminal organizations, and other entities. The US

faces substantial challenges to its security, freedom and prosperity. The US aims to defeat global terrorism, counter weapons of mass destruction, ensure the security of the homeland, transform defence capabilities, foster cooperation with other global powers, and promote global economic growth. As such, the US will utilise and extend the safeguards of strategic counterintelligence to the counter the Global War on Terrorism.

The new concept of “national intelligence” codified by the Intelligence Reform and Terrorism Prevention Act passed by Congress in 2004 has its origins in the tragedy of September 11, 2001 and President Bush’s *National Security Strategy of the United States of America*. The strategy seeks to integrate the domestic and foreign dimensions of US intelligence so that there are no gaps in our understanding of threats to our national security. It also adds more depth and accuracy to intelligence analysis as well as ensuring that US intelligence resources generate future capabilities as well as present results. Furthermore, it deploys effective counterintelligence measures that enhance and protect US activities to ensure the integrity of the US intelligence system, technology, armed forces, and the government’s decision processes.

In essence, four major points encapsulate the current U.S. Counter Terrorism policy. Firstly, the policy makes no concessions to terrorists and strikes no deals. Secondly, it results in terrorists being brought to justice for their crimes. Thirdly, it isolates and applies pressure on states that sponsor terrorism to force them to change their behaviour, and lastly, it bolsters the Counter Terrorism capabilities of those countries that work with the U.S. and that require assistance (Hunsicker, 2006: 58). Yet, within the key elements encapsulated in US Department of State’s National Counter Terrorism Strategy and the US National Counter Intelligence Strategy, an important feature is the proactive nature of these strategies and their prospective applications to acts of terrorism.

3.3.1.4. The Counter Terrorism Operational Approach

The Office of the Coordinator for Counterterrorism works with all appropriate elements of the U.S. Government to ensure integrated and effective counterterrorism efforts. The US key element of its counter terrorism operational approach is inter-agency operations which plan, conduct and structure operations, from the very outset, as part of an intimately connected ‘whole-of-government’ approach. The U.S. Government Counterterrorism Team includes:

Information Box 3.2: List of US Departments involved in the US Counter Terrorism Approach

| | |
|---|--|
|  | <p><u>The White House</u></p> <ul style="list-style-type: none"> • <u>Homeland Security</u> • <u>National Security</u> |
|  | <p><u>Department of State</u></p> <ul style="list-style-type: none"> • <u>Bureau of Diplomatic Security</u> <ul style="list-style-type: none"> ◦ <u>Anti-Terrorist Assistance Program</u> ◦ <u>Overseas Advisory Council</u> ◦ <u>Rewards for Justice Program</u> • <u>Bureau of Economic and Business Affairs</u> <ul style="list-style-type: none"> ◦ <u>Counterterrorism Finance and Economic Sanctions Policy</u> • <u>Bureau of Intelligence and Research</u> • <u>Bureau of International Narcotics and Law enforcement Affairs</u> • <u>Foreign Service Institute</u> • <u>U.S. Mission to the United Nations</u> <ul style="list-style-type: none"> ◦ <u>Terrorism Information</u> |
|  | <p><u>Department of Defense</u></p> <ul style="list-style-type: none"> • <u>Defense Intelligence Agency</u> • <u>The War on Terrorism</u> |
|  | <p><u>Department of the Treasury</u></p> <ul style="list-style-type: none"> • <u>Office of Terrorist and Financial Intelligence</u> |
|  | <p><u>Department of Justice</u></p> <ul style="list-style-type: none"> • <u>Counterterrorism Training and Resources for law Enforcement</u> • <u>Federal Bureau of Investigation--Counterterrorism</u> • <u>FBI--Most Wanted Terrorists</u> |
|  | <p><u>Department of Homeland Security</u></p> <ul style="list-style-type: none"> • <u>Coast Guard</u> • <u>Customs and Border Protection (CBP)</u> • <u>U.S. Secret Service</u> |
|  | <p><u>Central Intelligence Agency</u></p> <ul style="list-style-type: none"> • <u>The War on Terrorism</u> |

| | |
|---|---|
|  | <u>Office of the Director for National Intelligence</u> |
|  | <u>National Counterterrorism Center</u> |
|  | <u>Agency for International Development</u> |

Source: *United States Department of State, 2007*

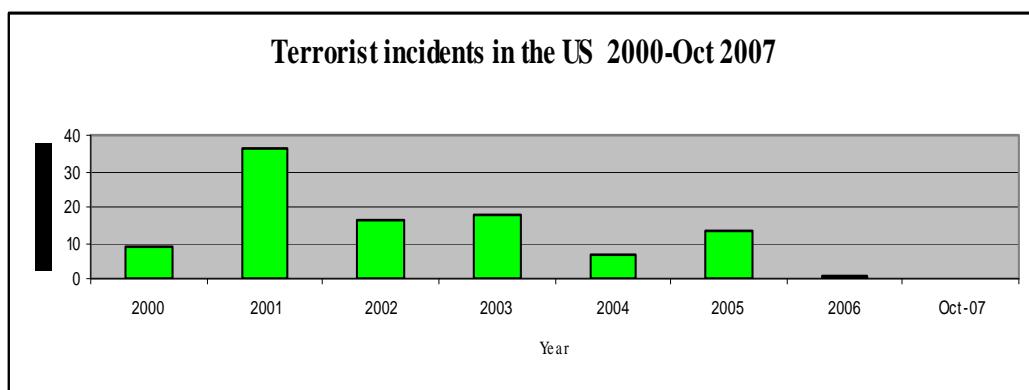
Despite an integrated approach to counter terrorism, at the heart of such efforts lies three main entities of an operational approach, those being the FBI, CIA and homeland security. They all interact through the Joint Terrorist Task Force (JTF) and the Counter Terrorism Centre (CTC). The JTF exists locally in all states in America and enhances the synergy amongst law enforcement agencies by coordinating the efforts of investigators, analysts, linguists, intelligence operatives, and reaction unit members. The CTC, on the other hand, has a broader mandate and brings all disciplines relating to counter terrorism together thereby increasing the synergy amongst them. These various disciplines include operational officers; analysts; reporting officers; technical experts and other experts. (Brennan, 2004; Pillar, 2004:131). Prior to 9/11, efforts to counter terrorism was considered ‘FBI-centric and that the Bureau remained dismissive of terrorism-related information supplied by state and local law enforcement agencies’ (Jenkins, 2003). However, post-2001, there has been in a shift in the mindset of the US government in its efforts to curb terrorism. The US recognises that the integration of law enforcement into national counter terrorism responses is imperative, given that it is usually at that level that ‘indications of impending attacks first occur or decisive breaks in on-going cases eventuate’ (Chalk and Rosenau, 2003).

One of the success stories of the integrated approach to counter terrorism and the incorporation of local law enforcement is the Joint New York Police Department (NYPD)/FBI Joint Task Team. The joint initiative comprises 180 FBI members and 125 NYPD police members. The biggest achievement of the NYPD/FBI’s joint initiative came in June 2007, when the alliance foiled a new Islamic plot against New York, which entailed the bombing of fuel tank farms at John F. Kennedy International Airport. The NYPD had penetrated the plot from inception and their ability to curb the threat revealed that both Trinidad and other Caribbean ports had become furtile ground for Islamic militancy. Nevertheless, the joint task team has foiled at least seven terror plots since 9/11 (Miller, 2007). The joint task force is illustrative of the importance of law enforcement in any national counter terrorism strategy.

3.3.1.5. Measuring the effectiveness of US Counter terrorism measures

If statistics are a measure of effectiveness, the Graph 3.1 below indicates important dynamics regarding the US’s measures to counter terrorism:

Graph 3.1: Terrorists incidents in the US



Source: MIPT Terrorism Database

Since 2001, there has been a decrease in the number of terrorist incidents in the US. It took the catastrophe of 9/11 to make the US aware of the gaps that exist in their counter terrorism mechanisms. Yet, what is intriguing is the extent to which the US integrated counter terrorism approach has assisted in curbing potential terrorist threats. It seems that increasingly, the US realises that the only avenue to deal with the common threat is through coordinated efforts. In this regard both the intelligence community and law enforcement seem to be working in tandem to eliminate threats. Reviewing the graph (3.1 above), from January 2006 – October 2007, terrorists’ ability to infiltrate US targets has been difficult. However, to believe that threats are not imminent would be a fatal mistake. The current measures may be dealing with the current manifestations of terrorism; but, terrorism has the ability to evolve and terrorist attacks may become more innovative and sophisticated. Nevertheless, for the time being, the US counter terrorism strategy and operational approach seems to be of relevance for the global superpower.

3.3.2. United Kingdom (UK)

The United Kingdom is located in the Western part of Europe and includes a sixth of the island of Ireland between the North Atlantic Ocean and the North Sea. Its bordering country is Ireland (<http://www.cia.gov/cia/publications/factbook/geos/uk.html>).

3.3.2.1. Extent of Terrorism

The UK’s armed forces and police have gained invaluable experience and expertise in counter terrorism through decades of involvement in efforts to suppress terrorism in Northern Island and its spill over effects into the British mainland (Gregory and Wilkinson, 2005: 2). Irish dissidents have a long history of opposing the British presence on the Island. In the years after World War I, the Irish Republican Army (IRA) successfully used guerrilla attacks and terrorism to convince the British to negotiate the peaceful separation of most of Ireland from the United Kingdom (Lutz and Lutz, 2004: 175).

In Northern Ireland, the Protestants were in a majority but felt that their position was insecure since there was a substantial Irish minority in Ulster and the overwhelming Catholic Majority across the border. Any unification of the Catholics would have resulted in the Protestants becoming a clear minority. The lines of division included religion although both groups were not active church goers; Protestants were descendants of the Scottish and considered themselves British; the Catholic Irish considered themselves more Irish; Protestants were dominant in the economic situation in the country and dominated the political system. Repression led to confrontation and this led to violence (Council on Foreign Relations, 2005).

The official IRA decided not to adopt a strategy of violence against the British, whilst the unofficial IRA considered it necessary to protect the Catholics from oppression and increased confrontation with the British. Over time, the IRA carried its campaign of violence outside the territory of Northern Ireland. There were planned attacks on British soldiers in England, Germany and Gibraltar as early as 1938 (Bell, 1975:30). Since the 1960's, it is estimated that the IRA has killed at least 1 800 people. The primary targets were British troops, police officers, prison guards, paramilitary militants, drug dealers and informers in Ulster. Major terrorist attacks by the IRA include:

- The July 1972 bombing spree known as Bloody Friday in downtown Belfast that left 9 dead and 130 injured;
- The 1979 assassination of Lord Mountbatten;
- The 1984 bombing of a Brighton hotel where Margaret Thatcher and her cabinet were meeting;
- A 1993 car bombing in London's financial district that caused US\$ 1 billion damage; and
- Mortar attacks on British Prime Minister Major's 10 Downing Street residence and London's Heathrow Airport in the 1990s (Council on Foreign Relations, 2005).

The struggle in Northern Ireland has been going on for over thirty years. While there are prospects of peace, the presence of extreme groups that have not given up on the idea of severing the tie between Ulster and Great Britain, further complicates the domestic situation in the UK (Dingley, 2001: 63). The violence may continue as many in the IRA argue that violence has worked since it was able to bring the British to the negotiating table (Alonso, 2001:142).

Apart from domestic dissidents, international terrorism is another serious national security threat facing the UK. Until 7 July 2005, the only significant international terrorist attack that the UK had to deal with was the Lockerbie case of December 1988. Yet, with the indictment of the Libyan agents responsible for the Lockerbie case in 1991, British authorities continued to concentrate on the IRA and opponents of the 1998 Good Friday Agreement who continued to employ terrorism. While by the mid-1990s the UK Intelligence agencies and police were aware that London was being utilized as a base by individuals to promote, fund and plan terrorism in the Middle East and elsewhere, these individuals were not viewed as a high priority and instead were left to continue their activities with relative impunity. Yet with the afore-mentioned dynamics within the UK and the fact that the UK emerged as an important ally for the US in the 'War on terror', it

was bound to be the case that the UK would become a target for terrorist groups like Al-Qaeda (Gregory and Wilkinson, 2005: 2).

Information Box 3.3: List of terrorist attacks in UK and on UK citizens

| List of terrorist attacks in UK and on UK citizens abroad: 2001 to present | |
|---|--|
| March 2001 | A car bomb explodes outside the BBC's main news centre in London. |
| May 2001 | The Real IRA detonates a bomb in a London postal sorting office. |
| August 2001 | IRA detonates bomb in Ealing, West London |
| November 2003 | Al-Qaeda attacked the British Consulate and HSBC building in Istanbul, killing 27 people including three British citizens; |
| September 2004 | Al-Qaeda gunmen killed a British national residing in Saudi Arabia in a Riyadh shopping centre; |
| October 2004 | The Al-Qaeda in Iraq group murdered British engineer Kenneth Bigley in Iraq; |
| July 2005 | London Bombings: four suicide bombers attacked the London transport system, killing themselves and 52 other passengers. A subsequent attempted attack failed, with no casualties being caused. |
| June 2007 | The Glasgow international airport attack |

Source: www.press.homeoffice.gov.uk/press-releases/Tackling_Terrorism-behaviours_Unt?version

The London terrorist attacks in July 2005 attest to the nature of the international terrorist threats facing the UK. On 7 July 2005, there was a series of co-ordinated suicide bombings that struck London's public transport system during the morning rush hour. At 8:50 am, three bombs exploded within 50 seconds of each other on three London Underground trains. A fourth bomb exploded in a bush at 9:47 a.m. in Tайлсток Square. The bombings led to a severe, day-long disruption of the city's transport and mobile telecommunications infrastructure (See Annexure 4 on further details of London Bombings).

Fifty-six people were killed in the attacks, including 4 bombers, and about 700 people were injured. The incident was the deadliest single act of terrorism in the United Kingdom since Lockerbie (the 1988 bombing of Pan Am Flight 103 which killed 270), and the deadliest bombing in London since World War II. Police investigators identified four men whom they believed to be suicide bombers. These are the first suicide bombings in Western Europe. As of April 2006, it is believed that the bombers acted alone on a shoestring budget. On 21 July 2005, a second series of four explosions took

place on the London Underground and a London bus. The detonators of all four bombs exploded, but none of the main explosive charges detonated, and there were no casualties. All suspected bombers from this failed attack escaped from the scenes but were later arrested (http://www.en.wikipedia.org/wiki/7_July_2005_London_bombings).

On 9 April 2006, the Observer newspaper published leaked details of the first draft of a forthcoming Home Office report on the bombings. The article reported that four men, using information from the Internet, planned the attack, probably with a budget of only a few hundred pounds sterling. While they had visited Pakistan, there was no direct support or planning by Al-Qaeda; meetings in Pakistan were ideological, rather than practical. All four bombers died in the suicide bombings. While the videotape of Mohammed Siddique Khan released after the attacks had footage of Usama bin Laden's deputy, Ayman al-Zawahiri, the UK Home Office believes the tape was edited after the suicide attacks and dismissed it as evidence of al-Qaeda's involvement in the attacks (Quinn, 2006).

Khan was the alleged ringleader of the 'London Bombings'. The attacks were largely motivated by concerns over British foreign policy, which was seen as deliberately anti-Muslim. The report does not say why no action was taken against the suspect bombers beforehand, although Mohammed Siddique Khan was identified by intelligence officer's months before the attack. A separate report into the attacks by the Commons intelligence and security committee will ask why MI5 did not maintain surveillance of Khan (Quinn, 2006).

There has been speculation regarding links between the bombers and another alleged al-Qaeda cell in Luton, which was broken up in August 2004. That group was uncovered after al-Qaeda operative Muhammad Naeem Noor Khan was arrested in Lahore, Pakistan. His laptop computer was said to contain plans for tube attacks in London, as well as attacks on financial buildings in New York and Washington. The group was placed under surveillance, but on 2 August 2004, the *New York Times* published his name, citing Pakistani sources. The leak caused police in Britain and Canada to make arrests before their investigations were complete (Chossudovsky, 2005).

The 2005 attack featured the most explosions in a single terrorist incident in a UK city since Bloody Friday in Belfast in July 1972 (22 bombs planted). They were the world's deadliest attack on a public transport system since the Madrid train bombings of 11 March 2004 (191 dead), although the March 1995 Sarin gas attack on the Tokyo subway injured more people (http://www.martinfrrost.ws/htmlfiles/london_bombs2.html).

3.2.2.2. Counter Terrorism Strategic Approach

The UK defines terrorism as 'the use of threat, for the purpose of advancing a political, religious, ideological course of action, of serious violence against any person or property' (Townshend, 2002:3). The UK's statutory definition is contained in the Terrorism Act 2000 and reads as follows:

(1) *In this Act 'terrorism' means the use or threat of action where:*

- (a) *The action falls within subsection (2);*
- (b) *The use or threat is designed to influence the government or intimidate the public, and*
- (c) *The use or threat is made for the purpose of advancing a political, religious, or ideological cause.*
- (2) *Action falls within this subsection if it:*
 - (a) *involves serious violence against a person,*
 - (b) *involves serious damage to property,*
 - (c) *endangers a person's life other than that of the person committing the action,*
 - (d) *Creates a serious risk to the health or safety of the public or a section of the public, or*
 - (e) *Is designed seriously to interfere with or seriously disrupt an electronic system.*
- (3) *The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1) (b) is satisfied (Terrorism Act 2000, Part 1, (1)-(3)).*

Essentially, anti-terrorism legislation is designated as an important strategy towards increasing the level of protection of life and property by providing law enforcement authorities with the powers needed to assist them in apprehension and conviction. Legislation serves as a symbolic or psychological function expressing public revulsion by reassuring the public that something is being done, such as, Britain's prevention of terrorism act was meant to give legislative expression to public revulsion against the threats of terrorism. However, if key legislation becomes outdated then it will hamper anti terrorism efforts. In 1990, the UK's prevention of terrorism act was rendered outdated. It was felt that anti-terrorism legislation needed to incorporate the safeguards of the European convention on human rights (introduced in the UK by the Human rights act) as well as the Police Criminal Evidence Act. Lord Lloyds Legislation against terrorism proposed much needed measures to deal with international terrorism and the Terrorism Act of 2000 was based on these proposals. After 9/11, the Home secretary David Blunkett introduced the Anti-Terrorism Crime and Security Act, which enables detention without trial in section 4 of the Act permitting confinement of a small number of foreigners (Blunkett, 2003).

The legislation broadly focuses on three levels:

- Specific crimes that are associated with terrorists, have been targeted by specific legislation, both to prevent them from occurring and to subject the perpetrators to increased penalties if they are committed e.g. the hijacking of commercial aircraft.
- An increasingly diverse number of activities that terrorists need to engage in if they are to function, have been newly criminalised e.g. engaging in money raising, eliciting support or openly recruiting.
- Extraordinary investigative powers have been given to the numerous law enforcement and other investigative agencies whose responsibility it is to deal with crime committed by terrorists (Clutterbuck, 2004:144).

The experiences of the UK in counter terrorism and counter insurgency over the past century, both in the UK itself and abroad, have determined its current holistic approach to counter terrorism. The UK has three foremost strategies which were developed and refined in the context of terrorism in Northern Ireland and, since 1972, has affected the British mainland (Clutterbuck, 2004:142).

The first of these strategic concepts is the need for sustainability in the response. The people of Northern Ireland have been subjected to terrorist attacks and political violence on an almost daily basis over the past forty years. The death toll has been significant with 3 601 fatalities between 1969 and 1998. The IRA detonated the first improvised explosive device on the British mainland in 1972. Today there is still a real and continuing terrorist attack not only from the IRA but also from international terrorism. The UK had to devise counter terrorism systems and structures that can operate over this time scale and are generic in their applicability whatever the ultimate source of the terrorist threat (Faye, Morrissey and Smyth, 1998).

The second concept is the need for the coordination and cooperation, though not necessarily through central control, in devising and implementing counter terrorism policy, strategy, operations and tactics. Without it organizational gaps, duplication of effort and overlapping responsibilities are inevitable. Terrorists can then exploit these weaknesses. Finally, there is a need to foster, promulgate and sustain the concept of individual and community responsibility in the overall counter terrorism effort (Clutterbuck, 2004:143).

Whilst the above approach has been imperative in curbing domestic terrorism, in April 2004, the British government accepted the proposal that the UK's international counter terrorism strategy should encompass four key mission areas:

- Prevention: addressing the underlying causes of terrorism within the country and abroad;
- Pursuit: using intelligence effectively to disrupt and apprehend terrorists;
- Protection: ensuring that reasonable security precautions, including those needed to meet a CBRN threat are in place, ranging from physical measures at airports to establishing Counter Terrorism Security Advisers (CTSA's) in each police force; and
- Preparedness: making sure that Britain has the people and resources in place to respond effectively to the consequences of a terrorist attack (Gregory and Wilkinson, 2005: 3).

Legislation as well as the policy approaches to domestic and international terrorism outlined above plays an important role in defining the key institutions that will inform the UK's counter terrorism approach.

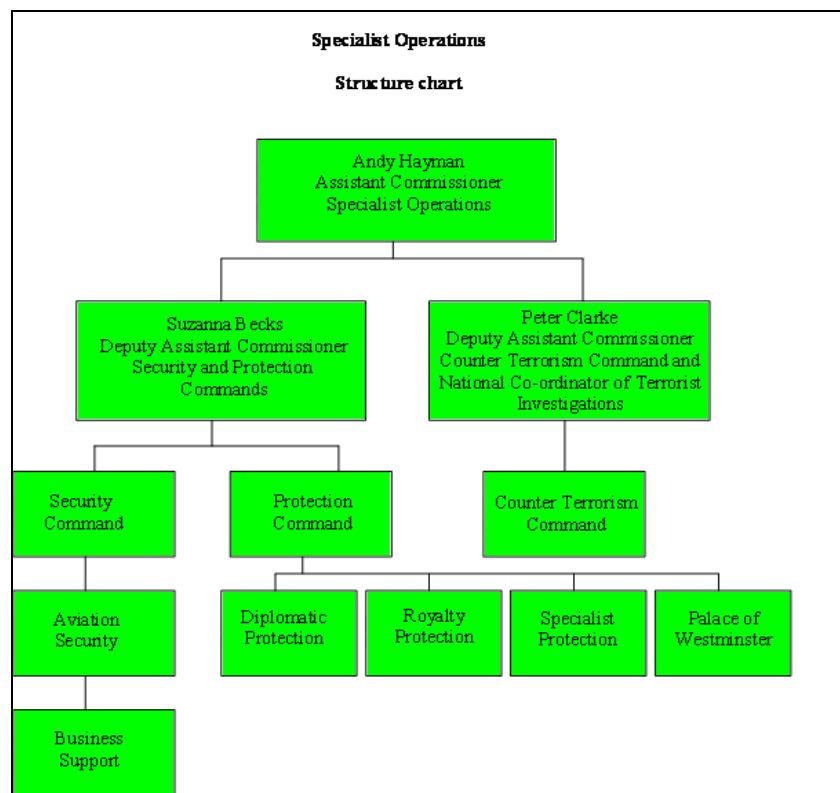
3.3.2.3. Counter Terrorism Operational Approach

A key element in the prevention of terrorism strand is counter terrorism operations. Here there is a nuance of activity, ranging from purely intelligence gathering operations, in which the primary objective is to gather evidence to put before court or the eventual arrest of perpetrators (Clutterbuck, 2004:152). The UK already has in place an impressive national structure of coordination to deal with terrorism, which includes the following institutions:

- *MI5 and MI6*: The United Kingdom, according to Lutz and Lutz (2004:42), the MI5 (Ministry of Intelligence) deals with domestic threats while MI6, undertakes foreign operations. In this case, however, while the two sections may disagree and have different agendas, there is some central control.
- *New Scotland Yard*: The police carry the main burden of containing and defeating terrorism in democratic States. Fighting terrorism is similar to combating serious violent crimes. The task requires extensive knowledge of modus operandi; weaponry; tactics of terrorist groups and specialised knowledge such as the crime scene investigation in a bomb scenario may require more specialised units. Scotland Yard in particular has as one of its specialized units, the Anti-terrorist Unit which falls under the Metropolitan Police Service's (MPS) Special Operations (SO) Counter Terrorism Command (Wilkinson, 2006:68).
- *EUROPOL*: The next major step in enhancing police cooperation in the EU and probably the most significant and far-reaching came with the establishment of EUROPOL. The initial role was to assist in improving effectiveness in combating drug trafficking and organized crime. After sustained pressure from Spain, the remit of Europol was expanded to include terrorism from 1 January 1999. Article 29 of the Treaty on the European Union specifically refers to terrorism as one of the serious forms of crime to be subject to common action by closer cooperation between police, customs and other authorities. On 22 June 2002, a Framework Decision on Combating Terrorism came into force throughout the EU and is currently binding on member states. The framework indicates which crimes are terrorist offences; penalties and the authority to investigate. After September 11, a Counter Terrorist Task Force was established. The objective was to research and refine threats to the EU (Clutterbuck, 2004:155).
- *Joint Terrorism Analysis Centre (JTAC)*: JTAC provides threat assessments for all departments and agencies concerned with preventing and combating terrorism. Since 11 September 2001, more than ten planned terrorist attacks has been thwarted in the UK with the assistance of JTAC (<http://www.intelligence.gov.uk/agencies/jtac.aspx>)
- *Metropolitan Police Services (MPS) (Counter Terrorism Command)*: Prior to the establishment of the Counter Terrorism Command, the MPS undertook counter terrorism operations through its Anti Terrorism Branch and the Special Branch. Post- July 2005, the MPS had started to review how these commands operated

and interacted with one another to deliver a counter terrorist response. Thereafter, it was agreed to create a new multi-faceted, single counter terrorism command with better capability and capacity to meet ongoing and future threats. As a result, the new Counter Terrorism Command was created. The new command brings together intelligence analysis and development with investigations and operational support activity. It is also known as “SO15”, an internal police service designation reflecting the fact that it is one of fifteen Specialist Operations branches within the MPS (Metropolitan Police Services, 2006).

Figure 3.2: MPS Counter Terrorism Command



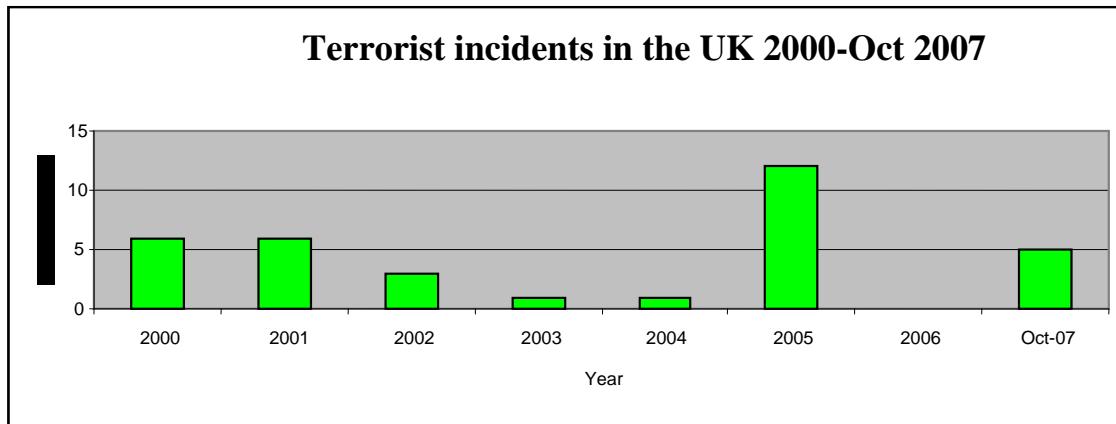
Source: (Metropolitan Police Services, 2006).

The nature of terrorism is continually changing and evolving and therefore, the threat response should be innovative, flexible and utilize all resources. The primary response to terrorism by democratic states must be the criminal justice system, supported by intelligence and military. These responses must operate within the ambit of the rule of law. Democracies have well developed legislation, systems and structures to deal with crime, and consequently the criminal justice system should be at the ‘heart’ of counter terrorism efforts. The experience of UK has led to the current concept of operations where policy, strategy, operation and tactics are anchored in the criminal justice system and the implementation includes all organs of state (Clutterbuck, 2004:155).

3.3.2.4. Measuring the effectiveness of UK Counter terrorism measures

In relation to terrorist incidences cited in the US graph, the UK too has been able to effectively minimise terrorist incidences post-2005. Similar to 9/11, the London Bombings also highlighted the gaps that existed in the UK's approach to terrorism.

Graph 3.2: Terrorist incidents in the UK



Source: MIPT Terrorism Database

However, in comparison to the US's integrated approach of intelligence and local law enforcement, the UK strategy is spearheaded by local law enforcement Post-2005. Thus far, the approach seems to be of significance and the UK has kept terrorist threats to a minimum of five incidences from January – October 2007. With the Olympics scheduled to take place in 2008, the UK's counter terrorism strategy will be challenged to the extreme given the global nature of the event.

3.3.3. Russia

Russia is situated in Northern Asia, bordered by the Arctic Ocean between the North Pacific Ocean and Europe. The bordering countries are Azerbaijan, Belarus, China, Estonia, Finland, Georgia, Kazakhstan, North Korea, Latvia, Lithuania, Mongolia, Norway, Poland and Ukraine (<http://www.cia.gov/cia/publications/factbook/geos/rs.html>).

3.3.3.1. Extent of Terrorism

Much of the terrorist activity in Russia has been home-grown and linked to both the Chechen separatist and the North Caucasus-wide extremism. The Russians have a decade long experience of dealing with terrorism emanating from the Taliban-controlled Afghanistan – terrorism that has received strong support from Pakistan. After seizing power in 1991, Chechen leader Jokhar Dudaev gave a call for Jihad in 1993. Volunteers from Pakistan and Afghanistan heeded this call. Even after President Yeltsin signed a peace deal with Chechen leader Aslan Mashkadow in 1997, Shamil Basaev, a Chechen field commander led a rebel force into neighbouring Dagestan. This force is known to have included volunteers from Afghanistan, Pakistan and some Arab countries. There are

reports that Bin Laden contributed \$30 million for this adventure. Driven by extremist Wahabi (orthodox Sunni Muslim sect) ideological inclinations and funding from charities in Saudi Arabia, the aim of Basayev and his cohorts was to establish an Islamic Caliphate in the Caucasian region. Even before his foray into Dagestan in 1999, Shamil Basayev had visited Pakistan and Taliban-ruled Afghanistan in 1994 (Parthasarathy, 2002).

Chechen terrorists are known to have received ideological indoctrination and military training in Akhora Khattak in Pakistan's North-West Frontier Province. In 1999, the Naib Amir of the Jamiat-e-Islami in Pakistan, Gafoor Ahmed, gave a call for jihad in Chechnya. Shortly thereafter, the so-called President of Chechnya, Zelmikhan Andarbaev, visited Pakistan, met terrorist leaders and raised funds for Chechen terrorists in the name of jihad. Wakil Ahmed Mutawakkil, the Foreign Minister of the Taliban regime, proclaimed, "*It is the Muslim world's shame that it does not support the Chechens*" (Parthasarathy, 2002). Mutawakkil, a known protégé of the ISI represented the only regime in the world to accord diplomatic recognition to Chechen terrorists (Parthasarathy, 2002).

The Russians also have no illusions about the mutually reinforcing nexus that exists between the ISI, the Pakistani religious political parties and the jihadi groups like the Jaish-e-Mohammad and the Lashkar-e-Toiba on the one hand and Bin Laden's Al-Qaeda, the Taliban and their associates in Central Asia, Philippines, Indonesia and Chechnya on the other. It is in this context, that President Putin made it clear that Russia would not hesitate to strike against those set to promote terrorism on its soil. The Russians are keeping their options of dealing with and persuading Pakistan to change its course of action (Parthasarathy, 2002).

Therefore, nothing shapes Putin's thinking about terrorism and the Middle East more than Chechnya. While Islamist terrorism threatens US security, the Chechen conflict threatens both Russian security and its territorial integrity. The conflict in Russia's Chechnya province has claimed over 100 thousand lives since President Boris Yeltsin ordered military in Chechnya in 1994. After the 1996 cease-fire, Chechnya dissolved into anarchy and foreign Jihadists infiltrated the Chechen leadership. In 1999, Putin, as the newly elected Prime Minister, ordered Russian troops to reassert order; a stance, which got him the Presidency.

Putin's domestic war on terror enjoyed only limited success. Russian security forces did impose some order in Chechnya, but the Kremlin was unable to stem Chechen and Islamist terrorism on Russian soil. In 2002, 120 people died in a rescue attempt after Chechen rebels took 800 people hostage in a Moscow theatre. Two years later, several hundred children died after terrorists took control of a school in Beslan. Even after the subsequent crackdown, Russian forces have not been able to stop Chechen Islamist raids into neighbouring provinces as they seek to build an Islamic Republic of the North Caucasus. Terrorists continue to take advantage of endemic Russian corruption (Khrestin and Elliot, 2007).

Faced with only marginal gains at home, Putin changed his approach to curbing terrorism in 2003. Rather than continue cooperation with Washington on the broader war on terror, he sought to cut a deal and join the Organization of Islamic Conference (OIC). With only

20 million Muslims, - about 15% of the population- Russia lacked the required 50% minimum Muslim population to become a member of the OIC. While the OIC did not grant Russia full membership, it granted Moscow observer status. After sending representatives to a number of OIC summits and ministerial meetings, Russia obtained formal OIC observer status in 2005 (Jane's Weekly, 2007).

The relationship between Moscow and the OIC was symbiotic: the OIC saw Moscow as a patron that could offset the US pressure while Moscow received de facto immunity from criticism of Russian policy in Chechnya because of the OIC reluctance to interfere in the internal affairs of member-states, even honorary ones. Putin further outlined his vision of alliance with the Islamic world when addressing the newly elected Chechen parliament in December 2005; Putin called Russia a “faithful, reliable, dedicated promoter of the interests of the Islamic World” and ‘its best and most reliable partner and friend’ (Khrestin and Elliot, 2007).

Perhaps nothing underlined the relativity of Moscow’s fight against terror as much as Kremlins 2006 invitation for Moscow to host a Hamas delegation. In February 2006, Putin announced, “we are willing in the near future to invite the authorities of Hamas to Moscow to carry out talks” (Khrestin and Elliot, 2007). How wise was Putin’s change of policy? Not all Russian analysts are convinced it will further Russian interests. Dmitri Suslov, an expert with Moscow’s Council on Foreign and Defence Policy, explained that: “there is a big risk that by providing greater legitimacy for Islamists, Russia could invite greater instability in the Middle East and at home”. Prominent Russian columnist, Yulia Latynina argued that ‘by holding talks with rogue states, Russia comes perilously close to being perceived as a rogue state in its own right’ (Khrestin and Elliot, 2007).

Nevertheless, the Kremlin has continued with its fight against domestic terrorism in Chechnya and the Northern Caucasus and in 2006, Russian security forces carried out operations that led to the deaths of two significant terrorist leaders. In July 2006, Russia's most wanted terrorist, Chechen separatist Shamil Basayev, was killed in the North Caucasus. Russian officials claim he was targeted by security forces but there were reports he was killed accidentally by his own explosives. In November 2006, Abu Hafs al-Urdani, the Al-Qaeda-linked, Jordanian-born commander of foreign separatist forces in Chechnya, was killed by security forces. In June 2006, Russian security forces killed Chechen separatist leader Abdul Khalim Sadulayev, whom the Russian government considered a terrorist, and who was the nominal head of the Chechen separatist "government" to which Basayev belonged (US Department of State, 2007).

Information Box 3.4: Terrorist attacks in Russia since 1999

| | |
|-------------------------|--|
| 23 October 2002 | About 50 Chechen rebels seize a Moscow theater and take about 800 hostages. After a three-day siege Russian forces storm the building using gas, killing most of the rebels and 120 hostages. |
| 27 December 2002 | Chechen suicide bombers ram vehicles into the local government headquarters in Grozny, bringing down the roof and floors of the four-story building. Chechen officials say about 80 people killed. |

| | |
|-------------------------|---|
| 12 May 2003 | Two suicide bombers drive a truck full of explosives into a government administration and security complex in Znamenskoye, in northern Chechnya. Fifty-nine people are killed, and scores hurt. |
| 14 May 2003 | At least 16 people are killed in a suicide bomb attack during a religious festival in the town of Iliskhan-Yurt, east of Grozny. 145 are wounded. |
| 5 June 2003 | A woman bomber ambushes a bus carrying Russian air force pilots near Chechnya, blowing it up and killing herself and 18 other people. |
| 5 July 2003 | Two women suicide bombers kill 15 other people when they blow themselves apart at an open-air rock festival at Moscow's Tushino airfield. 60 are injured. |
| 1 August 2003 | A suicide bomber kills at least 50 people at a military hospital in the town of Mozdok in North Ossetia bordering Chechnya. |
| 3 September 2003 | Six people are killed in an explosion on board a commuter train near the Northern Caucasus spa town of Pyatigorsk |
| 5 December 2003 | An explosion on a commuter train in the Stavropol region north of Chechnya kills at least 36 people and injures more than 150. |
| 9 December 2003 | A suicide bomber in central Moscow kills at least five people. |
| 6 February 2004 | A rush-hour blast kills at least 30 people and injures 70 on a metro train in Moscow. |

Source: http://www.moscow.usembassy.gov/embassy/section.php?record_id=report_terrorism

3.3.3.2. Counter Terrorism Strategic Approach

The Russian government continues to take steps to improve coordination of counter terrorism activities and expand law enforcement responsibilities domestically. In February 2006, President Putin signed a decree creating the National Counter terrorism Committee (NCC), headed by the Federal Security Service (FSB). The NCC was an effort to rationalize the decision-making process following the 2004 Beslan school siege, and was designed to establish a single chain of command and centralize the decision-making process at the national level, subordinating the Regional Counter terrorism Committees headed by governors (Yasmann, 2006).

In March 2006, the Russian legislature approved the law “On Counteracting Terrorism”, which further defined the role of the NCC. The legislation expanded the concept of terrorism under Russian law, going beyond physical involvement in planning or carrying out terrorist attacks. Under the law, terrorism also included promotion of “terrorist ideas”

and distributing materials or information to encourage terrorist activity or inciting individuals to commit a terrorist act (US Department of State, 2007).

3.3.3.3. Counter Terrorism Operational approach

As stated above, at the helm of Russia's counter terrorism approach is the Federal Security Service (FSB). The afore-mentioned law also reiterates President Putin's decree of February 2006, which calls for the establishment of the National Counter Terrorism Committee (NCTC), and replaces the Federal Counter Terrorism Commission. The new NCTC falls under the leadership of FSB's director Nikolai Patrushev (Luchterhandt, 2006: 2). The NCTC will serve as an organization that coordinates the activities of federal, regional and municipal agencies in the counter terrorism field. The President's decision to establish such a committee was based on the need to build a strictly organized vertical system of operation to prevent counter terrorism and deal with the aftermath of terrorist attacks (<http://xinhua.net/200602/17/eng2006021.html>).

The Russian government provided further transparency to its counterterrorist approach in July 2007 by releasing, for the first time, a list of 17 organizations it designated as terrorist entities. All entries to the list are subject to approval by the Supreme Court, and must meet the following criteria:

- Activities aimed at changing Russia's constitutional system through violence, including terrorism;
- Links to illegal armed groups and other extremist organizations operating in the North Caucasus; and
- Association with, or links to, groups regarded as terrorists by the international community.

The list includes the following organizations: Al-Qaeda; Supreme Military Majlisul Shura of the Caucasus Mujahedin United Forces; Ichkeria and Dagestan People's Congress; Asbat al-Ansar; Holy War (Al Jihad or Egyptian Islamic Jihad); Islamic Group (Al-Gamaa al Islamia); Moslem Brothers (Al-Ikhvan al-Muslimun); Party of Islamic Liberation (Hiz'but-Tahrir al-Islami); Lashkar-I-Taiba; Islamic Group (Jamaat-i-Islami); Taliban Movement; Islamic Party of Turkestan (former Islamic movement of Uzbekistan); Social Reform Society (Jamiyat Ikhya al-Islakh al-Ijtimai); Islamic Heritage Renaissance Society (Jamiyat Ikhya at-Turaz al-Islami); Two Holies' House (Al Kharamein); Islamic Jihad-Mujahidin Jammat; and Jund ash-Sham (US Department of State, 2007).

There were three known organizations operating within the Russian Federation that the United States designated terrorist entities in February 2003, under Executive Order 13224. These include:

- The Special Purpose Islamic Regiment (SPIR). The SPIR was one of three Chechen-affiliated terrorist groups that furnished personnel to carry out the seizure of the Dubrovka Theater in Moscow in October 2003.
- Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs. The group uses terrorism as part of an effort to secure an independent Muslim

- state in the North Caucasus. The group has not mounted a terrorist attack since the Beslan school attack in September 2004.
- Islamic International Peacekeeping Brigade (IIPB). The IIPB is a terrorist group affiliated with the Chechen separatist movement demanding a single Islamic state in the North Caucasus. The IIPB and its Arab leaders appear to be a primary conduit for Islamic funding of the Chechen guerrillas, in part through links to Al-Qaeda-related financiers on the Arabian Peninsula. The IIPB was also listed under UNSCR 1267 for its associations with Al-Qaeda, and the Terrorist Exclusion List (US Department of State, 2007).

In addition to listing terrorist organizations, the Russian criminal justice system has also proved effective. Noteworthy court cases involving terrorist suspects included:

- In May, Nurpashi Kulayev was found guilty of all charges for his role in the 2004 Beslan school siege and was sentenced to life in prison.
- In December, Spanish police arrested suspected Chechen terrorist Murat Gasayev in Mislata, Valencia. Russian authorities were preparing an extradition request. Under Spanish law, Gasayev would first have to be found guilty in a Spanish court (US Department of State, 2007).

Apart from the above-mentioned approaches of listing and criminal justice, international cooperation on combating terrorism has also been a strong pillar in Russia's counter terrorism approach. Russia used its position in international fora to build cooperative mechanisms and programs to counter terrorism. Russia has also promoted counter terrorism within the framework of the Organization for Security and Cooperation in Europe, the G8, and the United Nations (<http://www.cdi.org/russia/johnson/2007-102-42.cfm>). Thus far, the following cooperation agreements are in place:

- The United States and Russia continue to cooperate on a broad range of counter terrorism issues, including efforts to destroy, safeguard, and prevent the proliferation of Weapons of Mass Destruction (WMD). The U.S- Russian Counter terrorism Working Group (CTWG) met for its fifteenth session September 13-14 2006 in Washington where it fostered cooperative, operational links between numerous U.S. and Russian agencies. Law enforcement, intelligence, and policy cooperation have increased as a result of the work of the CTWG. At the St. Petersburg G8 Summit in July, the United States and Russia jointly announced the Global Initiative to Combat Nuclear Terrorism (US Department of State, 2007).
- Russia is an active member of the Financial Action Task Force on Money Laundering and Terrorist Financing (FATF). Russia fulfilled its pledge to create a Eurasian FATF-style regional body (FSRB) in 2004, known as the Eurasia Group on Money Laundering (EAG), and as the group's leading force remained its chair. The EAG, whose members also include Belarus, China, Kazakhstan, Kyrgyzstan, and Tajikistan, made significant progress toward building Financial Intelligence Units (FIUs) and established the necessary legislative and regulatory frameworks in member states to help those states improve their compliance with international standards (US Department of State, 2007).
- The Conference of Heads of Commonwealth of Independent States (CIS) Security and Special Services is one of the most productive organizations in combating

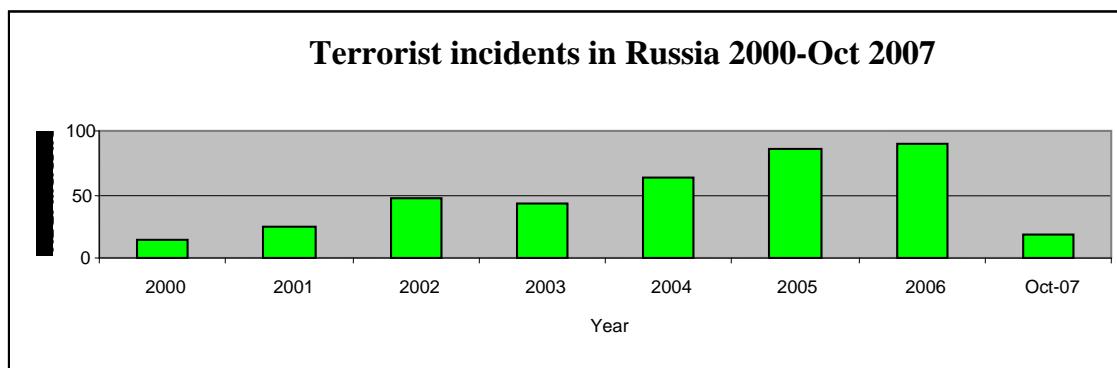
terrorism in CIS member-countries. Russia's FSB came up with an initiative in 1995 to set up a conference of heads of CIS member-nations security and special services. The fight against the smuggling of weapons, military hardware, radioactive, explosive and toxic substances and drug trafficking, as well as measures to ensure information security are high on the organizations agenda (www.militarynews.ru).

- India and Russia signed a Memorandum of Understanding (MoU) which establishes an inter-Agency Joint Working Group on terrorism. This will supplement the existing arrangements between the National Security Councils of the two countries. In terms of the agreement, India and Russia agreed to cooperate in taking preventative and deterrent measures against common terrorist threats (such as those posed by Al-Qaida, the ISI, etc) (Parthasarathy, 2002).

3.3.3.4. Measuring the effectiveness of Russia's Counter terrorism measures

In contrast to the US and UK scenarios, the terrorist incidents in Russia seem to be on the increase.

Graph 3.3: Terrorist incidents in Russia



Source: MIPT Terrorism Knowledge Base

The first important dynamic of note in relation to Graph 3.3, is that the economic status of a country does not necessarily influence a reduction in terrorist threats. Russia is a developed country with a vast amount of state resources and commendable intelligence capacity. However, as the graph indicates, terrorism has been on the rise since 2002. Yet, it should be noted that it is only in 2006 that Russia has begun to restructure and reconceptualise its approach to terrorism. Since February 2006, Russia has opted for an integrated approach incorporating the federal, regional and municipal agencies in the counter terrorism field instead of relying solely on the FSB. Looking at Graph 3.3, from January – October 2007, the MIPT has only recorded twenty incidents as compared to 2006, which recorded more than 80 incidents. This reinforces the argument, and as noted in the US and UK examples, that integration and coordination and a greater role for local law enforcement in counter terrorist measures is an important measure to consider.

3.4. Counter Terrorism in Developing countries

This section provides an overview of counter terrorism approaches in two developing countries – India and Algeria. Overall, developing countries find themselves consumed with major developmental priorities that they believe require more attention than counter terrorism. As such, a country, which is threatened by poverty and famine, may realistically concentrate its efforts on circumventing such obstacles. This prioritization of developing countries contributes to a limited amount of resources and expertise being deployed to address threats of terrorism. It is essential therefore to consider how developing countries like India and Algeria address counter terrorism in the face of such challenges.

In the same regard, South Africa holds a similar status of a developing country in the global arena. In this instance, counter terrorism considered within the paradigm of countries of equitable status such as India and Algeria may be relevant to the case of South Africa. Their approaches to terrorism will be analysed with the aim to determine aspects that have been successful in countering terrorism.

3.4.1. India

The Republic of India, commonly known as India, is a sovereign country in South Asia. It is the seventh-largest country by geographical area and is considered the most populous liberal democracy in the world. Bounded by the Indian Ocean on the south, the Arabian Sea on the west, and the Bay of Bengal on the east, India has a coastline of over 7000 kilometres. It borders Pakistan to the west; China, Nepal, and Bhutan to the north-east; and Bangladesh and Myanmar to the east. In the Indian Ocean, India is near Sri Lanka, Maldives, and Indonesia (<http://en.wikipedia.org/wiki/India>).

3.4.1.1. Extent of Terrorism

Internal security management has been an important component of India's national security management ever since India's independence in 1947. The Ministry of Home Affairs of the Government of India is the kingpin of India's internal security management mechanism. Initially it focused mainly on the maintenance of law and order and inter-communal peace, crime control and counter-insurgency. Counter-insurgency became an important component of internal security management from 1956, following the launch of terrorist attacks from a group of communist insurgents (Raman, 2003).

Terrorist threats became more pronounced in 1981. A group of Sikhs living in the State of Punjab in India as well as the UK, the then West Germany, Canada and the US took terrorism in emulation of the Palestinian Liberation Organization (PLO) in order to pressurize the Government of India to concede their demand for an Independent State for the Sikhs to be called Khalistan. The Khalistani terrorist organizations were largely funded by some members of the Sikh Diasporas abroad and by the Inter-Services Intelligence (ISI) of Pakistan. They were trained and armed by the ISI camps in Pakistani territory. The Khalistani terrorists used four modus operandi. Firstly, hand held weapons against selected leaders, officials, and other perceived as enemies of the Sikh religion;

hijacking of planes of the Indian Airlines (they hijacked 5 planes between 1981 and 1984); blowing up of Air India planes in mid-air; and lastly, indiscriminate planting of explosive devices (IEDs) in public places killing a large number of innocent civilians (Raman, 2003).

In response to their modus operandi, the first bricks of India's counter terrorism architecture came into being in the 1980s. These related to civil aviation security, personal security of very important persons and anti-explosives security. This period saw the birth of the National Security Guards (NSGs). These guards were specially trained to intervene to terminate incidents of hijacking and hostage taking. This period also saw increased importance attached to strengthening the crisis management capabilities of the concerned Ministries and departments of the Governments at the Centre and in the states. The period between 1989 and 2001, saw eight new challenges confronting the Indian counter terrorism managers and policymakers, which influenced a new counter terrorism strategy (http://www.fas.org/irp/news/1993/terrorism_press.html) (See Annexure 5 for further details).

India has been facing the problem of Pakistani state-sponsored terrorism for over 40 years and nearly 40 000 civilians and 3 500 members of the various security services have been killed. India has little over 140 million Muslims – the second largest Muslim Community in the world after Indonesia. Only a very small section of the community has taken to terrorism due to various grievances and instigation by the ISI and religious, fundamentalist and jihadi organizations. The overwhelming majority of Indian Muslims are loyal, law-abiding citizens. India has the most modern, peaceful and forward looking Muslim Community in the World (McCarthy, 2002).

3.4.1.2. India's Counter Terrorism Strategic Approach

To meet these above challenges, India's counter terrorism capabilities have been further strengthened in the following ways:

- The establishment of an erection of a fence along the Line of Control (LOC) and the international border with Bangladesh;
- Strengthening the counter-infiltration capabilities of the Border Security Force (BSF) and the Indian Army;
- A greater role for the army in counter terrorism in Jammu and Kashmir in order to deal with infiltration and cross-border terrorism;
- Raising of village defence forces in remote villages;
- Strengthening physical security for sensitive places of worship;
- Upgrade of the Central Industrial Security Force (CISF) in order to enable it to protect the economic infrastructure, including the oil infrastructure, ports and airports, nuclear establishments etc from possible terrorist attacks;
- Strengthening the maritime counter terrorism capability, with the Coast guard;
- Raising a pool of officers specially trained in hostage negotiation techniques;
- Strengthening narcotics control; and
- Strengthening measures against money-laundering (Raman, 2003a).

The Indo-Pakistan military conflict of 1999 led to the appointment by the Government of India in 2000 of a Special Task Force for the revamping of the Intelligence apparatus. This task force recommended measures not only for strengthening capability for the collection, analysis and assessment of human and technical intelligence relating to conventional threats, but also for strengthening India's capability for the collection of terrorism related intelligence. One of its most important recommendations led to the creation of a Multi-Disciplinary Centre in the Intelligence Bureau (IB), which is equivalent of the UK's Security Services (MI5), to coordinate the intelligence and follow up action processes in all the central agencies having a role in counter terrorism. Counter terrorism experts from all the agencies are to work in this centre under a common umbrella under the leadership of the IB, which is the operational nodal agency for counter terrorism.

Essentially, counter terrorism in India has the following aspects – prevention through timely intelligence, physical security to thwart terrorist attacks if intelligence fails, crisis management if physical security fails, and deterrence through investigation and prosecution. India's preventative physical security including their crisis management capabilities are above average, and have produced good results (McCarthy, 2002).

In India, the Police are a weapon of first resort in counter terrorism and the Army is the last resort. In Jammu and Kashmir and in the bordering areas of the North-East, the Army plays a role in assisting or even leading the police because of the problem of trans-border infiltration and cross-border terrorism. In the rest of India, it is the Police, which is in the frontline of the fight against terrorism. Even though India records the largest number of terrorist strikes and deaths due to terrorism in the world every year, India has never used its air force or heavy artillery against terrorists in any part of India. India utilizes weapons that will not lead to the disproportionate use of force and result in collateral damage. India has a long history of counter terrorism cooperation with other countries, particularly with the UK, Canada and the US (Raman, 2003b).

3.4.1.3. India's Counter Terrorism Operational Approach

India's counter terrorism set-up consists of the following components (Raman, 2006):

- *The State Police and its intelligence set-up:* Under India's federal Constitution, the responsibility for policing and maintenance of the law and order is that of individual states. The central government in New Delhi can only give them advice, financial help, training and other assistance to strengthen their professional capabilities and share with them the intelligence collected by it. The responsibility for follow-up action lies with the state police.
- *The National Intelligence Community:* This consists of the internal intelligence agency (the ministry of home affairs intelligence bureau), the external intelligence agency (the Cabinet secretariats Research and Analysis Wing), the Defence Intelligence Agency that was set up in 2002, and the intelligence directorates general of armed forces. The IB collects terrorism-

related intelligence inside the country and RAW does the external collection. The DIA and the intelligence directorates general of the armed forces essentially collect tactical intelligence during their counter terrorism operations in areas such as Jammu and Kashmir, Nagaland, etc, where they are deployed.

- *Physical Security Agencies:* These include the Central Industrial Security Force, responsible for physical security at airports and sensitive establishments, the National Security Guards, a specially trained intervention force to terminate terrorist situations such as hijackings, hostage taking, etc, and the Special Protection Group, responsible for the security of the Prime Minister and former Prime Ministers.
- *Paramilitary Forces:* These include the Central Reserve Police Force, which assists the police in counter terrorism operations when called upon to do so.
- *The Army:* Their assistance is sought as a last resort when police and paramilitary forces are not able to cope with the terrorist situation. Nevertheless, in view of Pakistan's large-scale infiltration in Jammu and Kashmir and the presence and activities of a large number of Pakistani mercenaries, many of them ex-servicemen, the army has more active, permanent and leadership role in counter terrorism operations. What India is facing in Jammu and Kashmir is not just terrorism but also a proxy war.
- *A Multi-disciplinary centre on counter terrorism (2004 initiative):* headed by a senior IB officer, within the IB, expected to emulate the US's counter terrorism centre. Officers of various agencies responsible for intelligence collection and counter terrorism operations will work under a common umbrella and be responsible for joint analysis of the intelligence flowing in from different agencies and co-ordinated follow-up action.
- *A counter terrorism division in the Ministry of External Affairs (2004 initiative):* expected to emulate the counter terrorism division of the US State Department. It will be responsible for coordinating the diplomatic aspects of counter terrorism, such as briefing other countries on Pakistani's sponsorship of terrorism against India, processing requests for extradition and mutual legal assistance, servicing the work of various working groups on counter terrorism, which India has set up in a number of countries.

The weakest link of India's counter terrorism capability is deterrence through legal action against terrorists and their organizations. India's investigative and prosecution agencies have to fight against terrorism with the normal laws of the land, which were enacted long before terrorism emerged as a major threat to national security. Certain other powers have been given to the Police under the Unlawful Activities (Prevention) Act, but this Act relates to all crime and is not terrorism focused. The repeated pleas of counter terrorism professionals that India should emulate the example of other democracies like the UK and US and enact terrorism-focused legislations have 'fallen on deaf ears'. The Government of India did give special powers to the Police under the Prevention of

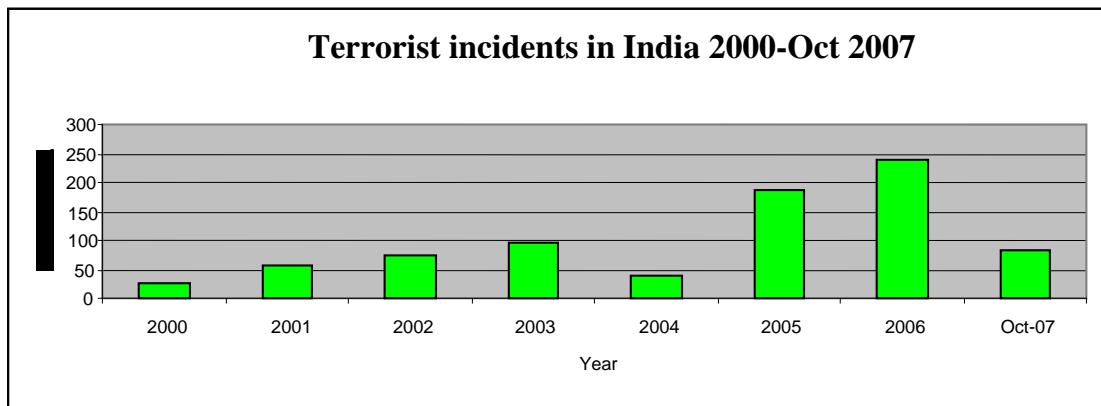
Terrorism Act (POTA), but this Act was repealed in 2004 in response to criticism from the religious and ethnic minorities. They alleged that the special powers in respect of detention given under this Act were being misused by the Police to harass the minorities (Raman, 2003a).

The Indian judicial process against terrorism is very slow. Trials take a long time. The defence lawyers representing the terrorists manage to get frequent adjournments of the trial under some pretext or the other. India does not have the adequate legal provisions to prevent intimidation of the witnesses testifying against the terrorists. The judiciary tends to avoid convicting terrorists purely based on circumstantial evidence. The result is a very low conviction rate of less than 10% in terrorism related cases as compared to 80% plus in Western countries (Raman, 2003a).

3.4.1.4. Measuring the effectiveness of India's Counter Terrorism Measures

In terms of statistics, India has had difficulty dealing with terrorism. Prior to 2006, India's approach to terrorism has been a paramilitary approach, with key elements being the military and the police. However, this approach has not been effective as all security entities worked independent of each other.

Graph 3.4: Terrorist incidents in India



Source: MIPT Terrorism Knowledge Base

With the establishment of the Center on Counter Terrorism, it was envisaged that efforts would be more streamlined and entities would cooperate with each other. However, the 2005 and 2006 statistics still indicate the seriousness and reality of terrorism. In its integrated approach to terrorism, the US took three years to ensure the smooth running of its integrated approach. In India, it has only been two years since its adoption of an alternate approach from that of a military stance to counter terrorism. In this regard, it is hoped that coordination and cooperation will be enhanced.

3.4.2. Algeria

Algeria is a country in Northern Africa and has the Mediterranean Sea as the Northern border. The bordering neighbours to Algeria include Morocco and Tunisia, Mauritania, Mali and Niger (<http://www.algeria-un.org/default.asp?doc=-mono>).

3.4.2.1. Extent of Terrorism

Algeria has suffered from both political violence and terrorism on two distinct occasions in its recent history. During the struggle for independence from France in the 1950s and 1960s, the Algerian National Liberation Front (ANLF) engaged in both guerrilla warfare and terrorism in its efforts to become independent. By 1962, independence was achieved in Algeria and a civilian government was established. In 1965, the military intervened to establish an authoritarian system of government that continued to be dominated by the junta (Lutz and Lutz, 2004:78).

In the late 1980s, economic problems led to increasing domestic unrest and Islamic movements appeared to gain support amongst the groups left behind by modernization. Declining prices for petroleum products led to an economic slump, and there were problems associated with corruption and inadequate provision of services for the population. One of the more important opposition parties created to contest the election was the Islamic Salvation Front (FIS). The FIS mobilized support on the basis of structuring the legal system on Islamic principles and promoting Islamism in government as a contrast to the clearly secular regime of the military and the dominant government party (Fuller 1996: 24).

Faced with government repression and the refusal of the ruling party to abide by the election results, the supporters of the FIS and others resorted to violence. While the MIA (Islamic Movement Army) and later successor groups were linked with the FIS, the FIS did not control the violent dissidents. The MIA shared the Islamic view of the FIS but was an independent organization, and at times came into direct conflict with the FIS (Lutz and Lutz, 2004:79).

The terrorist attacks in Algeria included the general population as targets. Car bombs and other attacks took place in a number of Algeria's cities. Rebel groups attacked villages with same regularity, massacring the inhabitants. These attacks executed with extreme brutality, involving torture, rape, and death. Frequently, women and children were the most vulnerable in these attacks. The victims were seen as an offering to God (Chalk 1999: 160). However, the rationale for the villages that were chosen is often obscure. At times, the attacks appeared to be designed to draw military units into ambushes. In other cases, there was the possibility that the village was regarded as being pro-government. More generally, the attacks seem to have been designed to indicate to the population at large that the government could offer no protection to its citizenry. It is possible that the tactics, which involved such extreme violence, were due to a mixture of a conscious desire to spread fear among the general population and the effects of religious zeal. The only choices for the population were death or active co-operation with the insurgents (Stone 1997: 191; Laqueur 1999: 130).

One factor that makes it difficult to discern the particular goals of any one set of attackers is the fact that the opposition forces were not a single unified group, and different groups were following different strategies. Particularly violent attacks were orchestrated, at times, to sabotage any chance of negotiations between the government and some of the rebel

groups. However, negotiations between the government and the FIS Leadership reduced the violence and Islamic parties won seats in the national legislature. Nevertheless, continuing economic difficulties made the achievement of lasting peace unlikely (Roberts 1995: 242).

In 1996, the Groupe Salafist pour la Predication et le Combat (GSPC) dissident group was born. The GSPC is an heir to one of the most violent terrorist legacies in modern history and the group is believed to be an offshoot of the MIA. In late November 2006, following increased pressure from the Algerian security forces; the GSPC initiated formal links with Al-Qaeda and renamed itself the Al-Qaeda in the Islamic Maghreb (AQIM). It currently provides Al-Qaeda with trained militants in Iraq (Tefft, 2006; Janes Intelligence Review, 18 May 2006).

The AQIM's funding methods are primitive compared to European terrorist cells, which are better placed to exploit banking and modern technology. Kidnapping, and ransom rewards have been the key funding methods for AQIM. The Groups most famous and lucrative endeavour as the GSPC was the 2003 kidnapping of European tourists in southern Algeria by Amari Saifi (also known as El Para), the former leader of one of the cell groups of the AQIM. This venture provided the cell with funds of US\$ 6 million in ransom money. The group, as the GSPC, favoured 'kidnap-for-ransom', and abducting locals in the northern part of the country for smaller payouts. However, since their transformation into AQIM, suicide bombers have become an important trademark as it is one of the more prominent methods used by Al-Qaeda (Janes Intelligence Review, 18 May 2006).

The AQIM funding is also derived from smuggling profits. The smuggling of cigarettes, cannabis and household goods occur in certain regions of Algeria. Items such as milk and cooking oil can be purchased at subsidized prices in Algeria and traded for cigarettes as far south as Nigeria (Janes Intelligence Review, 18 May 2006). Funds are also obtained by terrorist organizations in Algeria from foreign powers, which wish to destabilize the country (Taheri, 2004).

Furthermore, the conflicts in western and southern Africa provide a robust market for the procurement of automatic weapons, grenades and rockets. Weapons caches are consistently sent to dissident groups blending with an enormous flow of goods, both stolen and legitimate. This presents a serious challenge to Algerian security forces, which are willing to ignore the smuggling of 'innocent' goods but find it almost impossible to sift out the few trucks that may be trafficking weapons. The AQIM has relied heavily on traditional weapons and guerrilla tactics, including attacks on unarmed civilians, but events suggest the group may be attempting to develop a more sophisticated improvised explosive devise (IED) capability, such as mobile phone detectors. Over the past year, the AQIM has actively sought to reverse the GSPC's international reputation as insular and xenophobic, by building connections with western and central Africa and attempting to reinvigorate connections to Europe (Janes Intelligence Review, 18 May 2006).

3.4.1.2. Counter Terrorism Strategic Approach

Algeria's Penal Code provides for UN Conventions to be incorporated into national legislation automatically, once the international instrument is ratified. The Algerian Constitution places international treaties and conventions on a higher legal status than national law; for instance, Algeria submits fully to UN Resolution 1373.

Algeria has moved away from having dedicated legislation to address terrorism, to treating terrorism as a criminal act within the Penal Code. The reason for this is that during 1992 Algeria was accused of being too harsh in its fight against terrorism, often in violation of human rights. Legislative Decree No 92-03 of 30 September 1992 on combating subversion and terrorism, amended and supplemented by Legislative Decree No 93-05 of 9 April 1993, defines the remit of the public authorities with regard to the sanctioning of terrorist acts.

The Penal Code and the Code of Penal Procedure have been amended to strengthen the national legislation in countering terrorism. Algeria has focused its definition on domestic terrorism and the threat of terrorism against state security as the primary threat. Article 1 of Decree No 93-03 (reproduced in article 87 of Ordinance No 95.11 of 25 February 1995, amending and supplementing Ordinance No 66.156 of 8 June 1966 and enacting the Penal Code) defines a subversive or terrorist act as "any offence targeting state security, territorial integrity or the stability or normal functioning of institutions through any action seeking to support activities that:

- *Spread panic among the public and create a climate of insecurity by causing emotional or physical harm to people, jeopardizing their lives or freedom or attacking their property;*
- *Disrupt traffic or freedom of movement on roads and obstruct public areas with gatherings;*
- *Damage national or republican symbols and profane graves;*
- *Harm the environment, means of communication or means of transport;*
- *Impede the activities of public authorities and bodies serving the public, or free exercise of religion and public freedoms;*
- *Impede the functioning of public institutions, endanger the lives or damage property of their staff, or obstruct the implementation of laws and regulations* (Goredema and Botha, 2004).

In addition to legislative mechanisms, Algeria has also increased its research and development capacity in counter terrorism through the African Centre for the Study and Research on Terrorism (ACSRT). In 2004, at a meeting in Algiers, the AU adopted a plan to bring states in line with the convention regarding terrorism. Among other things, the plan called for the creation of the ACSRT to co-ordinate analyses of terrorism and counter terrorism activities on the continent with AU member states and the regional economic communities (Shillinger, 2006a). The Algerian government seconded some of its senior civilian and military counter terrorism experts to establish the Centre. Algeria's total commitment thus far amounts to \$6,2m.

(www.iss.co.za/static/templates/tmp1_html.php?node_id=2395andlink_id=3893).

Algeria also considers international cooperation to be an important element in its fight against terrorism. The Algerians have forged close ties with the US in this respect. Initiatives of note include the Trans Sahara Counter Terrorism Initiative. Links have also been forged with France, Spain and the UK to assist in derailing efforts towards transnational terrorist networks (Janes Intelligence Review, June 2006).

3.4.2.3. Algeria's Counter Terrorism Operational Approach

According to a report in an Algerian newspaper, the ‘Asharq al-Awsat’, on 3 August 2007, Algeria's tactical approach to countering terrorism has shifted and security services are currently pursuing a new strategy to weaken the AQIM (cited in Economist, 2007). Instead of focusing exclusively on “launching military operations with heavy weapons against the terrorists” strongholds, Algeria's security services are placing suspected terrorist leaders under heavy surveillance, pursuing every movement and gathering information about their movements (Economist, 2007; Tefft, 2006). The Algerians since the evolution of the GSPC into AQIM have opted for a militaristic style approach against suspected terrorists.

Counter terrorist operations mainly function through the:

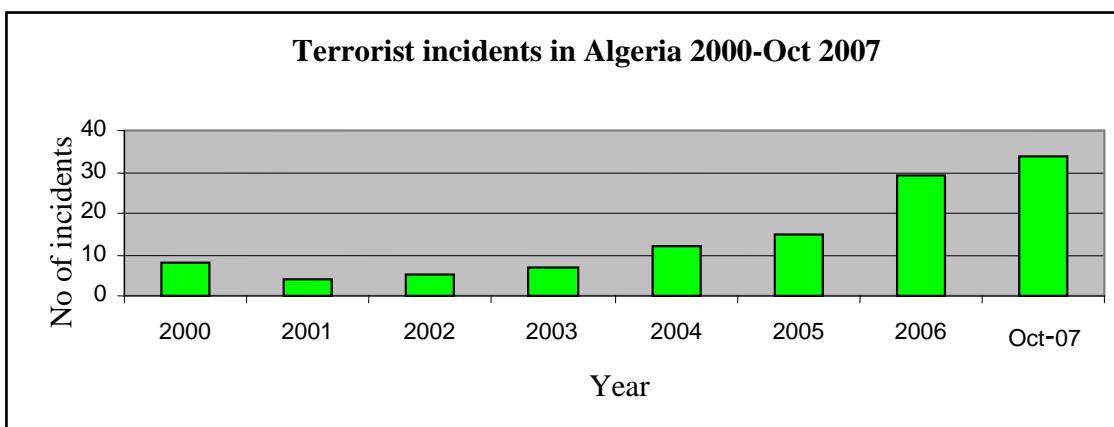
- *Department for Information and Security (DRS)*: It is widely known as Military Security, an intelligence agency within the military that specializes in counter-terrorism and operates with great secrecy. No civilian institution exercises effective oversight over the practices of the DRS. Prosecutors do not enforce safeguards under Algerian law and are apparently not informed of arrests carried out by the DRS. The DRS specializes in detaining and interrogating people who are believed to have information about terrorist activities, due to their alleged links either with armed groups in Algeria or with international terrorist networks abroad. In the past two years, the DRS has come under immense scrutiny for human rights abuses in its quest to clamp down on terrorism. The DRS also possess policing powers to arrest and detain at will (Amnesty International, 2006).
- *Algerian Police - Sûreté nationale (national security)*: Complimenting the DRS is the Sûreté Nationale, which is the primary policing authority in Algeria's principal cities and other urban areas. Subordinated administratively to the Ministry of Interior, the Sûreté is charged with maintaining law and order, protecting life and property, investigating crimes, and apprehending offenders. The policing force comprises 30 000 police officers and one of their there primary tactics against terrorism is the establishment of mobile brigades in sensitive areas (<http://www.state.gov/r/pa/ei/bgn/8005.htm>).

The synergy between the Algerians strategic and operational components of its counter terrorism measures serve well in negating possible terrorist threats to state security.

3.4.2.4. Measuring the effectiveness of Algeria's Counter Terrorism Measures

In contrast to India, Algeria's military intelligence agency DRS seems to be the driving force of counter terrorism. However, as illustrated in the Graph 3.5, this approach has not been very effective.

Graph 3.5: Terrorist incidents in Algeria



Source: MIPT Terrorism Knowledge Base

Looking at the Graph, terrorist incidences have increased drastically between 2004 to October 2007. The rise in incidents in 2006 could be attributed to the fortification of links between the GSPC and Al-Qaeda. The threat in Algeria has superseded the domestic sphere and has become transnational in nature. Military intelligence alone is not enough to contain the growing threat of AQIM. The fact that the DRS has been in the spotlight regarding its human rights abuses to infiltrate terrorists cells, also indicate that the country has opposed international norms in its quest to counter terrorism and more likely, it does not have the support of the majority of its population in gaining effective intelligence on terrorist whereabouts. Essentially, no effective relationship is visible between the community and military intelligence and even more troubling is the fact that the national police take a back seat to the DRS in terms of counter terrorism.

3.5 Synthesis of policing mechanisms utilised in counter terrorism approaches in the specified countries

The overall analysis of counter terrorism strategies within the specified country illustrate that in addition to legislation and appropriate frameworks, policing constitutes a pivotal element in the fight against terrorism. Given the centrality of policing to the hypothesis of this study, the Table 3.1 below reflects on appropriate policing roles adopted to counter terrorism:

Table 3.1: Level of involvement of Police in the specified countries

| Countries | Level of police involvement | Effectiveness |
|-----------------------|--|---|
| United States | Pre-9/11: Federal centric: approach driven by FBI and CIA. Post 9/11: Integrated: an approach driven by intelligence (FBI) and Police Departments. The resultant is Joint task teams. | Pre- 9/11: ineffective – the terrorist incidences of 9/11 attest to ineffectiveness. Post-9/11: momentarily effective. Number of incidents reduced from 36 in 2001 to 1 in 2006. |
| United Kingdom | Integrated: police driven (MPS) | Momentarily effective: incidents reduced from 12 in 2005 to 0 in 2006. |
| Russia | Pre-2006: Para-Military Post-2006: Integrated. Headed by Federal Agency but larger law enforcement responsibilities. | Pre-2006: not effective. Incidents registered for 2005 stood at 80. Post-2006, incidents registered from January to October 2007 was 19. |
| India | Pre-2004: Para-Military Post-2004: Integrated: emulation of elements of US's counter terrorism strategy. Process driven by police, intelligence and army. | Pre-2004: ineffective. Incidents registered at 38 in 2004. Pre-2004: still remains ineffective. Levels of interaction between relevant stakeholders remain low. Approach is not coordinated effectively. |
| Algeria | Militaristic: Process still driven by military intelligence, limited role for state police. | Approach is ineffective. The number of incidents registered for 2007 at 38 attests to its ineffectiveness and incidents are said to be increasing with the transformation of GSPC into AQIM. |

If one has to interpret the table, it seems that at the heart of a counter terrorism strategy is an integrated approach to dealing with imminent threats and an increased role for policing in such strategies. Deputy Chief, Michael Downing of the Los Angeles Police's Counter Terrorism and Criminal Intelligence Bureau, aptly argues that:

Local law enforcement is the first defense against violent domestic...extremism. No agency knows their landscape better than

local law enforcement; we were designed and built to be the eyes and ears of communities—the First Preventers of terrorism (Harwood, 2007).

Within this context, it is evident that law enforcement should have a larger role in counter terrorism efforts and the strategies highlighted in the Table attest to this assertion.

3.6. Summary

The comparative analysis of counter terrorism strategies and approaches in both the selected developed and developing countries outline the common elements that are proving to be necessary in developing effective counter terrorism mechanisms and should be considered in South Africa's approach to counter terrorism:

- *Enabling Legislation:* Most of the countries analyzed have in place enabling counter terrorism legislation which gives law enforcement agencies the necessary authority to neutralize current and prospective terrorist threats;
- *A common institution to integrate the efforts of varying state agencies, which are responsible for counter terrorism:* Realising the importance of coordination after the 9/11 fiasco amongst state agencies, the US established the Counter Terrorism Centre (CTC) to coordinate efforts of all national security agencies. Elements of integrated efforts and coordination are also illustrated in the UK's Joint Terrorism Analysis Centre (JTAC) and the Metropolitan Police Services (MPS) Counter Terrorism Command (CTC). Moreover, in 2006, the Russians established the National Counter Terrorism Committee (NCC) designed to establish a single chain of command and centralize the decision-making process at the national level. These trends by the developed countries signify the importance of instituting a common mechanism to rationalise and integrate efforts at the national level.
- *International Cooperation:* All countries analyzed attached significant importance towards working with other countries to combat the threat of terrorism. Terrorism is not approached as a national phenomenon and does not remain strictly within the confines of a particular border. In many instances, terrorism has grown to become a transnational threat with networks and cells in many countries across the globe. As such, to counteract the threat of terrorism requires an international commitment.
- *A larger role for local law enforcement:* Table 3.1 above is illustrative of the importance of law enforcement as a first defence against terrorism.

CHAPTER 4

SOUTH AFRICAN PERSPECTIVES ON COUNTER TERRORISM

4.1. Introduction

The use of violent tactics and the term ‘terrorism’ is not unfamiliar to South African history. South Africa emerged from an era where violence was utilised both by the government to maintain the status quo and by forces antagonistic to the government to end apartheid.

South Africa’s history demonstrates the problems associated with the term ‘terrorism’. Back in the 1980s, the African National Congress (ANC) was regarded as a terrorist organisation and now they form the government of the day (Matthews, 2004). As such, South Africa’s history informs the way that contemporary South African politicians respond to so-called terrorist activities. Many of South Africa’s contemporary politicians are members of political organisations, which were described by the apartheid government as being ‘terrorist’ organisations. This will justify why such politicians will be cautious with regard to the labelling of groups or activities as ‘terrorist’ (Matthews, 2004).

4.2. Historical conceptualisation of counter terrorism in South Africa

The research domain, regarding policing and counter terrorism approaches post-2001 remain fairly new. Policing of terrorism in the apartheid era was a well-known phenomenon, given the emerging threats of freedom fighters, to the oppressive apartheid government pre-1994. Yet, with the advent of democracy in 1994, newly elected leaders sought to move away from the policing State to one that pronounced the civil liberties of citizens. As such, in many ways, this drew attention away from the South African Police Services (SAPS) as the key department in counter-insurgency. This is not to say, however, that SAPS has not been instrumental in responding to terrorist attacks. The crackdown of both PAGAD and the Boeremag are indicative of its effective operational and reactive response to terrorist threats.

This study locates itself in arguing that given emerging dynamics of growing terrorist threats within South Africa’s borders, the country has to be more strategically proactive in its response to terrorism. The study highlights the ambivalence of a counter terrorism approach within SAPS structures and argues for a more concrete and more methodical proactive approach to counter terrorism from South Africa’s national enforcement agency. Yet, to understand this argument, a survey of literature on counter terrorism approaches within SAPS is presented below.

During the apartheid regime, newsreaders frequently reported on the activities of ‘terrorists’, government officials defended their actions as necessary to combat ‘terrorists’, and divergently the so-called ‘terrorists’ fought to have their activities recognised as guerrilla warfare and freedom fighting rather than terrorism. Under the

apartheid regime several anti-apartheid movements, including the African National Congress (ANC), its armed wing Umkhonto we Sizwe (MK), the Pan Africanist Congress (PAC), and the South African Communist Party (SACP) were banned. The government frequently described the subsequent underground activities of these parties as ‘terrorist activities’. When on trial for sabotage in 1964, Nelson Mandela (1964) repeatedly emphasised that the members of the ANC did not use terrorism in order to try to achieve their goals. Furthermore, Mandela (1964) argued that the adoption of such strategies was a result of the apartheid government’s frustration of all legitimate peaceful protest, and was in fact an attempt to prevent terrorism, rather than to organise it (Matthews, 2004).

Establishing an effective counter terrorism strategy is always a challenge. In the case of South Africa, the challenge is of an atypical nature. Not only is the government forced to invest resources and cope with problems of intelligence, enforcement and other operational difficulties, it must also work to maintain the image of a stable democracy, and prevent the vision of the post-apartheid era from collapsing. On the one hand, South Africa must ensure the safety and security of its citizens as well as its tourists. On the other hand, it is limited in the measures which it may adopt to counter the terrorism in its midst. Attempting to achieve a sense of security by a purely policing and military policy results in reminiscence of the apartheid era. Essentially, South Africa’s history informs the way that contemporary South African politicians respond to emerging terrorist activities (Kritzman, 2000).

The creation of a specialised riot control function pre-1994 within South Africa’s policing agencies was essentially a reaction to the disorder and political unrest associated with resistance to apartheid. Although the name and structures of the units tasked with this specialist function changed a number of times. The functions of the unit were devolved to various other policing agencies in homeland and self-governing territories. Essentially their roles remained the same – the enforcement of apartheid laws, the suppression of political protest and the prevention of ‘unrest, intimidation and unrest-related crimes’ (Kritzman, 2000).

Since the nature of their task was inherently public, the police units tasked with riot control played a prominent role as frontline ‘enforcers’ of apartheid policies, and were viewed with a mixture of fear and loathing by the communities in which they served. Although accurate figures are not available, it is likely that the riot control (and similar) units were responsible for a majority of police killings during the apartheid years (Scharf, 2000).

The police units were para-military in nature (by way of training, operational understanding and culture), and brutal in the enforcement of bans on political protest. They operated within a policy paradigm that accepted and supported the lethal use of force. This, combined with the authorities’ complete intolerance of protest action, meant that they frequently relied upon maximum force. As the external environment in which they operated took on the character of a low-intensity civil war, their training, equipment and methodology became increasingly militarised. The South African police agencies became isolated from the international progression that were being made in the field of

public order with effect that they were unaware of the new strategies and techniques that other police services were implementing (Rauch, 1991).

In the period 1980 to 1990, Maleoskop provided Counter-Insurgency training to police officers deployed in the specialised riot control units. The name of this training course later changed to 'Internal Security' training. During the 1980s, all SAP recruits attended internal security training for two weeks after completing their basic training. The 1980s also saw the introduction of a seven-hour module (of an eight-week training course) in 'unrest duty' for the Special Constables (known as Kitskonstabels) at the Koeberg training centre. The content of the training course was broad, including everything from 'tracking terrorists' to sniper training. It focussed almost exclusively on the use of force, and the majority of training time was concentrated on training police officers in the use of the weapons training. In addition, trainees were given lessons on the legal framework related to gatherings and the enforcement provisions of these laws (Rauch and Storey, 1998).

In 1990, following the inquiry into the Sebokeng shootings of March that year, the period of training at Maleoskop was increased from three to six weeks and an improved system of local in-service training was introduced. In 1991, coinciding with the formation of the Internal Stability Division and the relatively more relaxed approach adopted by the De Klerk government to gatherings, a slightly more sophisticated version of the training courses (now called 'Internal Stability') was introduced. This course focussed more on crowd control and began to introduce some 'soft skills' such as negotiation and crowd psychology. Unfortunately, the political biasness contained in the content of these 'soft skills' detracted from any value they may have added. Various specialised courses such as video operation were also introduced for selected members. The focus of the training, however, remained the use of force and a limited interpretation of the applicable legislation contrary to the interpretation of the government during the political transition (Omar, 2006).

By the late 1980s and early 1990s, policing of areas where violence had become endemic attracted great controversy and numerous allegations of bias and brutality. This reputation and their inability to comprehensively adjust to the demands of the new political environment led to calls from numerous communities and political movements for the total disbandment of the riot police or Internal Stability Units. In 1994, the Government of National Unity (GNU) inherited a riot control capacity of approximately seventy two (72) units. The inherited Units according to Rauch (1991) were illegitimate, over-centralised, fragmented (into SAP and homeland forces), unaccountable, incident driven, ill-equipped and not trained for the public order challenges which would face them during South Africa's transition to democracy (Rauch, 1991; and Rauch and Storey 1998; Omar, 2006).

After 1994, the Goldstone Commission proposed a Draft Bill to address the civil liability of organisers of gatherings, the prevention and prohibition of gatherings, and demonstrations near courts, Parliament and the Union Buildings. The Commission said that legislation was desirable even before the elections, because mass demonstrations and marches were matters of urgency. Passed in 1993, the Goldstone Bill became the

Regulation of Gatherings Act, but it was only enacted after the 1994 election on the 15 November 1996 (www.hurisa.org.za/Goldstone/Goldstone_Reports.htm).

The first Minister of Safety and Security in the new political dispensation, Steve Tswete, faced a Constitutional requirement to create a national Public Order Policing unit as part of a new, integrated South African Police Service. The new policy moved away from ‘crowd control’ to ‘crowd management’ as a conceptual framework for the role of the police with respect to public gatherings. It was designed to complement the new legal framework, and to take into account the rights of all citizens. The new crowd management policy:

- *developed a clear set of Public Order Policing (POP) goals applicable to public order situations;*
- *established a clear set of principles pertaining to the management of crowds including –*
 - ❖ *the legal aspects of crowd management,*
 - ❖ *the situational appropriateness of public order strategies and tactics,*
 - ❖ *the optimum utilisation of suitable means and available resources, and*
 - ❖ *the proportionality of the response to actions taken by participants of public collective actions,*
 - ❖ *emphasised the importance of preparation for crowd management operations,*
- *clarified levels of responsibility, command and control;*
- *spelt out detailed pre-planning steps;*
- *introduced planning and operational committees;*
- *outlined the appropriate manner by which operations should be executed (including methods, use of force, media relations, and SANDF liaison); and*
- *expanded on the role and functions of debriefing (Rauch and Storey, 1998).*

The National Commissioner, George Fivaz, and Minister Tswete approved the new crowd management policy in September of 1995. Implementation of the new policy approach, and the accompanying structural reforms, began immediately. During November 1995, the Internal Stability Division (ISD) was amalgamated with the Riot Control Units of the homeland police agencies as part of the amalgamation of the police agencies and the creation of the new South African Police Service (Omar, 2006).

The newly reformed SAPS were again put to the test in dealing with terrorism from the period 1994 to 2000. During this period, South Africa's legislative capital, Cape Town, was plagued by numerous bombings, drive-by shootings and assassinations. Initially, most of this violence occurred in the context of gang warfare and vigilante action against criminal gangs and suspected drug dealers. However, after mid-1996, the motive for some of the violence changed from gangs battling for territory and vigilantism to new violence, which sought to create a climate of fear and terror among the citizens of Cape Town. In early 1996, the SAPS and the SANDF jointly responded to the terrorist threat in the greater Cape Town area through the National Operational Co-ordinating Committee (NOCOC) mechanism to execute special counter terrorism operations (Boshoff, Botha and Schönteich, 2001).

History and current events indicate that SAPS has the capacity and capability to successfully deal with threats of terrorism. What is lacking is a concrete strategic proactive counter terrorism approach, which makes SAPS stand out as the lead department in countering terrorism. Yet, it should be borne in mind that the most important principle of an anti-terrorism operational concept is to co-ordinate an operation with an integrated approach. This can be done within a National counter terrorism Co-ordinating Mechanism, which includes the disciplines of the SAPS (Crime Intelligence), SANDF (Defence Intelligence), National Intelligence Agency (NIA) and the South African Secret Service (SASS), as well as any other government department that needs to be involved.

4.3. Manifestations of Terrorism in South Africa

South Africa is an open society with porous borders and a well-established infrastructure. This in itself presents a fertile ground for individuals and groups who want to either engage in terrorist activities or utilise the country as training grounds or hideouts. Over the past year (2007), there have been reports of extremist activities, paramilitary camps and extraordinary renditions of jihadi suspects in South Africa. This raises concern that the country is being used for terrorist support activities (Terrorism Monitor, March 15).

In mid-March, Barry Gilder, coordinator of South Africa's National Intelligence Coordinating Committee, indicated that terrorists with links to Afghanistan, Iraq and Pakistan were increasingly spending time in the country (South African Press Association, March 13). Gilder's remarks made it clear that South Africa, due to political and historical reasons, may be an unlikely target for attacks, but rather a safe haven where support infrastructures might be available. Gilder also cited the terrorist use of the country's banks and a pattern of illegally obtained South African passports, which were discovered on al-Qaeda suspects or their associates in Europe (South African Press Association, March 13; Associated Press, July 27, 2004). In addition, Gilder indicated that the government was aware of the possible existence of small-scale training grounds, within the country, used by terrorists (Solomon, 2007).

Coinciding with Gilder's official remarks, a Johannesburg magazine featured an exposé of an alleged jihadi training facility outside Port Elizabeth (Molotov Cocktail, March 2007). James Sanders, who published a history of South Africa's Secret Service under apartheid, wrote the feature and provided photographs of the property—including images of a rudimentary shooting range and makeshift mosque. Sanders claimed that members of the Port Elizabeth-based Desai family operated the facility, which became functional in the mid-1990s (Solomon, 2007).

The training facility is known as 'Greenbushes' and is said to be situated approximately 25 miles outside Port Elizabeth on the Old Cape Road. Rumours persist that there are also camps based at Vaal Dam in Gauteng, Camperdown in KwaZulu Natal and Schaap Kraal in the Western Cape. The family associated with Greenbushes are the Desai's of Port Elizabeth. Nazier Desai is the head trainer and his cousin Ahmed Seddick Desai is the financial manager. In particular, Moulana Nazier Desai is described in the Internet NIA report as the 'Amir of South African Mujahideen'. The Desai's, although wealthy in

their own right, also receive funding from Pakistan, Saudi Arabia, and Afghanistan. The Desai family is in the process of building an Islamic Centre, Daru-Uloom in Malabar.

A substantial number of youths are recruited at the training camp are taught combat skills and handling of firearms. The weapons employed are high-calibre handguns, R1 rifles and AK 47s, all of which are illegal in South Africa. It is critical to recognise that the existence of these training camps have not yet progressed to the level of terrorist activity within South Africa's borders. Nevertheless, sources report that trainees who have attended training sessions at Greenbushes have been utilised as terrorist recruits in Pakistan, Afghanistan and Iraq (Solomon , 2007a).

There are also other reports of a terrorist presence in South Africa. A report dated 24 September 2001, less than two weeks after 9/11 reveals that Sheikh Abu Abdula[h], a representative of Hamas visited South Africa in July 1996 and ‘during a closed meeting ... stated that Hamas had decided to open an office in Port Elizabeth under the cover of the ‘Al-Aqsa International Foundation’. Abdula also paid a visit to the paramilitary camp at Greenbushes, where he mentioned that the facility was too basic and needed to be upgraded’ (Sanders, 2007). In addition, sources within the Tamil community suggest that the Tamil Tigers also sponsor training within South Africa (Solomon , 2007a).

In 2005, Minister Kasrils at a symposium also pointed out that:

There are groups in Africa that claim to be part of al-Qaeda and other structures, and here in southern Africa they have been discovered seeking refuge and quite possibly attempting to set up networks (Zavis, 2005).

In this regard, emerging reports suggest that Al-Qaeda cells are said to be in existence in Cape Town and Durban. Al-Qaeda has been affiliated with two Cape Town movements, People against Gangsterism and Drugs (PAGAD) and its associate, Qibla (Shillinger, 2006a).

There have also been a number of indications and incidences that highlight links between South Africa and International terrorism:

- In 1998, The South African Government was asked to investigate reports that the Sri Lankan Tamil Tiger rebels were setting up a base in Pretoria because their London offices faced closure. The South African Department of Foreign Affairs, through their investigations ascertained that there were support groups in Durban, Johannesburg and Cape Town that offered support for the Tamil Tigers in Sri Lanka (BBC, 1998). However, since 1998, allegations regarding developments of the Tamil Tigers have subsided.
- In 1999, Khalfan Khamis Mohamed, was arrested in Cape Town and deported to the United States. Mohamed is now incarcerated for life due to the role he played in the 1998 bombings of the U.S. embassies in Tanzania and Kenya. Mohamed

had entered South Africa under an alias, got a temporary residency permit, and worked at a hamburger place for months until he tried to renew his permit and got caught (Zavis, 2005).

- On April 25, 2001, Mohamed Suleman Vaid of Durban was arrested along with his wife while attempting to smuggle \$130,000 in local currency across the border into Swaziland. The ensuing police investigation indicated ties to Al-Qaeda. Vaid, who denied any connection with such groups, was carrying the funds to a Lebanese businessperson in Mozambique who allegedly did have links with Al-Qaeda. It was established that in the 18 months preceding his arrest, Vaid had made 150 trips to Mozambique — roughly once every four days (Shillinger, 2006a).
- A South African businessperson, Johan Meyer, was charged with nuclear trafficking in September 2004 as part of Pakistani scientist's Abdul Qadeer Khan's secret network, which aided Libya in developing an atomic weapons program. Johan Meyer appeared in a Johannesburg court on the charges of being in possession of nuclear related material and of illegally importing and exporting nuclear material.
<http://www.smh.com.au/articles/2004/09/04/1094234057171.html?from=storylhs>.
- In 2004, two South Africans of Asian descent, Zoubair Ismail (a student) and Feroze Ganchi (a doctor), were pinned down in a 12-hour gun battle between Pakistani police and Ahmed Khalfan Ghailani, a suspected al-Qaeda operative wanted by the FBI for the 1998 embassy bombings in East Africa. They were arrested in the Pakistani city of Gujrat. The Pakistani police alleged that the two men, who were found in possession of several South African maps, were plotting a series of attacks on the U.S. Embassy and South Africa's Union buildings in Pretoria, the Johannesburg Stock Exchange, a popular shopping district on the Cape Town Waterfront, and the Queen Elizabeth 2 ocean liner. The South African government deemed later that the evidence was insufficient (Shillinger, 2006a; Zavis, 2005).
- In July 2005, authorities in Zambia captured and deported Haroon Rashid Aswat to Britain. Aswat was accused of plotting to set up a camp in Bly, Oregon in 1999 to train militants to fight in Afghanistan. Aswat denied being a terrorist, but Zambian investigators allege Aswat to be a bodyguard for al-Qaeda's leader, Usama bin Laden. Aswat was also questioned about the July 7 bombings in London, but the London police have discounted any connection. Aswat, who has family in Johannesburg, supported himself by selling Islamic CDs and DVDs at flea markets (Zavis, 2005; Shillinger, 2006a).
- In January 2007, the United States and the United Nations moved to freeze the assets of South African-based cousins Junaid and Farhad Dockrat for providing material and financial support to Al-Qaeda. The cousins illustrate how jihadi hubs—individuals with extensive social networks within the movement—can become tentacles of support that facilitate the movement of human resources and

capital to operationalise the organization. Junaid Dockrat allegedly transferred US\$ 120,000 to Hamza Rabia, the now deceased Al-Qaeda foreign operations chief, in March and April 2004 to facilitate the movement of South Africans to terrorist camps in Pakistan. The United States claims that he financed terrorism through a US\$ 62,900 gift he gave to the Taliban ambassador in Pakistan to be forwarded to al-Akhtar Trust, an al-Qaeda charity front (Solomon, 2007b).

- The case of Abd al-Muhsin Al-Libi in 2004, further illustrates this trend of prominent Al-Qaeda operatives using South Africa as a base for terrorist support infrastructures. Al-Libi, also known as Ibrahim Tantouche, emerged in South Africa in February 2004 when he was detained for holding a fake South African passport. Later that year, British security agencies found boxes of South African passports at the home of a suspected al-Qaeda member in Britain. The passports were legitimate passports, not fakes, indicating that they were obtained illegally through a South African government official (The Star [South Africa], July 28, 2004). There seems to be a good possibility that Al-Libi acquired the fake passport through al-Qaeda support structures in South Africa (Solomon, 2007b).
- In November 2005, the mysterious deportation of Khalid Rashid (a Pakistani national wanted by the British authorities for alleged links to terrorist activities) brought South Africa into disrepute. It was alleged that the British and South African governments were directly implicated in ‘rendition’, a practice whereby foreign nationals accused of terrorist involvement by a given government is kidnapped and sent overseas to be interrogated, often tortured and sometimes ‘disappeared.’ It was alleged that Rashid was deported to Pakistan, but his family denied such statements (O’ Keefe, 2006)
- In addition, to allegations that South Africa supported acts of rendition, the case of Saud Memon’s arrest on 7 March 2003, suggests that the South African government gave United States intelligence agencies carte blanche to pursue their ‘war on terror’ on South African soil. Memon was a lead suspect in the Daniel Pearl murder (The Nation, 2007).

In essence, South Africa is regarded as the gateway to the rest of Africa, especially to southern Africa (Zavis, 2005). However, as with other African countries, the threat presented by terrorism is on the increase as evidenced by the situation of the GSPC alliance with Al-Qaeda in Algeria and the situation in Somalia regarding the Supreme Council of Islamic Courts (SCIC) and their fight against Ethiopia and its ally the US. The threat of terrorism in Africa can be seen to exist on two levels, namely as an external threat and as an internal threat. While it is difficult to assess the extent to which Islamic radicals may have penetrated southern Africa and particularly South Africa, the region is attractive as a base and largely off the security radar as pressure mounts on Al-Qaeda and its associates in northern and eastern Africa (Zavis, 2005).

4.4. Domestic Terrorism in South Africa

Terrorism in South Africa is not a new phenomenon. Pre-1994, groups such as the ANC and the SACP were pronounced terrorists by the Apartheid State. However, these groups, post-1994, acclaimed their status as liberation groups aiming for a democratic dispensation. These groups successfully transcended into the ruling parties of the new democratic state. Again, in 1998, the country saw an upsurge in terrorist threats and activities emanate from groups such as People against Gangsterism and Drugs (PAGAD) and the Boeremag. These two groups emerged as impending threats to the fledgling democracy and demanded the attention of the South African government. This section will provide a brief overview on these two indigenous terrorist groups, the extent of their threats and activities, as well as the Republic's response to these threats.

4.4.1. PAGAD

During the period 1998-2000, South Africa experienced a new wave of terrorism, centred mostly in Southern Cape Town. No one claimed responsibility for the terrorist acts, but government officials tended to ascribe them to a Muslim vigilante group, known as PAGAD.

PAGAD was established in Cape Town in 1996 as a community anti-crime group. Its official goals are propaganda-oriented and peaceful. The group saw the government as unable to solve the crime problem, and regarded the police as a corrupt mechanism, affiliated with gangsters. As a result, PAGAD members embarked on a course of vigilantism. PAGAD's national body approved the following aims and objectives for the organisation:

- to propagate the eradication of drugs and gangsterism from society, in accordance with the divine will of The Creator;
- to co-operate with and to co-ordinate the activities of people and people's organisations which have similar aims and objectives [to those of PAGAD];
- to make every effort to invite/motivate/activate and to include those people and peoples' organisations who are not yet part of PAGAD; and
- to raise funds for the aforementioned aims.

The group began by taking action against crime and drug trafficking in the form of mass marches and by creating educational and rehabilitation programs (Roller, 2000).

4.4.1.1. Structure of PAGAD

PAGAD was composed of five regional branches and a number of central 'departments,' or workgroups/forums. These include a forum for women, youth, and senior citizens, and a security department. A central coordinating working team controlled all of these. The organization had a very clear hierarchical structure that distributed authority and enabled specialization (refer to Annexure 6 on an illustrative example of the structure of PAGAD) (Botha, 2001).

4.4.1.2. Profile of PAGAD Terrorist Activities

PAGAD's most publicised attack was the bomb blast at the Planet Hollywood restaurant on 25 August 1998, which killed two people. This attack prompted the U.S. State Department to add the PAGAD group to its list of terrorist organizations; a step that allows the US to prevent the group's members from receiving visas, and enables the deportation of the organizations' activist from the US (Roller, 2000). An exposé of terrorist acts committed by PAGAD during the 1998 – 2000 period and exclusive to Cape Town include:

Information Box 4.1 : List of PAGAD targets 1998-2000

| | |
|------------------|--|
| 25 August 1998 | Bombing of Planet Hollywood. |
| 1 January 1999 | A car bomb exploded at the V and A Waterfront shopping Complex. |
| 8 January 1999 | Kentucky Fried Chicken outlet was petrol-bombed in Athlone. |
| 28 January 1999 | A car bomb exploded outside Caledon Square police headquarters. |
| 9 May 1999 | Car bomb exploded outside the Athlone police station. |
| 28 November 1999 | Bomb blast at St Elmo's pizzeria. |
| 4 May 2000 | Assassination of a key witness. |
| 22 May 2000 | Police deactivated a pipe bomb outside the New York Bagels restaurant in Sea Point. |
| 10 June 2000 | A car bomb was detonated outside the New York Bagels restaurant, injuring three people. |
| 11 August 2000 | An explosive device in a motor vehicle detonated outside the Zanzibar coffee shop. |
| 19 August 2000 | A car bomb exploded outside the Bronx nightclub. |
| 29 August 2000 | A car bomb was detonated near the United States consulate in Cape Town. |
| 7 September 2000 | Regional court magistrate, Piet Theron, who was the presiding officer in a number of PAGAD trials, was assassinated. |
| 8 September 2000 | A car bomb exploded outside the Obz Café in the Cape Town |

Source: Botha, 2001

Despite PAGAD's denial of not being involved in terrorist activities, the South African security forces had evidence—even if some of it is circumstantial—linking PAGAD to terrorism. For instance, the police considered the assassination of a Judge Pieter Theron in September 2000 who was involved in cases dealing with PAGAD members as a confirmation of the group's sinister motives (Kritzman, 2000).

4.4.1.3. The Qibla Movement and its affiliation to PAGAD

It was the ideological and spiritual environment created by Qibla that led to the emergence of PAGAD on 9 December 1995. Another major factor in the emergence of this organization was the extraordinarily high crime rate in the Western Cape. Indeed PAGAD's initial primary objective was to serve as a broad anti-crime front (Botha, 2005). The Qibla Movement was identified in South Africa in the early 1980s. The Movement aimed to promote the ideals of the Iranian revolution in South Africa and transform South Africa into an Islamic state, under the slogan 'One Solution, Islamic Revolution' (Roller, 2000).

Qibla in South Africa, is affiliated to Iran and the Iranian Intelligence Agency. This agency is able to manipulate the movement from a safe distance instilling Iranian propaganda and facilitating espionage activities in SA. In order to broaden its support base inside the South African Muslim community, Qibla allied itself with the following tenets:

- Played a key role in the formation of the Western Cape-based Islamic Unity Convention (IUC), which was formed in 1994 to serve as an umbrella organization for more than 250 Muslim groups. The objective of the IUC is to promote Islamic unity in South Africa, as a precursor for an Iranian-style Islamic revolution in the country.
- Positioned itself as the driving force behind the militant components in PAGAD; the G-Force.
- Assumed control over the IUC's Radio 786. This medium proved to be useful in mobilizing individuals within the Muslim community (Botha, 2001).

4.4.1.4. PAGAD's modus operandi

Throughout its existence, PAGAD has adopted a militant approach to achieve its objectives. This is evident from the organisation's paramilitary style attacks on the homes of suspected drug dealers — primarily by PAGAD G-force members, and mass marches by PAGAD supporters. The marches were intended to serve as a popular show of force, and to present suspected drug dealers with threatening ultimatums to cease their 'nefarious' activities (Desai, 2004).

PAGAD employed a dual strategy. On the one hand, PAGAD engaged in a number of 'overt' and largely legal activities. At the same time, some members of the organisation engaged in 'covert' activities that were violent and illegal. Such a dual strategy allowed PAGAD's overt leadership to publicly, dissociate itself from the illegal activities of its 'covert' members. A danger inherent to this strategy was that the 'covert wing' of the

organisation could attempt to operate independently and beyond the control of the organisation's formal and 'overt' leadership. That is, individuals in the organisation's 'covert wing' could lose sight of the aims and objectives of the larger movement and develop their own agenda for action (Botha, 2005).

PAGAD proved to be a formidable challenge for the South African government. Whilst initially advocating a campaign against gangsterism and drugs, the group subtly evolved to propagate its ideologies and disregard for certain structures and systems of the South African government. This together with their association with international terrorist organisations such as Qibla established PAGAD's existence as a terrorist organisation within the country.

4.4.2. The Boeremag

In 2002, the Republic found itself again facing the threat of domestic terrorism; only this time, the threat stemmed from the extreme right wing known as the 'Boeremag'. The Boeremag (Afrikaans for Boer Force) is allegedly a South African right-wing activism group with white separatist aims and is accused of planning to overthrow the ruling African National Congress government, reminiscent of the era when Boers administered independent republics during the 19th century following the Great Trek (<http://boervolk.com/forums/showthread.php?t=316>).

The objective of the Boeremag was to implement what they called the 'Contingency Plan', which refers to five phases culminating in the Boer forces taking over the country by force and establishing a Boer Republic.

- Phase 1 - Organisational phase: During this phase the military wing of a new Boer government is established. Information is gathered on; *inter alia*, military installations, the South African Broadcasting Corporation (SABC), the cabinet and parliament with a view of taking over or destroying these institutions and other logistical and strategic key points. Boer personnel are identified to protect the country's towns and cities, and other important key points, which should not be destroyed. During this phase, the Boers of the Western and Eastern Cape, and KwaZulu-Natal are informed where they should report for duty.
- Phase 2 - Creating chaos to achieve freedom of movement: This phase is activated by black attacks on the white community, or a Boer attack on the country's infrastructure to create widespread chaos (a Boer attack should appear to be the work of Jews or Muslims). The resulting chaos will allow the Boer forces to move freely and mobilise support without much government resistance.
- Phase 3 - Coup d'état: During this phase the military wing of the Boer government comes into operation, and some 4,000 men are mobilised countrywide. The Odal rune—the battle insignia of the Boer forces—is displayed openly. This phase includes: interrupting the electricity supply to the greater Johannesburg area and Bloemfontein for ten days; the elimination of Boer traitors; the takeover of Radio Pretoria, Radio Oranje and Radio Jakaranda; the takeover or destruction of SANDF and SAPS aircrafts; the looting of military and police

ammunition stores; the takeover of all SANDF bases containing military vehicles; the takeover of the National Intelligence Agency's headquarters and fuel depots; the freeing of incarcerated right wingers and convicted apartheid-era police operatives and the safeguarding of the railway line between Prieska and Lüderitz.

- Phase 4 - Occupation of secondary targets and expulsion of blacks: During this phase the Boer forces take over secondary targets throughout the country, such as harbours and commercial airports, all other radio stations, telephone exchanges, water reservoirs, hospitals, engineering works, abattoirs and large shopping centres and food depots. Blacks and Indians will be instructed to leave the country or settle in KwaZulu-Natal. To entice blacks and Indians to do so, food will be made available along roads leading out of the country and to KwaZulu-Natal. At the same time, black and Indian residential areas outside of KwaZulu-Natal will be bombarded to drive their inhabitants out of South Africa.
- Phase 5 - Implement a new government: This last phase comes into operation once most black people have been expelled from the country outside of KwaZulu-Natal and the security situation has been stabilised. The military wing of the new government, in co-operation with the Boer president would appoint the political arm of the new government which starts governing the newly established Boer Republic (Schonteich and Boshoff, 2003)

The purpose of the Boeremag as an organization was to, among other things:

- Organize the community according to the contingency plan;
- Recruit, train and employ receptive Boers in military structures and commandos;
- Infiltrate military and police structures to obtain weapons, ammunition and communication equipment;
- Attack selected targets according to the contingency plan; and
- Employ strict security measures to prevent infiltration of the Boeremag by state security and intelligence agencies (Schonteich and Boshoff, 2003)

4.4.2.1. Structure of the Boeremag

Unlike the typical right wing saboteur of the early 1990s, the alleged Boeremag members were not predominantly farmers, blue-collar mineworkers or socially marginal individuals. Many of them were middle class family men, and some held senior positions in the South African National Defence Force. From the information contained in the confiscated documents, it is likely that the Boeremag adopted an organisational structure used by successful guerrilla or terrorist organisations throughout the world to minimise their risk of being infiltrated by state intelligence agents. It was therefore possible that the Boeremag was organised into small cells consisting of three or four people, co-ordinated into commandos and sectors (refer to Annexure 6 on structure of Boeremag) (Schonteich and Boshoff, 2003).

4.4.2.2. Profile of Boeremag Terrorist Activities

A few isolated but violent incidences after the advent of democracy in 1994, revealed the possible existence of extreme right wing activists in the country:

- In early 1997, a dozen right-wingers attempted to steal weapons and military equipment from the Pomfret military base in the Northern Cape Province;
- In May 1998, a group of men broke into the Tempe army base in Bloemfontein and stole over 100 weapons including machine guns, rocket propellers, grenades, mortars and night vision equipment;
- In March 2002, members of the Boeremag were arrested for allegedly trying to blow up the Vaal dam;
- In late 2002, the National Intelligence Agency (NIA) revealed that a group calling itself the Boere Vryheids Aksie planned to bomb SA's Parliament as well as poison water reserves in Soweto, Atteridgeville, Soshanguve, and Laudium;
- On 30 October 2002, eight bomb blasts were set off in Soweto. Seven of the blasts destroyed commuter railway lines inconveniencing 200 000 commuters and the eighth blast occurred at a mosque forcing parts of the building to collapse (Schonteich and Boshoff, 2003).

Nonetheless, during the latter part of 2002, almost two dozen alleged Boeremag members were arrested and charged with terrorism-related offences, sabotage and high treason. Commissioner Jackie Selebi revealed that there were 100 key Boeremag members in the country, many of whom had access to defence weapons. During 2002, nearly 23 Boeremag members were detained for trial and as at September 2007, the defence has not yet begun. It should be borne in mind that the threat of the extreme right wing has not vanished and could re-emerge.

4.5. Operational Responses by the State to Domestic Terrorism since 1996

The state's response to the right wing threat of the Boeremag differed from the way it dealt with PAGAD (People Against Gangsterism and Drugs). The operations against PAGAD were co-ordinated within the National Operational Co-ordinating Committee (NOCOC), involving the SAPS, SANDF, NIA and local security agencies. The aim of the operations against PAGAD was to stabilise the urban terror situation in the Western Cape and arrest the perpetrators. Five distinct operations were launched by the security forces in response to the threats emanating from PAGAD: Operations Recoil, Saladin, Good Hope, Crackdown and Lancer.

The operations against the Boeremag, on the other hand, were codenamed 'Operation Zealot' and 'Operation Hopper'. Given the sensitive nature of the right wing threat, and the danger of isolated security force collusion with the white right, the operational aspects of Operation Zealot and Hopper were co-ordinated and executed exclusively by SAPS at national level. Co-ordination on the strategic level took place between the SAPS, Defence Intelligence and the NIA, within the ambit of the National Intelligence Co-ordinating Committee (NICOC).

4.5.1. Operation Recoil

Operation Recoil was initiated in October 1997, to counter growing levels of insecurity and inter-gang warfare in the greater Cape Town area. PAGAD attacks for the period January to August 1997 accounted for 111 incidents, whereas gang-to-gang violence accounted for 75. The operational concept that was decided upon during the joint National Operating Coordinating Committee and Provincial Operating Coordinating Committee (NOCOC/POCOC) Western Cape planning meeting included the following: an intelligence-driven factor; a high-density crime prevention factor; investigating task groups, and co-ordination and visible force levels. The co-ordination of Operation Recoil was handled in the following way:

- Co-ordination of the operation was conducted through the NOCOC and POCOC structures;
- Intelligence co-ordination was implemented by a Provincial Intelligence Co-ordinating Committee (PICOC) to co-ordinate with the POCOC structure; and
- Members from NOCOC visited the POCOC for joint planning and evaluation sessions on a regular basis (Boshoff, Botha and Schonteich, 2001).

The visible force levels required by Operation Recoil led to an integrated operational capacity that was expanded to include more than 1,000 members of the SANDF and SAPS. The concept of Operation Recoil was established on the principle of flooding flashpoint areas with high-density security force deployment by way of mobile visible patrols as well as cordon and search operations, in order to flush out criminals at such flashpoint areas.

This strategy also improved the SAPS' ability to synchronise and focus high-density deployment in flashpoint areas, as determined by weekly crime pattern analyses submitted by crime information managers at SAPS station and area levels, as well as strategic crime tendency analyses conducted by the intelligence co-ordinate structures. From October 1997 to January 1998, the visible high-density contingent of Operation Recoil resulted in 7,437 arrests, inclusive of certain serious crime categories (Boshoff, Botha and Schonteich, 2001).

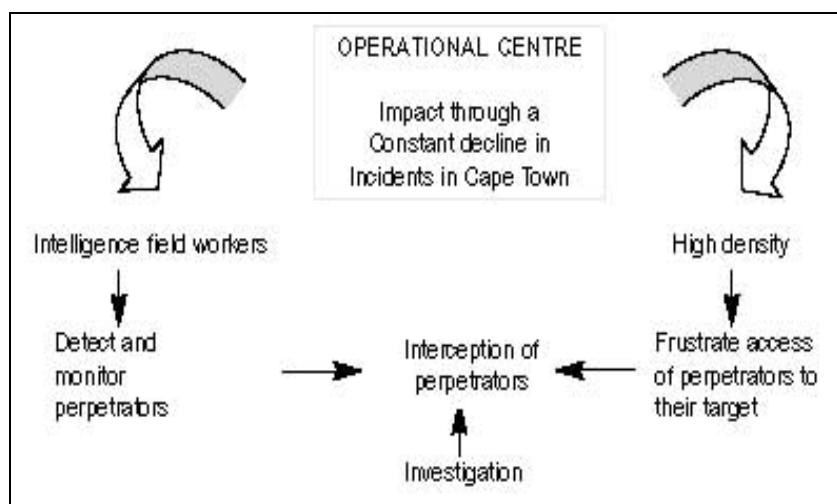
4.5.2. Operation Saladin

By early January 1998, it seemed that the specific focus of PAGAD had changed and that pipe bomb attacks and drive-by shootings aimed at the police, drug dealers and Muslim businesspersons were on the increase. The response of the state necessitated a more intelligence-driven operation. Operation Saladin, which was formed within Operation Recoil, was established and was aimed at detecting and monitoring the perpetrators of acts of urban terrorism in both gangs and PAGAD (Boshoff, Botha and Schonteich, 2001).

Operation Saladin was triggered on 12 January 1998, to ensure a decrease in incidents of urban terrorism in the Western Cape. The operation involved both operational and intelligence members from the SAPS, SANDF and NIA (National Intelligence Agency).

Operation Saladin consisted of a detection and monitoring element made up mainly of SAPS intelligence field workers and SANDF observation teams. The aim was to monitor suspects and communicate possible attacks to the Joint Operational Centre (JOC) in Cape Town, which would react by deploying forces in the area concerned. A quick reaction force also intercepted suspected potential perpetrators prior or post interaction with the target. A further element of the operation entailed the deployment of high-density forces of Operational Recoil in the proximity of the intended target, to act as an additional deterrent to would-be perpetrators (Boshoff, Botha and Schonsteich, 2001).

Figure 4.1: Operational Concept - Operation Saladin



Source: Boshoff, Botha and Schonsteich, 2001

The objectives of Operation Saladin were:

- To detect and monitor perpetrators of acts of urban terrorism in both gangs and PAGAD;
- To provide early warning, on-the-spot operational intelligence, visible policing, and to assist with POCOC operations;
- To frustrate the access of perpetrators of urban terrorism to their intended targets; and
- To ensure the effective interception of perpetrators of acts of terrorism both before and after attacks.

The success of Operation Saladin was that while it acted as a deterrent to prevent acts of urban terrorism and gang-related violence, it also led to the arrest of people involved in acts of terrorism. However, during December 1998 and January 1999, the nature of the threat of urban terrorism changed in emphasis and target. The shift in emphasis by perpetrators of urban terrorism resulted in the targeting of both the security forces and the public. The rapid response by the security forces to this new threat resulted in a modification of the operational concept, and was achieved by combining operations

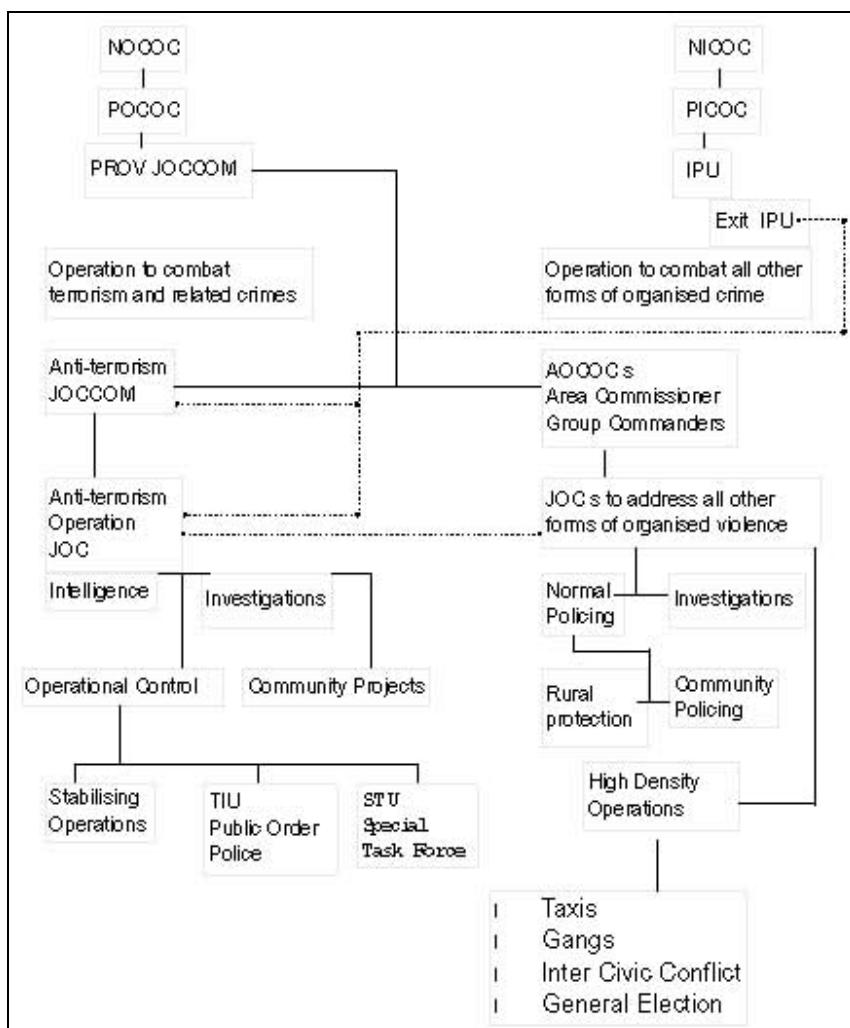
Recoil and Saladin into one operation: Operation Good Hope (Boshoff, Botha and Schonreich, 2001).

4.5.3. Operation Good Hope

The attacks during December 1998 and January 1999 aimed at the SAPS and at civilians in the Western Cape resulted in a change of strategy to counter urban terrorism. Operation Good Hope was initiated in January 1999. Operation Good Hope required an immediate increase in security force levels that were extended to include more than 1,200 members, inclusive of SAPS/SANDF members, but excluding the local station police in Cape Town (Boshoff, Botha and Schonreich, 2001).

The new operational concept was planned to be intelligence-driven in specifically focused areas; investigative; protective of specific targets; in liaison with communities, and co-ordinated by NOCOC/POCOC in Western Cape.

Figure 4.2: Operational Concept - Operation Good Hope



Source: Boshoff, Botha and Schonreich, 2001

The intelligence-driven aspect of the operation focused on both tactical intelligence gathering, and dedicated court-directed intelligence gathering. The operation was executed by focusing on establishing operations regarding urban terrorism such as tactical intervention, crowd management and high-risk operations (Boshoff, Botha and Schonteich, 2001).

This strategy resulted in a major decline in acts of urban terrorism in the Western Cape and the arrest of individuals involved in such acts.

Table 4.1: Success achieved by Operation Good Hope

| Item | Number |
|-----------------------------|--------|
| Arrests for various crimes* | 4,014 |
| Firearms recovered | 489 |
| Vehicles recovered | 327 |
| Ammunition recovered | 5,803 |
| Total | |

(Source: Boshoff, Botha and Schonteich, 2001)

There was a remarkable decline in acts of urban terrorism, as well as gang-related incidents when comparing incidents in 1998, 1999, with that of 2000. It is thus clear that the state's response to curb urban terrorism was successful (Boshoff, Botha and Schonteich, 2001).

The biggest problem experienced during the start of Operation Good Hope was the co-ordination of tactical intelligence between the role players, as well as those of the investigation units. Although the strategic concept behind the operation depended on intelligence-driven operations, the initial drive for Operation Good Hope was based on intelligence generated by operational personnel. As the operation proceeded, the intelligence flow also improved, resulting in positive arrests in connection with urban terrorism and gang-related crime (Boshoff, Botha and Schonteich, 2001).

4.5.4. Operation Crackdown

In his speech at the opening of parliament in early 1999, President Thabo Mbeki stated that 'multi-disciplinary' interventions would be introduced in areas of high crime concentrations, including all crimes of violence. POCOC's response was the execution of integrated high-density, intelligence-driven operations in the identified crime-combating zones, from April 2000 to April 2001, in an operation known as Operation Crackdown.

The concept comprised two main strategies. These were the serious and violent crime stabilisation or geographical approach, and the organised-crime strategy, both of which were supported by multi-disciplinary interventions. Multi-disciplinary interventions

included an approach, which ensured socio-economic development and social crime prevention efforts (Boshoff, Botha and Schonteich, 2001).

The Crime Combating zones consisted of Task Groups with the following elements:

- Stability component (public order police, crime prevention, air wing, special task force);
- Intelligence component (crime intelligence with the support of other intelligence agencies);
- Investigation component (detective services in co-operation with other agencies such as the Scorpions);
- Crime prevention component;
- Communication component (SAPS Communication Services in co-operation with other role players); and
- Legal component (SAPS legal officers).

The entire operation was co-ordinated by the NOCOC. During the first three months of Operation Crackdown noticeable successes were achieved in the Western Cape (Table 4.2) (Boshoff, Botha and Schonteich, 2001).

Table 4.2: Successes of Operation Crackdown in the Western Cape

| Item | number |
|--------------------------------|--------|
| Vehicles recovered | 621 |
| Revolvers recovered | 365 |
| AK-47 assault rifles recovered | 2 |
| R1/R4/R5s recovered | 3 |
| Shotguns recovered | 11 |
| Ammunition recovered | 2,928 |
| Total | |

(Source: Boshoff, Botha and Schonteich, 2001)

The recovery of stolen motor vehicles including arms and ammunition was indicative of the police reducing the resources which PAGAD relied upon for their illegal activities.

4.5.5. Operation Lancer

On 15 September 2001, after the 11 September 2001 terrorist attacks in the United States, Operation Lancer was operationalised in the Western Cape as a precaution to any potential terrorist's attacks on United States interest in South Africa. The operation was expanded to cover the whole of South Africa. The operational concept was based on:

- Intelligence gathering aimed at successfully prosecution in court;
- Investigation;
- Prevention of attack to terrorist Targets; and

- Common sense strategy to prevent urban terrorism.

Through these concepts, Operation Lancer managed to reduce PAGAD related incidents to only nine during 2001.

4.5.6. Operation Zealot and Hopper

On an operational level, a team of investigators were assembled from specialist police units, including bomb disposal experts, crime intelligence, serious and violent crime detectives, and forensic units. The SAPS' operational co-ordination on Operation Zealot and Hopper occurred through the following institutional components:

- Crime intelligence: This is the police's Crimes against the State (CATS) Unit, which is responsible for intelligence gathering and investigation of crimes against the state, including illegal right wing activities. To deal with the Boeremag threat the police's CATS component was strengthened by police officers from provinces where right wing activity was suspected.
- Serious and violent crimes: This is a component of the police's detective services, and includes the CATS Unit. The police's serious and violent crimes component is responsible for investigating serious crimes involving violence, including acts of terrorism committed by the Boeremag.
- Operational response services: The Intervention Units of the Public Order Police protect police investigators during arrests, engage in search operations and protect crime scenes. Operational response services include the Special Task Force, which provides armed backup to the regular police in high-risk operations (Boshoff, Botha and Schonreich, 2001).

The above-mentioned specialised police unit proved imperative in negating the threat posed by the Boeremag. Critical within these elements was the elements of crime intelligence and their collaboration and coordination with the latter two specialised units.

4.6. The South African Counter Terrorism Strategy

The South African counter terrorism strategy became prevalent upon reacting to imminent threats of terrorism. The most popular and crucial counter terrorism response was required against the threats posed by PAGAD and Boeremag. Both these terrorist entities had the capability of destabilising the state of order in South Africa. The response by the South Africa Government was the integrated approach by key departments such SAPS, SANDF, and the intelligence community. Strategies were then bolstered to respond to elements of terror. This section provides an overview of the response of these agencies and the supplementation of other factors that aid in the contribution of countering terrorism such as legislation.

4.6.1. Enabling legislation

Taking into consideration the afore-mentioned domestic acts of terrorism and the rise of international terrorism as witnessed by the attacks of 9/11, South Africa in 2002 began considering the introduction of additional legislation to counter terrorism. However, the tabling of the Anti-Terrorism Bill in 2002 was met with much public anger and discontentment from civil society at large. The resistance stemmed primarily from the fact that draconian powers would be given to South African law enforcement agencies to investigate and deal with acts of terror (Buccas and Nadvi, 2005).

These powers would invoke reminiscence of a history of an era of apartheid policing which the country has struggled against for liberation. The Bill and the Act, which was adopted in 2004, will be reflected upon; however, any Bill or Act against terrorism will be expected to be met with scepticism in a country, which once depended on terrorism as a tool for its emancipation.

4.6.1.1 The Anti-Terrorism Bill

The Anti-Terrorism Bill (B12 of 2003) was destined for a contentious reception in the South African community. Firstly, the concept of ‘terrorism’ encapsulated in the Bill was vague and further heightened fears that the Anti-Terrorism Bill would impact seriously on civil liberties. For South African legislators, the Bill had to be seen in light of the following sections enshrined in the Constitution Act 108 of 1996:

Those sections that were considered to support the Bill

Section 12(1) Everyone has the right to freedom and security of the person, which includes the right – ...

(c) to be free from all forms of violence from either public or private sources

Section 198 (a) National Security must reflect the resolve of Africans, as individuals and as a Nation...to be free from fear

Those sections seen to oppose the Bill

Section 14: Everyone has the right to privacy, which includes the right not to have

- (a) their person or home searched;*
- (b) their property searched*
- (c) their possessions seized; or*
- (d) the privacy of their communications infringed*

Section 16 (1) and (2): Everyone has the right to freedom of expression

Section 17: Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.

Section 18: Everyone has the right to freedom of association.

In light of these rights, academics and civil society organisations alike, argued that the South African current statute books contained numerous laws that could be used to combat terrorism and related criminal activities.

The State had at its dispense laws that protected the country's internal security (much of it remnants of legislation enacted before 1994); permitted the state to restrict gatherings and demonstrations; enhanced the state's power to collect information on suspected terrorist organisations; and targeted terrorism's foot soldiers and sources of money, criminal gangs and organised criminal groups respectively (Refer to Annexure 7 on additional legislation enacted to counter terrorism). Pertinent laws included the 1962 General Law Amendment Act, which criminalised sabotage to include tampering with any property and the Terrorist Act of 1967, which rendered participation in terrorist activities as a crime, and allowed detention of suspected criminals without a time limit (Kritzman, 2002). Nevertheless, like illustrated in Chapter 3, varying pieces of legislation on countering terrorism is not as effective as a comprehensive legislation on countering terrorism.

In 1996, the new South African legislature passed the Safety Matters Rationalization Act that repealed a number of the more problematic security statutes. A new policy was devised shortly thereafter that promoted a strategy to uphold the rule of law, which does not resort to any form of general and indiscriminate repression; defends and upholds the freedom and security for all; and acknowledges and respects the country's obligations to the international community. In 1998, the South African law Commission began reviewing South African security legislation. In 1999, the South African Police Service drafted an Anti-Terrorism Bill that was then submitted to the Law Commission for review, which then emerged as the final draft of an Anti-Terrorism Bill in 2000. It implemented into law the idea of 'terrorist acts' and 'terrorist organizations'. It then implemented powers to stop and search vehicles and person, detention for the purpose of interrogation of individuals suspected of withholding information (Vadi, 2007).

The South African Human Rights Commission came out against the bill arguing that the definition of terrorism was 'too wide' and could be used against road blockades and trade union activities. The Human Rights Commission also argued that the law involved excessive powers and could infringe on civil liberties. One of the most controversial powers in the Anti-Terrorism Bill 2000 was the detention clause, which allowed for detention without trial for up to 14 days. According to the Minister of Safety and Security, one of the larger problems with the state of South African law was the failure to acknowledge terrorism as a crime (Human Rights Watch, 2003).

While the world unites to condemn those dastardly acts in the United States, we have to skirt around the issue. We go around making promises to cooperate with everyone but as our law stands, we cannot deal with terrorism. We are the only country that refuses to look terrorism in the face as a unique crime (Munusamy, 2001).'

In early 2001, the then Minister of Safety and Security, the late Steve Tshwete, and the then Minister of Justice and Constitutional Development, Penuell Maduna, argued that new anti-terrorism legislation was necessary to prevent South Africa becoming a ‘safe haven’ for international terrorists.

Despite the views of then Minister of Justice and Constitutional Development Maduna, between 2003 and 2004 a number of organizations and experts came forward with their concerns regarding the proposed Anti-Terrorism Bill. In June 2003, Business Day reported that veteran human rights lawyer George Bizos declared the bill vague and unconstitutional (Kritzman, 2002). The Legal Resources Centre, on then other hand, questioned the procedures behind declaring an organization ‘a terrorist organization’. According to the bill, an organisation can be proscribed by the Minister, but organisations may then question that decision. The Centre argued that *[t]his effectively shifts the onus of the potentially proscribed organization and calls upon it to defend itself after it has effectively already been found guilty.* According to the Mail and Guardian, the LRC argued: ‘Vagueness and ambiguity in legislation is an invitation for abuse’ (www.privacyinternational.org/article.shtml).

At this same time, the Congress of South African Trade Unions (COSATU) submitted its own comments on the draft bill:

If enacted in its current form the Bill is likely to make serious inroads into Constitutional rights and freedoms. The broad definition of what constitutes a ‘terrorist act’ poses a serious threat to our hard won democracy, allowing for legitimate mass action by workers or other social movements at some time in the future to be demonised and categorised as ‘terrorist’. For example the bill defines any activity that might result in the ‘disruption of essential public services’ as a ‘terrorist’ act. For unions in the public sector, this is a worryingly vague clause. Would the threatened wildcat strike in Johannesburg’s emergency services be classed as ‘terrorism’?

COSATU called for a parliamentary review and a review conducted by the South African Human Rights Commission. COSATU also picked up on the question raised earlier about the clause that allowed detention without trial, ‘through the back door’. In the original bill there were provisions for detention without trial but that was removed by the Law Commission. And according to Business Day,

Justice Minister Penuell Maduna is on record as saying that SA’s history of detention without trial meant the new democratic order would never countenance provisions allowing its practice (Kritzman, 2002).

But then during the hearings regarding the bill, the chairman of the Parliament’s justice committee told the committee that there was a little clause allowing detention without trial. A professor of international law at the University of SA concurred.

Special bail procedures apply that in effect bring back detention without trial through the back door, which is another instance of particularly

devious legislative drafting, especially because a lot of media hype was created about the alleged dropping of detention without trial in the new bill (www.privacyinternational.org/article.shtml).

In this situation, the accused are required to provide exceptional circumstances for his or her release on bail. ‘The onus rests on the accused to prove a position rather than on the state to prove bail should be denied.’ The Freedom of Expression Institute echoed these concerns, claiming that this was again modeled from the Canadian statute, without regard to the fact that this power was also modeled on Section 205 of the Criminal Procedure Act, which was used repeatedly against journalists in the past. At the end of February 2004, the bill was temporarily set aside after strike threats from COSATU. The Bill was later reintroduced in the latter part of 2004 with amendments and incorporation of the above-mentioned concerns and passed in November 2004 by Parliament (Kritzman, 2002).

4.6.1.2. Protection of Constitutional Democracy against Terrorism and Related Activities Act

On 20 May 2005, President Mbeki by proclamation implemented the Protection of Constitutional Democracy against Terrorism and Related Activities Act, 2004 (Act No. 33 of 2004) (See Annexure 8).

The Act makes the Republic of South Africa fully compliant with UN Counter Terrorism Conventions and Protocols, as well as the AU Convention on the Prevention and Combating of Terrorism (Thomashausen, 2007:22). It creates a general offence of terrorism, and offences relating to terrorist activities, such as recruitment, assistance to commit terrorist activities, and the facilitation of terrorist activities. Furthermore, it provides for the specific offences required by the relevant international instruments to be enacted by States, such as terrorist bombings, financing of terrorism, hijacking of aeroplanes, fixed platforms, and ships, hostage-taking and offences related to protected persons including diplomatic personnel. The Act therefore equips the law enforcement agencies in the Republic to effectively deal with both international and domestic terrorist activities (Simelane, 2007)

Incorporated within the Act further are provisions for investigative powers, similar to those in respect of organized crime, powers of cordoning off, search and seizure, and the surrendering of suspects in respect to other States with jurisdiction in cases where a person is not prosecuted within the Republic. It removes the political exception in respect of terrorist offences, in relation to extradition. The Act criminalises hoaxes, such as the anthrax hoaxes, which were prevalent the world over, including South Africa, after the 11 September 2001 attacks on the United States of America. Any threat, attempt, conspiracy and inducing another person to commit an offence, is deemed an offence in terms of the Act. The Act provides the necessary framework and authority to combat terrorism effectively (<http://www.saps.gov.za/docspubls/publications/journal/aug05/terroristattacks.htm>).

4.6.2. Curbing Money Laundering

On 28 September, the UN Security Council passed Resolution 1373, requiring member states to trace, freeze and confiscate funds destined to support terrorism. The resolution echoed the International Convention for the Financing of Terrorism (1999), and established a committee to oversee implementation. Member states are obligated to report steps taken to ensure compliance with Resolution 1373. Money laundering, customs abuse and trafficking in arms and narcotics are prevalent problems throughout the Southern African region, all of which present terrorist groups with potential means of raising funds. South African crime analyst Charles Goredema affirms that southern Africa ‘is equally attractive to legitimate entrepreneurs and terrorist groups and money launderers. The contemporary reality is that the region is characterized by little policing, inadequate legislation and understaffed and under-resourced law-enforcement agencies.’ (Shillinger, 2006a)

The trend to adopt a tough approach against money laundering appears to be internationally well established. In 1999, the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) was founded as one of the African initiatives to effectively deal with curbing money laundering and comprised of countries such as Botswana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, the Seychelles, South Africa, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe. The ultimate objective of measures against money laundering is to curb the concealment of the fruits/proceeds of illegitimate activity. At the same time, it is hoped that the instruments by which such activity is carried out will also be identified, traced and confiscated. As economies grow and commercial networks proliferate, the scope for their abuse by criminals expands. In the long term, the goals are to prevent the abuse of ‘corporate vehicles’ such as trust funds, foundations or professional partnerships to deal in or convert proceeds of crime. Invariably, this calls for informed regulation of corporate financial entities. International treaty obligations may impose an additional duty to co-operate with foreign entities in combating money laundering (Goredema, 2002).

In terms of International Treaties, Palermo requires states to facilitate international co-operation and the exchange of information among the administrative, regulatory and law enforcement authorities dedicated to combating money laundering. The Palermo Convention requires each state to establish:

A comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering
(www.unodc.org/palermo/)

The regulatory entity mentioned in the Palermo Convention must emphasise requirements for customer identification, record keeping and the reporting of suspicious transactions including licensing and operating rules. Government’s reactive entity must maintain structures for the investigation and punishment of proscribed activities. Furthermore, it entails the provision of adequate human, financial and technical resources to ensure effective administrative and investigative functions (Goredema, 2002).

An integral part of the fight against money laundering is to have access to financial information in order to assist in investigations. The primary goal of financial investigations is to identify, trace and document the movement of funds; to identify and locate assets that are subject to law enforcement measures; and to support the prosecution of criminal activity. Financial intelligence units (FIUs) have an increasingly important role to play in the international effort to detect and combat money laundering. They are defined as agencies that receive reports of suspicious transactions from financial institutions and other persons and entities, analyse them, and disseminate the resulting intelligence to local law enforcement agencies and foreign FIUs to combat money laundering (Gwintsa, 2005). In recent years, the functions of FIUs have been broadened to cover the combating of terrorist financing. Their coverage has also widened from covering financial institutions to encompassing other non-financial entities. These additional responsibilities have resulted in FIUs facing new challenges in information analysis and institutional capacity (Gwintsa, 2005).

In 2003, the Financial Action Task Force on money laundering (FATF), which is a leading inter-governmental body in the development and promotion of policies to combat money laundering and terrorist financing, revised its Forty Recommendations on Anti-Money Laundering. The FATF adopted the revised Eight Special Recommendations on combating money laundering and the financing of terrorism. The FATF recommends that legal and practical limitations should not be avoided giving feedback to reporting institutions. Agencies that receive suspicious transaction reports are urged to devise appropriate feedback procedures, consider limitations but also facilitate feedback (Gwintsa, 2005).

In terms of money laundering, the above is indicative of the global and state commitment to curbing illicit transfer of money to facilitate terrorist activities.

4.7. South Africa's counter terrorism operational approach

The strategy currently used in South Africa's counter terrorism approach has been operationalised in an anti-terrorism operational concept based on co-ordination and co-operation between the following entities: intelligence, operations, investigations, protection and communication. This is done within the disciplines of SAPS, SANDF, NIA and the SASS, as well as any other government department that needs to be involved. The intelligence community is responsible for gathering tactical and co-ordinated, court-directed intelligence. Operations based on intelligence are executed to stabilise a focus area, conduct tactical intervention regarding urban terrorism and crowd management, and effectively control high-risk operations. Investigations are conducted with the specific intention of ensuring successful prosecutions (Boschoff, Botha and Schonteich, 2001).

The only problem with this approach is that there is no co-ordination mechanism for the integration of efforts with respect to counter terrorism in the various disciplines of SAPS, NIA, SASS, NICOC, and Defence Intelligence (DI). It is almost reminiscent of the US case in which each works independent of each other and feeds into the saying: 'at times the right hand does not know what the left hand is doing' This approach allows for loopholes and duplication of work in most instances.

4.8. Measuring the effectiveness of South Africa's Counter Terrorism Approach

South Africa's approach to urban terrorism as documented by both the PAGAD and Boeremag cases has been valuable. The level of cooperation and interaction between the intelligence agencies and SAPS proved to be corner stones in South Africa's fight against domestic terrorism. These responses were however, merely reactionary rather than proactive. Post-the PAGAD and Boeremag threats, South Africa does not have in place a structured counter terrorism strategy and approach.

Yet, as illustrated throughout this chapter, international terrorism is filtering into the country. South Africa's response as illustrated by the cases of Rashid Khalid and Saud Memon illustrate that South Africa has not quite ascertained its response and such actions by the international community is perceived as the inability of the country to determine its stance and denotes ambivalence on its approach to international terrorism.

Despite such ambivalence, South Africa does have the necessary capacity and with the enactment of POCDATARA, the essential legislative framework to counter terrorist threats. All that remains is to pattern a common strategy and approach to counter terrorism.

4.9. Summary

On the question of enabling legislation, numerous pieces of legislation designed to combat terrorism, uphold internal security, and strengthen the hands of the security forces against terror groups, are on the South African statute books. The enactment in 2005 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004, further strengthens the legislative mechanisms to counter terrorism in South Africa. However, while these laws are in existence, they might not be fully utilized by the security forces because of an uncoordinated counter terrorism approach. In this regard, this study argues that there is a need for a common mechanism to integrate, facilitate and coordinate counter terrorism efforts at the national level. This study goes further and argues that SAPS is the best discipline to house a centralized counter terrorism approach. This argument is because it possesses elements of intelligence, has arresting powers within the country as well as being endowed by the Constitution with the responsibility in terms of Section 205 (3) '*...to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law*'.

With the impending global threat of terrorism, SAPS will need to re-evaluate its current approach to policing terrorism. In this regard, the next chapter will consider various policing mechanisms to counter terrorism and determine an effective mechanism that may be applicable to the South African context.

CHAPTER 5

POLICING MECHANISMS TO COUNTER TERRORISM: ARTICULATING A SOUTH AFRICAN POLICING MECHANISM TO COUNTER TERRORISM

5.1 Introduction

The main burden of containing and defeating terrorism in liberal States is carried by the police. Fighting terrorism is similar to combating serious violent crimes - Wilkinson, 2006:68

... to fully realize the potential of local police in counter terrorism, we first need a philosophical shift, as occurred in criminal policing during the 1990s. Instead of merely reacting to individual 'incidents,' police must proactively solve problems - William J. Bratton, Chief of Police, Los Angeles Police Department (Quoted in Bratton and Kelling, 2006)

Policing has always been responsive to social and attitudinal shifts in society. Beginning with the shift from traditional policing mechanisms as conceptualised by Sir Robert Peel in 1822 to modern policing, systems of policing have changed in fundamental ways within a relatively short period. Most recently, scholars, practitioners, and elected officials have noted trends towards new paradigm shifts in policing. In response to the terror attacks of September 11, 2001 countries such as the US, UK, Canada and Australia have called upon their contingents of local police to take a more active stance in counter terrorism initiatives. Furthermore, the countries have moved away from community policing towards what is emerging as intelligence-led mechanism of policing, a system that emphasizes intelligence gathering, covert investigations, and information sharing.

With these new shifts in policing paradigms noted as a response to emerging terrorist threats, it is imperative that South Africa contextualise its mechanisms of policing within emerging dynamics and evaluate the relevance of its current approach to policing. Should South Africa maintain and enhance its mechanism of community policing or should the country follow international trends or alternatively, can a purely South African approach be borne from emerging trends that best proactively reacts to South Africa's growing security needs. As such, this chapter provides an overview and evaluates international policing mechanisms as well as analyzes South Africa's current mechanisms of policing. The objective is to outline key concepts that will aid in determining whether South Africa requires a paradigm shift in policing or whether current approaches are sufficient.

Arguments towards constructing a policing mechanism to counter terrorism in South Africa made within this Chapter is supplemented with viewpoints from South African academics across an array of disciplines spanning international relations, political science; counter terrorism, criminal justice and policing. Such individuals have liberally provided their perceptions on terrorism and policing mechanisms to counter terrorism in South Africa. Their insights have been constructive in reinforcing and moulding perceptions on the threat of terrorism as perceived to the South African context; as well as appropriate

measures that may be applied to the domestic scene to counter terrorism. Varying from critical to supportive, the interviews conducted have been able to emphasize a ‘plethora of home grown ideologies to give impetus to South Africa’s approach to counter terrorism’.

Information Box 5.1: Historical Overview of Policing

3000 BC – 400 AD: Many villages or communities had a rudimentary form of law enforcement which was delegated from the authority of elders. In this type of policing, the kin/family of the offender assumed the responsibility for justice. In Mesopotamia, ‘civilised cities’ utilised the captured slaves as guards. Their visible presence may be regarded as the first method crime prevention. Around 27 BC, the Emperor of Rome, Gaius Octavius created the royal guard. Their duties included day/night patrols to ensure security of the Empire. They were also empowered to arrest certain lawbreakers.

400 AD – 1600 AD: The middle ages had no specific system for law enforcement but citizens volunteered to patrol streets and guard cities (the equivalent structure to modern day neighbourhood watches). The objective of these volunteer missions was to be vigilant and prevent crime in all manifestations. From the period 1066-1300, Shire-Reeves, in England, were considered the representatives of royalty and had judicial powers to hear cases and also correctional powers. Later on, constables were also delegated with the task of enforcing justice in the realm.

1600 AD – 1800 AD: The first detectives came into existence in 1750 in England and the Bobbies, first professional police force, came into existence in 1829.

1800 AD to 1900 AD: The US established federal police agencies. These included the postal inspectors, internal revenue services, border patrol and the secret service. The secret service later evolved into the FBI. The model for federal investigators was based upon Alan Pinkerton’s private security agency.

1900 AD to present: In 1936 a unified police was established by Adolf Hitler. This placed policing in the hands of the military and is synonymous to totalitarian dictatorships. The 1970s policing found itself directed towards community relations. The current era has seen policing become more community orientated ‘community policing’. This form of policing goes beyond public community relations. Police and citizens work together to deter crime. A network of community services and information is established. Community policing focuses on moral decay of society and tries to enhance the social cohesion. The 1980s saw the emergence of problem orientated policing whereby a policing problem was identified and selective solutions were created to eliminate the problems. Policing in democracies distanced itself from political influences in policing processes.

Sources: *A brief guide to the history of policing* (<http://faculty.ncwc.edu/toconnor/205/205lect04.htm>), Bayley (1999), Reynolds (1926), Tonry and Morris (1992), *History of Law Enforcement* (<http://www.barefootsworld.net/histlaw.html>).

5.2. The policing approach of terrorism as crime

Policing terrorism ideally occurs when terrorist activities manifest itself in the public domain and are deemed illegal activities. States are constantly increasing their paradigms to encapsulate terror activities. In essence, a State (exception of State Terrorism, refer 2.3) responds to terror by resorting to legal means to curb activities such as violence, explosions, damage to property, money laundering and the planning or execution of terrorist acts. This process is also indicative of the UN counter terrorism strategy, in particular resolution 1273, which obligates member states to promulgate and implement legislature to counter terrorism. States in effect implement legislation as a process of criminalizing terrorist activities (Dandurand and Chin, 2004: 4-5).

The purpose of this study, in part, is to contribute to the development of an effective policing counter terrorism mechanism. The counter terrorism approach of countries was reflected upon in Chapter 4 and it is of relevance to note that police departments approach terrorism as a criminal activity. The response to terrorism was an activity more relative to organized crime, which required a planned approach relying on a spectrum of policing disciplines such as visible policing, intelligence and investigation. A large discourse, spanning numerous research experts (Bibes 2001, Hubschle 2004), have been conducted on the relationship between organized crime and terrorism but these convergences and divergences concerning the two concepts do not contribute to the study's approach to policing terrorism.

Essentially, the policing methods adopted by police to curb acts of terrorism will need to be explored. This will probe into the mechanisms that police utilise in its approach to crime in general and more especially try to narrow the policing response to crimes of a more intricate nature such as terrorism.

5.3 Overview of International Policing Mechanisms

The study will reflect on the many policing mechanisms which are considered to address crime globally. It will evaluate the effectiveness of the mechanisms in relation to the appraisals of relevant experts and experience of police organizations. Furthermore the study were relevant will explore possible structuring of police organs to address terrorism.

5.3.1 Types of Policing Mechanisms

Policing styles are and highly context and history specific. Introducing the same mechanism into different historical and cultural contexts results in very different applications of the mechanism – Brogden (1999: 125)

This in essence gives rise to variations of mechanisms that respond to the challenges that are country-specific. Over the years the prominent variations to the evolution of policing mechanisms have been the militaristic/para militaristic mechanism, the more prominent Community Policing, and now an evolving Intelligence-led/problem orientated style of

policing. Whenever possible the study will explore important aspects that emanate from these policing mechanisms. This section provides a brief overview of these international policing mechanisms.

5.3.1.1. Militaristic

This mechanism of policing societies is prevalent in states that consider the enforcement of the rule to be the preferred priority compared to the needs of a victim and the community. The mechanism may be associated to autocratic or dictatorial regimes whereby citizens are compelled to abide to legislation which is enforced usually by military personnel, such as, Nigeria in the periods 1966 to 1979. States that experience irregular change in governance usually establish military policing as the foremost mechanism of enforcing the rule of law (Otwin, 1985 and Lambertus and Yakimchuk, 2007).

Militaristic policing may or may not comply with international regulatory norms. Autocratic, suppressive regimes usually don't comply with United Nations or humans rights obligations. Iraq, which was recently invaded by the US led coalition, would experience militaristic style policing (Stokes, 2004).

5.3.1.2. Para-military

One of the most important blurring of traditional boundaries occurring in the Post-Cold War period is that between an internally orientated domestic police sphere and an externally orientated military sphere (Andreas and Price, 2001: 32). As such, Para-military units straddle the lines between conventional policing and military forces and have been defined as: the application of (quasi) military training, equipment, philosophy and organisation to questions of policing (Jefferson, 1990: 16).

Writers Kraska and Kappeler (1997) go a step further and define the para-military style of policing in terms of the threat to use force instantaneously and not necessarily as an option of last resort. Although originally established with a narrow remit to counter terrorism, paramilitary units has since been readily incorporated and normalised into mainstream policing (McCulloch, 2001: 25). Examples of countries using this style of policing include Indonesia, Australia in the 1970s and China.

5.3.1.3 Criminal Justice

The Criminal Justice mechanism of policing is usually aligned with liberal states. The police mechanism considers various liberal criteria such as accountability, legislation and operational methodology (Lambertus and Yakimchuk, 2007). There are four distinct components of the criminal justice mechanism. These are law enforcement, prosecutors, courts and corrections. Law enforcement loads the system through investigations and arrest. Prosecutors are the bridge between law enforcement and the courts. Courts form the critical components of the administration of justice. Under the component of corrections, the four commonly cited goals are retribution, deterrence, incapacitation and either rehabilitation/reintegration. The criminal justice components work in tandem with

the each other. However, these components have functions which are independent of each other, but also overlap and their activities are directed at a common goal: crime prevention and justice.

The mechanism satisfies the basic criteria of policing in democratic societies which are to prevent crime, effectively prosecute criminals, protect the public, assist victims and reassure communities (Biesheuvel and Chukwuma, 2006). The criminal justice mechanism in democracies aim to achieve their policing mechanisms impervious of influences from political authorities and be able to police the society with fairness and accountability; however this may not be the case in all instances (Johnston, 2003; Fielding, 2005). The criminal justice mechanism constitutes the basic mechanism of policing in liberal democracies. Other mechanisms are then modified to address certain criminal peculiarities.

5.3.1.4 Community

At the same time that para-military mechanism of policing was gaining momentum in the 1970s, community policing emerged as another distinct paradigm/ framework for policing. The community policing mechanism is currently the prevalent mechanism in the west (Murphy, 2005). Often, community policing is the ideal alternative method for policing which are adopted by countries that have transcended from dictatorial colonial and generally suppressive regimes. This can be expected since the community is cautious to entrust unequivocal governance to the State. Examples of this include South Africa and Nigeria (Gordon, 2001).

Community policing entails a shared public responsibility or crime. Community policing is generally described as emphasizing a conciliatory rather than coercive approach to policing. Crime is addressed by methods which include strategic partnerships with the police and the communities (<http://www.juneau.lib.ak.us/cbj/newsletter/spring99/policedef.htm>). As such, the community policing mechanism concerns itself with ‘including the ordinary citizens in decision making structures, so that operational strategies and techniques are conscious of community as well as police interests’. Community based policing strategies focus on building effective police community partnerships and the idea that community should represent the interests of diverse communities (Findlay, 2004: 28-40; White and Perrone, 1997: 27).

Two clear core components underlie the efficiency and effectiveness of the community-policing component. One is building trust between the police and community and component two entails collaboration in problem solving. In terms of component one, building trust is an essential element to furthering relations between the police and community. For instance, one of the most successful cases of community policing is that of the Chilean police, otherwise known as the ‘Carabineros’. The Chilean police as an institution ranks third in population confidence and trust levels, losing only to the Church and the radio stations. The high levels of confidence in the Carabineros arise from the development of police services premised on the populations needs (Lemle, 2007).

This of course, reintroduces the importance of component two which is ‘problem solving’. Policing recognises that community involvement is essential in its success. Determining the underlying causes of crime depends, to a large extent, on an in-depth

knowledge of the community. Community participation in identifying and setting priorities will contribute to effective problem-solving by the community and the police. Cooperative problem solving also reinforces trust, facilitates the exchange of information, and leads to the identification of other areas that could benefit from the mutual attention of the police and community (Bureau of Justice Assistance, 1994: 18). Similarly in Chile, Lieutenant Alfredo Lagao Gana asserts that prevention must intervene in risk factors identified as precursors of violent and criminal behaviour. The Chilean Community was able to identify school evasion, unemployment, domestic violence and excessive alcohol and drug consumption as prevalent factors contributing to crime in the Chilean society. Through collaboration and problem solving, the community and police were able to curb these factors and facilitate social cohesion (Lemle, 2007).

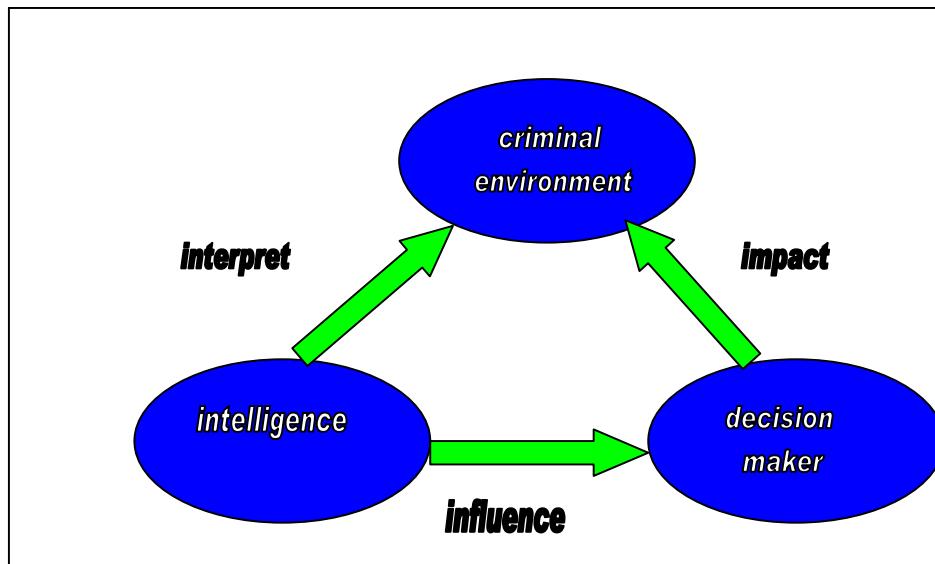
Communities and police have become quite innovative in interpreting the joint responsibility for crime. Israeli communities established the civil guard which was involved in security function including crime prevention activities (Weisburd, Shalev and Amir, 2002).

5.3.1.5 Intelligence Led /Problem Orientated

A pertinent development beginning in the early 1990s and more recently after the 9/11 attacks has been the enunciation of Intelligence Led Policing (ILP) and Problem Orientated Policing (POP). Whilst they emerge from different origins, address different problems and differ in their key indicators of success, they both share one commonality; namely, they are both tactics that can support a broader traditional policing paradigm such as community policing (Goldstein, 1990).

ILP originated in the 1990s in Great Britain and was originally called the ‘Kent Policing Mechanism’. The ILP is essentially defined as the ‘application of criminal intelligence analysis and as an objective decision-making tool in order to facilitate crime reduction and prevention through effective policing strategies and external partnership projects drawn from an evidential base’ (Ratcliffe, 2003). ILP focuses on key criminal activities. Once crime problems are identified and quantified through intelligence assessments, key criminals are targeted for investigation and prosecution (Bureau of Justice Assistance, 2005). The mechanism can be interpreted as follows:

Figure 5.1: An intelligence-led policing and crime reduction process



Source: Ratcliffe, 2003

The first stage of the mechanism comprises being able to interpret the criminal environment. This is usually performed by an intelligence unit that relies on a range of information sources both internal and external to the police service. The information is then analysed and conveyed to key decision makers (stage 2). Finally, in stage 3, decision makers explore ways to reduce crime and invest in initiatives that might impact positively on the criminal environment (Ratcliffe, 2003).

A mechanism that best encapsulates the ILP mechanism is the UK's National Intelligence Model (NIM) as developed by the National Criminal Intelligence Services (NCIS). NIM is often described as a business mechanism because it organises knowledge and information in such a way that the best decisions can be made about how to deploy resources, so that actions can be coordinated within and between different levels of policing, and that best practices experiences are continually noted. The mechanism therefore targets the current trends towards addressing 'problem solving' in the police service (John and Maguire, 2003). The NIM mechanism considers the desired outcomes of an intelligence function to be community safety, crime reduction, criminal control, and disorder control. To achieve these results, the mechanism outlines the following objectives:

- Establish a task and coordination process;
- Develop core intelligence products to drive the operation;
- Develop rules for best training practices at all levels of policing; and
- Develop systems and protocols to facilitate intelligence (Bureau of Justice Assistance, 2005).

POP on the other hand, rather than focussing solely on intelligence, views crime control as a study of problems that leads to successful enforcement and corrective strategies. At the core of the POP mechanism is analysis, study and evaluation. The POP mechanism requires assessing each new problem and developing tailored responses. This approach

requires ongoing creativity, not simply finding one solution and applying it unilaterally (Goldstein and Scott, 2001). The Scanning, analyzing, Responding and Assessing mechanism (SARA) is often considered to be synonymous with the POP mechanism, but SARA is a broader analytical mechanism used in many fields; unlike the POP which is more incident specific (Bureau of Justice Assistance, 2005).

The US policing mechanism has elements of POP, with the central focus being a process called Computerised Comparison Statistics (Compstat). Within this paradigm, police managers are held accountable for the crime in their precinct and empowered to proactively crime issues of a neighbourhood (Walsh, 2001). Within Compstat, strategies for crime and disorder control rely on timely, accurate intelligence, rapid focussed deployment of resources, effective tactics, and relentless analysis and follow-up (Bratton and Knobler, 1998).

The US police departments also launched various projects, which tend to align itself with a POP approach to terrorism. One of the programmes which were implemented was the Broken Windows project which targeted petty crime. The eventual aim was to instil a ‘zero tolerance’ approach to crime. This resulted in the reduction of all types of crime in New York City. Current projects aimed at the threat of terrorism included Nexus and Hercules. These projects also aimed to influence the perceptions and conduct of the public. Mock deployment of heavily armed counter terrorism units are executed to create an impression of police readiness, attract public interest and to stimulate the public awareness of terrorist attacks. Furthermore, these operations utilize the deployment of police officials in sensitive areas and entail the surveillance of areas with the use of cameras and radiation indicators. In addition, Chicago police have implemented an information technology system that assists in the deployment of police patrols based upon intelligence gathered (Connors and Pellegrini, 2005).

The US police mechanisms are supported by a local law enforcement capacity and a Joint Terrorism Task Force which is strategically deployed in various areas in the country (Connors and Pellegrini, 2005). In essence, the mechanism adopted by the US law enforcement includes intelligence led policing and problem led policing.

5.3.1.6 Integrated Policing Mechanism

Policing mechanisms change and adapt to the demands of a dynamic society. Incidents like the terrorist attacks in New York, high crime rates or an escalation of a specific crime may warrant the need to re-examine the existing policing mechanism to circumvent a threat. Traditional aspects form the basis of these mechanism and additional methods are included to enhance the mechanism.

Canada post the New York 9/11, London 11/7 and Madrid 11/03 terror attacks, considered threats of terror to emanate from certain ‘suspect communities.’ Included in their current community policing mechanism is a security dimension whereby members of the community were encouraged to survey suspicious neighbours or activities. The community became a strategic source of information which could then be utilized to counter possible threats of terrorism (Murphy, 2005).

Canada has explored possible methods to execute their security community policing mechanism. Firstly, they considered an approach of active participative interaction with communities. Police were encouraged to invite participation from communities in policing programs; local communities were then penetrated to provide intelligence in this manner. The second approach which was less interactive resulted in police relying more on undercover operations, surreptitious entries and other like processes to achieve their objectives. These ‘aggressive’ methods of policing had a greater likelihood of undermining the trust between communities and police (Murphy, 2005).

The Canadian mechanism encourages a central coordinated policing structure to ensure amongst others, strategic direction and effective sharing of intelligence (Murphy, 2005). The mechanism adopted by the Canadians is a community based mechanism with a certain securitization aspect.

In addition to their standard mechanism of intelligence-led policing and problem orientated policing methods, the Australian police engage in a collective policing approach to policing; network policing (Chan, 2001). The policing responsibility is distributed to diverse entities which may be affected by terrorism in whatsoever manner; these include other government agencies, like those responsible for immigration, finances and energy departments. The Australians also consider private security to be able to contribute to this multi-responsibility approach. Private security is responsible for the protection of certain critical infrastructure and also assists in certain levels of policing. Included in the shared responsibility is the public whereby an awareness campaign against terrorism is in progress. This is done by the distribution of pamphlets and advertising. The objective is to create a combined stance against crime irrespective of cultural and ethnic differences (Palmer and Whelan, 2006).

The police mechanism structures which can be considered to address counter terrorism are the deployment of special units. These units identify critical arrears of risk; assess the risk and engages relevant responsible parties. The Australian government also provides a forum to enable the exchange of information concerning critical infrastructure (Trusted Information Sharing Unit) (Palmer and Whelan, 2006). In essence, the Australian mechanism is a multilateral approach to counter terrorism and is prevention based.

Similar to Australia’s collective police mechanism, Russia in the post-Soviet era has empowered private security companies to aid in their integrated style of policing (Shelley, 1999 and Los, 2002).

In Finland and Switzerland, the predominant mechanism of policing was community policing. However, this mechanism was flawed because it was limited in focus to individual complex crime problems and systematic cooperation (Virta, 2002). In Finland, policing considered a joint approach from a diverse spectrum of community-based groups to create a working group to address security and prevention of crime. The police who provided information and encouraged discourse on security related matters led these joint processes. Switzerland similarly emulated the integrated approach of diversifying the responsibility of crime to community-based agencies (Schedler, 2006).

Sweden compliments their community policing approach with a social interactive perspective. Whilst police patrol certain areas, social workers who address crime and general disorder accompany them. Furthermore, a more conducive environment is created for interaction with the public and the police. This mechanism has been proven effective in communities, which generally have limited trust in the police as an institution. The mechanism is not an ad hoc approach to social patrols but a systematic approach (Terrill, 2003 and Lambertus and Yakimchuk, 2007).

5.4. South Africa's Policing Mechanisms

... The police shall be guided by the belief that they are accountable to society in rendering their police services and shall therefore conduct themselves so as to secure and retain the respect and approval of the public. Through such accountability and friendly, effective and prompt services, the police shall endeavour to obtain the co-operation of the public whose partnership in the task of crime control and prevention is essential...

- National Peace Accord 1991

South Africa post 1994 readily accepted the community policing mechanism after 40 years of authoritarian styled policing (Scharf, 2000). Accountability, transparency and compliance with constitutional rights were essential ingredients to be included in the policing mechanism (Rauch, 2006). The South African government, could with confidence, accept this mechanism because it was a community interactive approach. Many countries globally had also accepted the community policing mechanism (Murphy, 2005). However, pending the high levels of crime and the looming threat of global terrorism, South Africa may need to reconsider the effectiveness of its current mechanism of policing. As such, it may need to tweak the mechanism and enhance certain mechanisms to ensure that policing will be effective in countering the threats facing a democratic South Africa.

5.4.1 Transition to community policing

Policing and community policing has existed in some form or another in South Africa, from day's prior to colonialism, policing of tribes by chiefs; during colonialism, where courts for Chiefs were established and community policing, which was adopted as a mechanism post-1994 (Scharf, 2000).

Information Box 5.2: Brief overview of ‘community policing’ in South Africa

- 1940 – 1950: Rural areas had ‘traditional’ justice groups officiated by a Chief. Urban groups, generally young men, migrant labourers, church groups had own moral codes. In certain townships where crime was prevalent informal police organisations were created.
- 1960: Minister of African affairs created provisions for residents to establish courts and semi police type organisations.
- 1976: The state sponsored justice system was labelled as being minions of the state and was challenged.
- 1984: United Democratic Front (UDF) was established and people’s court ensured compliance in townships.
- 1991 – 2: South African National Civic Organisation (SANCO) formed, less militant resolution structures were present under Civic organs
- 1994 – present: South Africa accepted community policing as the predominate mechanism and this developed into variations and includes sector policing.

Sources: Burman and Scharf (1990), Scharf (2000).

Community policing was initiated as a policing mechanism in the Interim Constitution (Act 200 of 1993) which provided for the establishment of community police forums. The mechanism was introduced when South Africa became a democracy and the country considered it essential to distance itself from the previous style of policing. Accountability and oversight were thereafter an expected action to compliment the policing mechanism. This duty fell under the auspices of the Secretariat for Safety and Security in 1996 (Scharf, 2000).

Community policing although a widely accepted effective policing method in many countries; was presented with certain fatal challenges in South Africa (Murphy 2005). High crime, which when considering countries in Eastern Europe and the former Soviet Union, can be expected in countries which had transitioned into democracy. These amongst other factors such as shortages of actual skilled police officials may have contributed to the high crime that is prevalent in South Africa (Shaw, 2002).

5.4.2 The transformation of South Africa’s policing mechanisms

South Africa’s police mechanism is gradually being restructured to be able to effectively, counter the escalating crime in the country.

5.4.2.1 Current status of South Africa’s policing mechanism

The current policing mechanism adopted by the police is community policing (JCPS, 2006). The community is divided into sectors to dissipate community policing in regional areas in the country. Sector policing results in the service area of a police station being divided into smaller, more manageable areas, known as sectors. It is a practical form of

community policing. The policing mechanism ensures that focussed attention is given to root causes of crime and further being able to understand the circumstances that may contribute to crime. Sector policing according to SAPS, ensures more effective crime prevention as well, by creating a visible policing presence. The additional advantages of community policing includes a ‘one to one’ involvement with the community and improved community relations

(http://www.saps.gov.za/comm_pol/sector_policing/sector_policing.htm).

Core essentials of community policing in South Africa included: service orientation; partnerships; solutions for crime; joint responsibility and accountability, that is, the creation of national and provincial secretariats, Independent Complaints Directorate and safety and security members of provincial legislature (Community policing policy framework and guidelines, Department of Safety and Security. 1997). In addition, SAPS has projected community policing to diverse community sectors by launching various projects to ensure interaction and joint policing efforts.

The Tisa Thuto community based project was directed at learners and educators to create a crime prevention strategy (JCPS, 2006). The crime prevention strategy considers the community as a source of information for the trends of crime. Information gathered from communities is bolstered by crime information and direct the strategic plans for sector policing. SAPS has included in the community policing family: Business against Crime, South African Banking Council and the South African Reserve bank to improve security measures to curb aggravated robbery.

(http://www.saps.gov.za/_dynamicModules/internetSite/newsBuild.asp?myURL=675)

Despite emphasis being placed on the conduciveness of community policing as an apt mechanism for crime prevention, there still concerns being raised about its effectiveness. In his address to the nation in February 2007, President Thabo Mbeki stated:

Certainly we cannot erase that which is ugly and repulsive and claim the happiness that comes with freedom of communities that lived in fear, closed behind walls and barbed wire, ever anxious in their houses, and the streets and on our roads unable to enjoy our public spaces. Obviously, we must continue and further intensify the struggle against crime....

Furthermore, Mbeki listed government plans to address crime (State of the Nation Address 2007). This included intention to increase the capacity of police officials whilst also bolstering intelligence gathering. Crime statistics noted for the period 2001 to 2007 is illustrated in the Table 5.1 below:

Table 5.1: Serious Crime between the period 2001-2007

| Crime Category | Incidents | | | | | | % increase/decrease 2005/6 - 2006/7 |
|----------------|-----------|-----------|-----------|-----------|-----------|-----------|-------------------------------------|
| | 2001/2002 | 2002/2003 | 2003/2004 | 2004/2005 | 2005/2006 | 2006/2007 | |
| Murder | 21 405 | 21 553 | 19 824 | 18 793 | 18 528 | 19 202 | 3.5 |
| Rape | 54 293 | 52 425 | 52 733 | 55 114 | 54 926 | 52 617 | -4.2 |
| Assault | 533 595 | 557 662 | 550 326 | 776 718 | 464 300 | 437 454 | -5.3 |
| Robbery | 116 736 | 126 905 | 133 658 | 126 789 | 119 726 | 126 558 | 5.7 |
| Burglaries | 389 771 | 393 959 | 363 919 | 332 212 | 316 902 | 308 103 | 4.9 |
| Carjacking | 96 859 | 93 133 | 88 144 | 83 857 | 85 964 | 86 298 | 0.4 |

Source: http://www.saps.gov.za/statistics/reports/crimestats/2007/pdf/crime_situation1.pdf.

Upon reflection of crime statistics, it can be deduced that crime is rampant in the categories of murder, robbery, burglaries and car jackings. Within the statistics on robberies, Cash in transits increased 21.9% over the 2005/6-2006/7 period and bank robberies increased 118.6% over the same period. This demands that crime be addressed in all forums of policing. In particular, the current policing mechanism may prove to be lacking in effectively addressing the current crime trends.

5.4.2.2 South Africa's evolving policing mechanism

Community policing became the cornerstone of South Africa's policing structure after apartheid. Police official's general attitude to the public was that of tolerance and this improved public satisfaction. However, high levels of crime have had the effect of certain pockets of police officials reconsidering repressive techniques to stifle crime. Crime had the spiral effect of undermining initial confidence the public had in the police (Marks, 2003).

Vigilantism had increased, including a burgeoning private security business. As a result, the rights of victims and perpetrators were often exploited (Nina, 2000). The Mapogo Ma Tamaga private security abused perpetrators in a self-executed justice system (Minaar, 1999). Communities themselves had little defence against crime and had to supplement these with unscrupulous security companies whose conduct was not conducive to the constitution and related security legislation (Sharf, 2000).

The police distanced itself from acts of vigilantism and responded to the high crime with concentrated efforts against specific crime (Nina, 2000). These included joint operations with the civilian intelligence community and the military as well. Various projects were launched targeting specific areas of concern (Sharf, 2000). Successful operations against PAGAD and the Boeremag provide credence to this specific approach as illustrated in the previous chapter.

SAPS identified gun smuggling and the existence of illegal arms as contributing factors to the high crime rate in the country. Provisions were created to relinquish illegal arms,

whereby individuals were provided with reprieve when illegal arms were relinquished to SAPS. Moreover new firearm legislation was promulgated to restrict the circulation of legal arms. Furthermore, Operation Rachel was launched in Mozambique and targeted the smuggling of arms whereby joint police operations were effected to eliminate arms smuggling across borders (SAPS, 2005).

Institutional and human resource capacity deficiencies are considered to be an ominous concern to SAPS. Firstly, skills and knowledge capabilities are questionably poor. Literacy rates of SAPS are said to be low; these arguably may be attributed to inherited problems from the previous regime. However, the lack of specialists to investigate crime is an impending concern for SAPS. Special investigation teams were deployed in provinces to deal with organised crime (Pelser, 1999). Yet, in conflicting approaches, SAPS dissolved the Child Protection Unit; surprisingly this is in contradiction to their objectives of deploying specialist investigators. It is essential to reflect that crimes against women and children were considered as a priority in the SAPS Strategic plan 2006 and have become more pronounced over the years.

Secondly, SAPS and civil society in general are of the opinion that the lack of human resource capacity contributes to the unregulated crime epidemic. In addition, increased recruiting levels and amalgamation with other police types were always a consideration (Pelser, 1999). Hence, one of the prime reasons why President Mbeki in his State of the Nation speech 2007 reiterated prospects for increasing staff levels within SAPS in the coming years and a more active role by the inclusion of municipalities. In his State of the Nation Address for 2008, the President also indicated moves towards establishing a new, modernised, efficient and transformed criminal justice system (CJS). Among other things, the new CJS would entail setting up a new coordinating and management structure for the system at every level, from national to local, bringing together the judiciary and magistracy, the police, the prosecutors, correctional services and the Legal Aid Board, as well as other interventions including the empowerment of the Community Police Forums. In many ways, this decision reinforces moves towards an integrated mechanism of fighting crime.

Former Minister of Safety and Security, Steve Tswete, in 2000 considered municipal police to play an important role in crime prevention (Tswete, 2000). The Minister considered the municipal police to strengthen the ability of police to find appropriate crime prevention measures at a local level. Municipal police are empowered by *South African Police Service Amendment Act 83 of 1998*, which allows any municipality to apply for the establishment of a municipal police service.

The statutory obligations are traffic problems, policing of municipal by laws, regulations and crime prevention. Municipal police are not empowered to carry investigations after arresting an individual on suspicion of a crime. However, it is important to note that the SA *Constitution* allows for a single police service and national legislation provides for the establishment, powers, functions and control of municipal services (Rauch, Shaw and Louw, 2001). The municipal police have interacted with and proved successful in contributing to effective policing in municipalities. The Durban City Metropol, which has a policing heritage since 1854, has successfully assisted the police in crime prevention within its jurisdiction (Rauch, Shaw and Louw, 2001).

In essence, the policing mechanisms of the South African police have complied with the international trend of being influenced by threats and demands of an ever-changing environment. The concern, however, is impending crime which conclusively indicates that the mechanism has not evolved effectively and efficiently enough to counter these threats. Further, certain arguments, implore the notion that the mechanisms are more reactionary to problems and not proactive in nature. Terrorism, a global challenge, may then also prove to be a formidable threat against the police mechanisms.

5.4.3 Measuring the effectiveness of SAPS policing mechanisms

Policing analyst, David Bayley in his book, *Changing the Guard* (2006: 115), examined the police reform processes in four countries in transition – Bosnia Herzegovina, El Salvador, Ukraine and South Africa – and from his examinations construed that in relative terms, '*South Africa is generally considered a heartening success*'. However, despite international recognition of SAPS transformation to democratic policing, on the domestic front, SAPS is at the receiving end of a constant stream of criticism. As mentioned earlier in the chapter, the core essentials of policing in South Africa includes crime prevention, service orientation; partnerships; solutions for crime; joint responsibility and accountability.

In a report conducted by the Centre for Study of Violence and Reconciliation (CSV) in 2007 entitled 'In Service of the People's Democracy: An Assessment of the South African Police Services', a number of interesting findings were disseminated on the SAPS ability to accentuate the core essentials of its policing mechanism. Among the key conclusions were (Bruce, Newham and Masuku, 2007):

- Protecting democratic and political life: overall, it is suggested that there is some degree of progress made in this area of concern. This is attributed to SAPS ability to support and protect the holding of national and local government elections since the first democratic elections in 1994. In addition, its effectiveness as a security-policing agency to deal with the threat of vigilantism by PAGAD and insurrection by right wing groups such as Boeremag have been praised. However, this positive change has been tempered by heavy handed policing of demonstrations through instances of torture and other abuse against members of social movements involved in non-violent opposition against government programmes. Within KwaZulu Natal, there have also been assertions that some police stations are still politically aligned (p. 3-4)
- Governance, accountability and transparency: in relation to this aspect, SAPS had a good record in complying with accountability requirements, and subjecting itself to the authority of the courts. However, these positive traits were offset by SAPS inability to make crime statistics available and this undermined its strategy of devolving responsibility to the local level and strengthening local partnerships with communities (p. 4-5).
- Service provision for safety, justice and security: service delivery in terms of safety, justice and security is regarded as uneven. The authors of the report suggest that the evidence of their study indicate that service provision still follows the logic of apartheid, with race and ethnicity continuing to play a role

as determinants of the quality of service delivery. Moreover, the statistics presented in Table 5.1 on crime statistics suggest that SAPS has not quite been able to curb impending threats of crime. The table illustrates an increase in aggravated and violent crime. The authors of the study on the ‘Assessment of SAPS’ ascertain that SAPS suffers from a lack of clarity about the role of policing, ‘a problem exacerbated by confusion about the meaning of the word crime prevention’. Overall, SAPS has failed to develop a proper strategic approach to tackling specific types of crime and instead deal with crime in a general and broad category (p. 5-6).

- Proper Police Conduct: The assessment identified several key areas of concern in relation to police conduct. These include the use of lethal force, torture and police corruption, specifically the abuse of African illegal immigrants. These factors undermine SAPS ability to uphold the rule of law and reinforce relations with the community.

Overall, while SAPS has undergone an incredible transformation of public order policing since the apartheid era, the current policing mechanism still requires fortification of key elements.

Pertaining to this study, as was illustrated in Chapter 4, SAPS counter terrorism efforts proved effective during the terrorism ordeals in respects to the Boeremag and PAGAD. However, these are domestic responses to terrorism and not much has been publicly divulged in terms of the SA government stance on international terrorism; albeit international terrorists’ incidents relative to SA have been, in certain instances, curtailed. The measure of the police effectiveness to address these incidents has had little analyses by SAPS or discourse in the public domain.

5.4.4. Proposed SAPS policing mechanism to counter terrorism

South Africa being a part of the international community is one of the countries in the African continent that has complied with the United Nations Counter Terrorism Strategy. South Africa is a relatively new democracy and has arguably a certain proclivity to terrorism being utilised as an option to vindicate a groups actions. This may be attributed to its previous dispensation during which the ANC was labelled a terrorist organisation by the apartheid government. Included in this quagmire are the challenges of many developing nations whereby the demand for socio-economic sustenance is overdue and deemed a life threatening necessity. The threat of terrorism and South Africa’s perception of the threat are pivotal in any approach to counter terrorism. Moreover, the response by South Africa’s security matrix may be influenced by various factors, which warrant circumspection. This section provides a brief introspection by South African academics on elements that should characterise a policing approach to counter terrorism in South Africa.

Interviewees Richard Gueli and Anneli Botha (2007) both contend that South Africa is not necessarily a target of international terrorism but has the potential to be a safe haven or possible planning base for international terrorists. Anneli Botha (2007) aptly points out that ‘SA has a false illusion that terrorism is occurring internationally, however, SA citizens’ provision of financial support, in most instances by way of manipulation,

contributes to terrorism'. Richard Gueli (2007) equally emphasizes that South Africa is merely a country of transition with porous borders and fallible systems with sympathetic individuals whom are plied for support and resources. Dominant in these frail systems is the ineffectiveness of the Department of Home Affairs to regulate the population in well-defined parameters. Kurt Shillinger is emphatic that no counter terrorism strategy will be realised without addressing this fundamental issue. Kurt Shillinger (2007) further expanded with illustrations of certain small but albeit significant international terrorists who have been associated with South Africa (in conformity with section 4.3). These being Haroon Aswat (linked to the London 7/7 Bombings); Saud Memon (linked to the Daniel Pearl kidnapping); Mohammed Patel (Heathrow Airport terror incident), and Khalfan Khamis Mohamed (linked to the US Embassy Bombing in Tanzania).

South Africa post-1994 has been far more experienced with domestic terrorism in the forms of PAGAD and the Boeremag. Johan Burger (2007), during his attendance at a conference in the US concerning terrorism in 2000, was able to evaluate the structures that underpinned terrorism in the US and was of the opinion that the current South African structures which were being utilised against PAGAD and the Boeremag proved to be far more sophisticated and effective. Kurt Shillinger (2007), in his assessment also concurred with the provocations of Johan Burger regarding the successfulness of SA's approach to PAGAD and Boeremag. In particular, Kurt Shillinger commended the intelligence that led to the demise of PAGAD.

Johan Burger (2007) considered that South Africa is able to effectively counter terrorism when a threat is imminent, this can be ascertained by their successes against PAGAD and Boeremag. The police were at the forefront of the approach which considered a joint operation with various departments in the Joint Security Cluster (SANDF, NIA, SASS, SAPS and NICOC). According to the Senior official from SAPS, Crime Intelligence, the approach adopted was that of 'operational policing'. This entailed a number of operations; which were primarily intelligence-led operations. These operations included visible strategic deployment of the SANDF and SAPS who conducted roadblocks, searches, seizures and arrests.

However, surpassing the threats of PAGAD and Boeremag, Anneli Botha (2007) pertinently observes that the level of communication in the security cluster has resulted in growing distrust and compartmentalisation. Richard Gueli (2007) supplements the argument by recognizing that the structures were effective when a clear threat was dominant but currently these structures have become highly politicized. Agencies in the security matrix lack effective levels of coordination and communication. Boyane Tshelhla further comments about the dismissal of Mr Billy Masethla, previous NIA boss as well as investigations into the Commissioner of police Jackie Selebi as illustrations of concern on the security clusters ability to act independent of political influence.

In addition, Michael Hough (2007) from the University of Pretoria indicates that the current dispensation provides little insight into any strategy to address counter terrorism. Furthermore, Hough (2007) considered the only clear strategy which was adopted by South Africa was pre-1994.

In a colluding argument, Anneli Botha (2007), states that South Africa's counter terrorism approach, similar to the case of international approaches, proved to be more reactive than proactive. This above-mentioned response entails continuously 'plugging leaks', but fails to address the underlying issues that give rise to the proscribed situation of terrorism. Mathematically, for Anneli Botha (2007), a counter terrorism strategy contributes 10% towards reducing threats of terrorism whilst addressing underlying principles accounts for 90%. Anneli Botha (2007) purports that the spectrum of role players involved to counter terrorism migrate beyond the norm of traditional security structures and include other disciplines, which address socio-economic and related disparities.

In light of the above insights on the limitations of South Africa's current approach to counter terrorism, the academics and experts in their excerpts, identified a number of elements that should be considered for incorporation into the SAPS counter terrorism approach. One of the key concepts, as outlined by all interviewees barring Hough (2007), was the importance of effective intelligence. Boyane Tshelhla (2007), Andre Thomashausen (2007), Johan Burger (2007) and Richard Gueli (2007), advocated for an intelligence-led approach to counter terrorism. Within this paradigm, the intelligence led stance should focus on crucial aspects of intelligence profiling. The basis of this assertion as claimed by Thomashausen (2007) is that 'a typology of criminals effectively aid in targeting terrorism', and in this regard suggested the effective utilisation of profiling tools such as GIS profiling systems as well as the US scenario building software of Proteus. However, according to Kurt Shillinger (2007), the approach of considering typologies must be approached with caution so as not to jeopardize the fragile confidence that currently exist between respective communities in South Africa. In a related suggestion on intelligence analytical tools, Richard Gueli (2007) advocated the use of the 'Beijing' tool, which quantifies network links of sources or targets aiding in directing intelligence and investigation processes.

Kurt Shillinger (2007) and Johan Burger (2007), in addition to the intelligence led approach, further motivated for increased integration and coordination between existing structures and special units concerned with counter terrorism. According to Kurt Shillinger (2007), the approach should advocate for greater communication between the police, intelligence, military, and home affairs. Gueli together with Shillinger also advocated for the establishment of a Counter Terrorism Centre, which was proposed by the Minister of Intelligence Ronnie Kasrils, but was never realized.

In addition to enhanced intelligence capacity, Anneli Botha (2007) reiterates the importance of due process, the rule of law, and an open and effective judicial system. Johan Burger (2007) and Anneli Botha's (2007) insights also emphasized the importance of community policing with key concepts being the reinforcement of public support, openness, the need to equip the community with a framework, and terms of reference in order to educate the public and create a sense of trust between the community and law enforcement in efforts to subjugate threats of terrorism. Closely related to community policing is the need to address issues related to inequalities. Botha primarily considers that any counter terrorism strategy will need to consider the unique political and socio-economic dynamics of the country.

Essentially, Hussein Solomon (2007) of the University of Pretoria, emphasizes that terrorism cannot be fought by abandoning democratic norms and values. Moreover, socio-economic factors that may contribute to terrorism must be addressed. Johan Burger of the ISS concurs with the argument and deems that socio-economic factors create a revolutionary climate and socio-economic disparity is a germ for revolution. Consider for instance, the South African Institute of Race Relations in its report on socio-economic inequality estimated the percentage of people living below the poverty line to be 43.2% in 2006 (Mail and Guardian, 2007). As a contributing factor to socio-economic disparities, the ability of the Government's capacity to effectively facilitate service delivery has been a cause for concern. This in effect represents a large portion of disgruntled South African citizens. Analyzing just the case of service delivery in KwaZulu Natal, of the 2 274 million households, 29% did not have basic access to clean drinking water, 43.7% did not have sanitation, and 34.1% were not connected to the national electricity grid (News24, 2007).

Frustrating the situation of socio-economic disparities and service delivery is the high levels of crime and corruption. As illustrated in Table 5.1 on crime statistics, South Africa for the period 2006/7 has had to deal with almost 19 202 cases related to murder, 126 558 cases of aggravated robbery and more than 52 617 cases of rape incidents annually. This puts South Africa at the forefront of high crime rates globally. In terms of corruption, South Africa ranks 48th out of 158 countries globally and 3rd out of 40 countries indexed in Africa in 2006 (Heritage Foundation, 2007).

Further to building effective partnerships with the community, Anneli Botha (2007) also advocates for an integrated approach to terrorism but campaigns instead for coordination at the highest level of government with all departments. Richard Gueli (2007) concurs with the assessment and stresses that for counter terrorism to be considered seriously enough it will need to be adjudicated from the highest echelons of government. The mindset behind this argument is that 'higher authority equates to higher status of the issue'. If there is no representation at the highest level – in this instance Cabinet – then the issue will not be centralised and without such authorities acknowledging terrorism, the issue will subside.

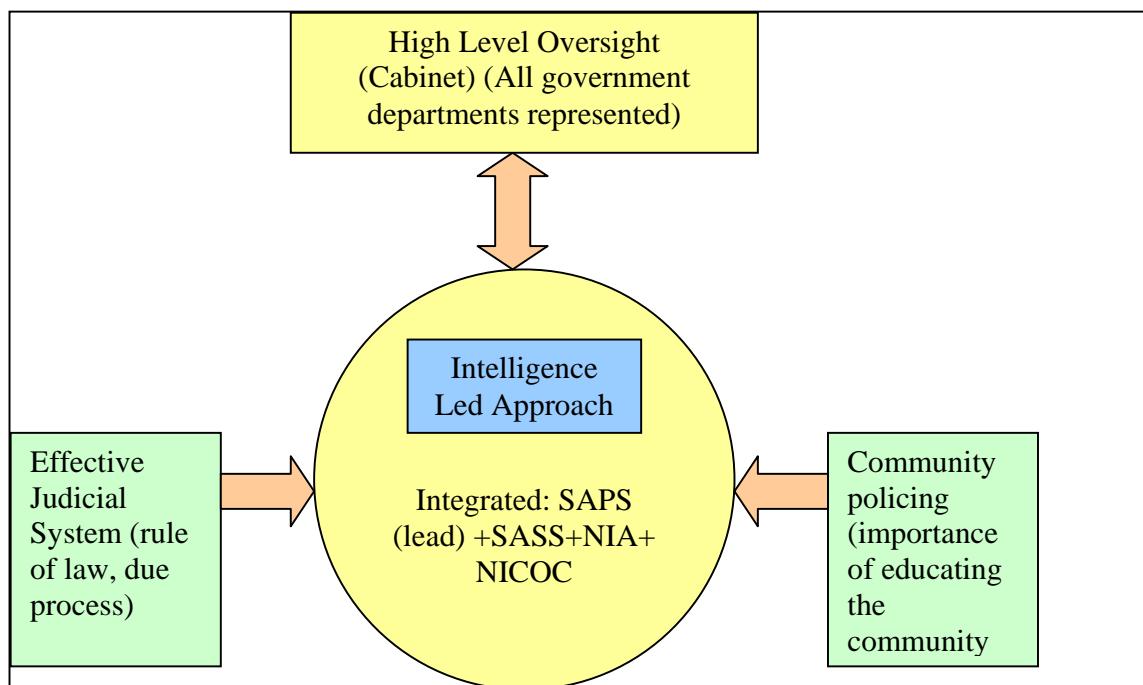
In a contradicting yet controversial viewpoint, Hough (2007) believes that militaristic approach should be adopted to counter terrorism. However, as illustrated by the examples of Algeria and Russia in Chapter 3, a militaristic approach is not as effective in constraining potential threats of terrorism. Furthermore, Solomon (2007) applauded the approach of liberal democracies and considered the policing approach to be more conducive to countering terrorism.

In essence, the prominent insight of the above-mentioned experts rests on the elaboration of intelligence and integration with the incorporation of elements of community policing as the founding basis of a SAPS counter terrorism strategy.

The underlying question then becomes 'Is South Africa's current security infrastructure and efforts suitable to negating such threats?' The overwhelming perception was that South Africa's domestic response to counter both PAGAD and Boeremag was indicative of the level of expertise to successfully counter such threats. However, post- Boeremag

and PAGAD, a number of concerns such as lack of interaction and coordination between agencies in South Africa's security matrix emphasize imperfections that may impact on South Africa's efforts to counter terrorist threats. In this regard, utilising the recommendations by the above-mentioned academics and experts, the following elements should be utilised in creating a South African approach to counter terrorism:

Figure 5.2: Elements of South Africa's Counter Terrorism Approach as conceptualised from interviews with experts and academics



5.5. Summary

Earlier in the chapter it was noted '*Policing styles are highly context and history specific*'; the statement holds true in the changing dynamics of the global environment as pertaining to crime. Community policing, beginning the 1990s, was considered the ideal mechanism for policing as it coincided with the new wave of democratisation in the post-cold war period. The elements of community policing exhibited the core fundamentals of democratic ideals and presumed that incipient networking between community and police would impact positively on reducing crime. While the principle in theory is faultless, in reality, the success of the mechanism is dependent on the dedication of the community in cooperating with law enforcement.

In South Africa, this has been a fundamental challenge. Community policing as advocated in 1994 still seems to be overcoming institutional development obstacles as well as the community's inability to trust police officials. An increase in crime coupled with the rise of vigilantism (as espoused by PAGAD), private security companies and neighbourhood watches illustrates the limited levels of trust that SA communities have in SA law enforcement. In addition, as global threats become more relevant to South Africa

in the form of organised and transnational crime and terrorism, more has to be done to strengthen the existing policing architecture that exists. In essence, this chapter as supplemented by pertinent literature and relevant interviews with credible experts indicate that SA's policing approach to countering terrorism should at the core rest with mechanisms encapsulated in intelligence and integrated policing, supported by elements such as high level oversight, an effective judicial system and proactive community policing.

CHAPTER 6:

CONCLUSIONS AND RECOMMENDATIONS TOWARDS A POLICING NEXUS MECHANISM TO COUNTER TERRORISM IN SOUTH AFRICA

6.1. Summary of findings

And so one skilled at employing the military...Subdues the other's military but does not do battle, uproots the other's walled city but does not attack, Destroys the other's state but does not prolong...- Sun Tzu, 400 B.C.

The above quote is symptomatic of the importance of strategic planning over the years. Utilising this sentiment, terrorism's demise can be emulated through the strategic planning of an effective counter terrorism strategy. The SAPS's ability to successfully counter terrorism will require a policing mechanism that is able to address the various challenges of the threat of terrorism. However, it is of essence to note that terrorism is not merely a policing concern. Policing response to socio-evils in society often emanates from grass root levels and addressing these origins may be a correlating solution in conjunction with efforts from the policing structures.

South Africa's current dispensation is considered to be one of the more liberal developing democracies in the global hierarchical political system. This is attributed to its approach to international relations, economic standing in the global arena and respect for human rights. South Africa's respected image also emanates from the anchorage of its historical emancipation and the birth of a great African leader, Nelson Mandela. Moreover, South Africa's case study of negotiated settlement to civil unrest has served as a beacon of hope to most developing and less developing conflict countries in Africa, Asia and Latin America.

However, despite its international standing, the country is not devoid of impending challenges. This study has illustrated that although terrorism is not a direct threat to South Africa's fledgling democracy; elements within society provide an environment conducive to rudiments for terrorism and related security apprehensions. Expert Anneli Botha (2007) aptly pointed out that socio-economic disparities provide an important avenue for terrorists to feed off and enhance its support base (refer section 5.4.4.). South Africa is plagued with the problem of large socio-economic inequalities that to a huge extent stems from the apartheid regime, which manifests itself in discernible areas of unemployment and poverty (as illustrated in section 5.4.4). South Africa's domestic situation was appropriately coined by President Mbeki as the 'tale of two nations' caught between the limited groupings of the haves and the majority of the have not's'.

The ramification of this deluge as perceived to South Africa is a pernicious embryonic climate for terrorism and related malignance. Firstly, identified socio-economic

hindrances create a divide in society whereby marginalised groups question their current frail disposition and the systems through which their concerns must be addressed. Once plausible grievances exist, it tends to exponentially increase in a developed democratic environment. Media and communication provides the exponential factor and the communities' human nature tends to lament about problems rather than consider plausible solutions. There may be substance in the argument for the defence of socio-economic ills, but these are generally tangential. This creates an opportunity for radical ideologies to fester.

Crime and corruption in society undermine the basic pillars of systems that regulate co habitual existence. Besides contributing to the delta of distrust of the aggrieved, it also contributes to the disruption of the conduit of the public to basic justice and rule of law. Public disorder provides ample sustenance for the marginalised to consider alternate options for discourse. Furthermore, crime and corruption placates concern on the ability of set structures to manage existing tensions. Pertinently, if SAPS is considered to be the custodian of crime prevention; it is questioned how effective the organisation is in reacting to crime in a country that has a high crime rate (refer Table 5.1). Likewise, if terrorism is considered as an aspect of crime in developing countries such as South Africa, it is reasonable to deduce that SAPS would face comparable inhibitions as it does with organised crime to deter threats of terrorism (refer chapter 5).

Within this context, South Africa's neutrality with regards to its international political aspirations and human right integrity are astute and should continue. However, limitations with regard to its stance on terrorism are of concern. South Africa needs to accept without reservation that the discourse of terrorism is not a medium of expression in an interconnected globalised twentieth century. Furthermore, the act of killing innocent individuals for any cause is ludicrous, and borders on acts of barbarity of an archaic culture. Even of greater concern is that humanity is no more handicapped with fists, sticks or knives but have resources which can be exploited for calamitous consequences (see chapter 2 on terrorist tactics). South Africa will need to realize that counter terrorism must not merely comply with international obligations but be predicated from the highest echelons of government. Irrespective if the threat is distant or potential, the option of terrorism must be brought to nought and any counter terrorism strategy will need to emanate from this dispensation.

Reflecting upon an informal discussion with Clifford Shearing (2007) from the University of Cape Town, South Africa was at a volatile precipice in 1994 during its first democratic elections. The Goldstone Commission was tasked to ensure that police were able to effectively ensure that the election was devoid of unrest and related security concerns. The Commission's intervention was from historic knowledge a resounding success. This success can be based upon few fundamental tenets that are the effective utilisation of available resources, capacity and knowledge which were extrapolated from society. It is these very aspects of historical foundations of policing and elements such as resources, capacity and knowledge that will aid in an effective mechanism to counter terrorism in South Africa.

Yet, within the context of these dynamics, this study concludes by arguing that SA's approach to counter terrorism has to change to reflect the complexities of global and

national threats. In doing so, it must work towards a counter terrorism mechanism that aptly considers these realities. As such, it is imperative that South Africa moves towards institutionalising, rationalising and harmonizing its efforts towards curbing terrorism. The opportunity itself has arisen with the President's decision pertaining to the restructuring and creation of an effective Criminal Justice System (CJS) as discussed in Chapter 5 (section 5.4.2.2.).

President Mbeki when reflecting on the New Partnership for Africa's Development (NEPAD) aptly pronounced that 'NEPAD starts at home'. Emulating this stance it can be deduced that an effective counter terrorism strategy for South Africa will only originate within the political, socio-economic, and cultural confines of South Africa.

6.2. Recommendations

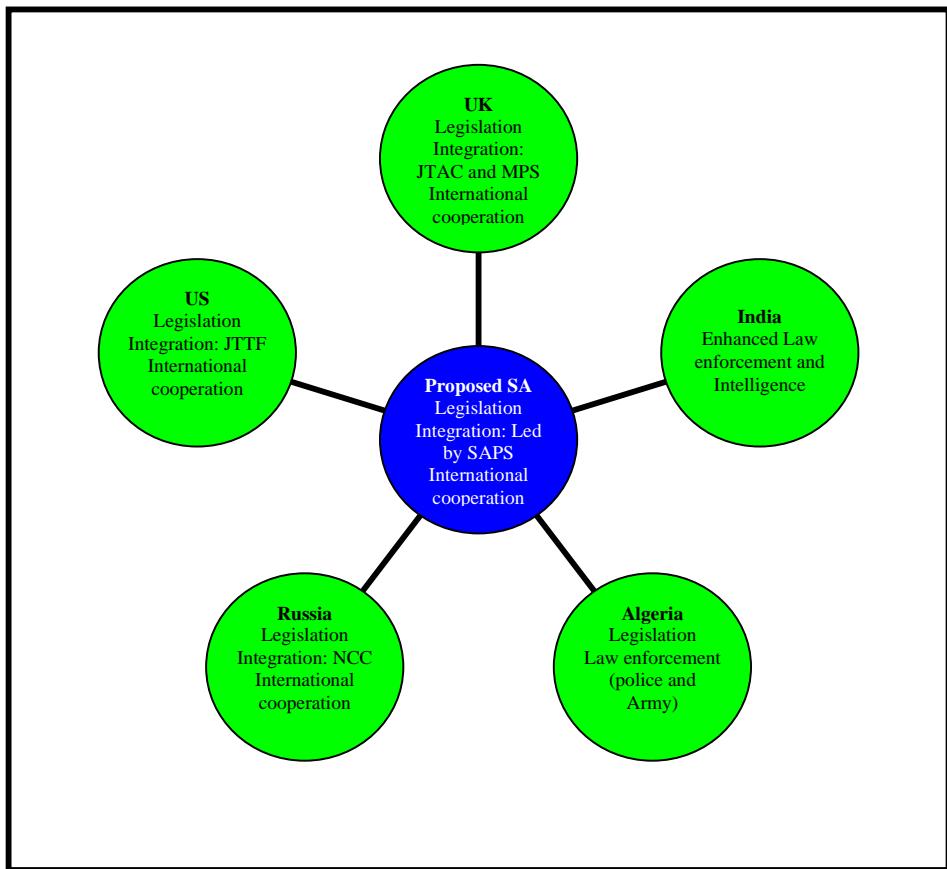
This study, within the ambit of its research findings, recommends the following elements and structure of an effective counter terrorism mechanism.

6.2.1. The basic elements of a policing mechanism to counter terrorism in South Africa: integration, coordination, intelligence-led policing, and the community.

One of the key arguments as articulated by interviewees Kurt Shillinger (2007) and Johan Burger (2007), has been the motivation for increased integration and coordination between existing structures and special units concerned with counter terrorism. According to Shillinger, the approach should advocate for greater communication between the police, intelligence, military and home affairs (section 5.4.4.). In conjunction with this statement, the summation of international strategies on countering terrorism also advocate for an integrated approach amongst relevant departments to curb the threats of terrorism (see figure 6.1 below). Within Figure 6.1, it can also be ascertained that other effective elements to counter terrorism were predicated on an increased role for law enforcement, the emplacement of effective legislation and international cooperation.

Taking into account these varying elements, the later two elements, namely legislation and international cooperation are already features within South Africa's attempts to curb terrorism (as argued in section 4). However, the increased role for law enforcement is still a debated issue. Counter terrorism initiatives remain fragmented across varying South African departments and this provides an important basis to argue for the importance of integration and coordination of efforts. As was argued in Chapter 3 (section 3.2), in the United States of America, the consequences of the 9/11 attack were as a result of the inability of the varying law and intelligence agencies to interact with one another regarding crucial information as it pertained to terrorist activities within the country. If this example is to provide important lessons for best-case practices, it will nonetheless argue for more 'cohesion'. In addition, in terms of increasing the role of law enforcement, it is argued throughout this thesis that SAPS should be the lead department in terms of counter terrorism initiatives as it has warrant and arresting powers within the confines of the borders of South Africa as opposed to the powers of intelligence agencies like NIA. SAPS will do well in coordinating and monitoring counter terrorism initiatives within the country.

Figure 6.1: Summation of International Counter Terrorism Strategies



Another essential ingredient to the SAPS counter terrorism mechanism will be the importance of intelligence-led policing. As argued in section 5.3.1.5, intelligence-led policing is emerging as an important mechanism internationally in dealing with criminal activities; especially those of organised crime and terrorism. The strategy of intelligence-led policing is also a proactive mechanism of dealing with crime. The argument of this thesis has been the motivation for a more proactive strategy to dealing with terrorism and the intelligence led policing mechanism is one avenue achieve such a goal. Also important is to study the model of the United Kingdom's National Intelligence Model (NIM), which should also be analysed in conjunction with those programmes advocated by the interviewees in this dissertation such as Thomashausen's recommendation of the Proteus programme (Interview with Thomashausen, 2007) and Gueli's advocation of the Beijing tool (Interview with Gueli, 2007). Within these three differing analytical and profiling softwares', a program can be created to tailor the conditions and dynamics of South African society.

In addition to the importance of intelligence led policing, significance should also be attached to the importance of sensitizing the population. South Africa's counter terrorism

strategy is shrouded in mystery, due to the necessity of operations which has become synonymous with the international approach by certain countries on counter terrorism. The United States and the United Kingdom annually presents to the general public a counter terrorism strategy, of which the essential clandestine techniques and operations are not disclosed. This is an encouraging exemplar whereby the community and other relevant players are not marginalised from governments approach on terrorism but participation is encouraged in the general counter terrorism strategy. The same should nonetheless apply to the South African context. Interviewees Johan Burger (2007) and Anneli Botha (2007) in section 5.4.4. emphasized the importance of community policing with key concepts being the reinforcement of public support, openness, the need to equip the community with a framework, and terms of reference in order to educate the public and create a sense of trust between the community and law enforcement in efforts to curb threats of terrorism. It is imperative for the police to interact with the community; as the public are in most instances vital assets in curbing crime.

These varying elements expounded above will help mould an effective policing mechanism to counter terrorism in South Africa.

6.2.2. Executive authorization

The counter terrorism strategy will require executive authorization, through presidential and cabinet orders to direct an integrated inter-departmental approach against terrorism. These take the form of additional or amendments to existing legal frameworks and supporting policies, which ensure obligatory interaction of relevant stakeholders (refer to comments by Gueli and Botha, in section 5.4.4).

Within this context and based on the basic conception of legal frameworks, this study ascertains that like most body corporates established in South Africa, there must be primary legislation that drives the enunciation of SAPS Counter Terrorism Unit (CTU) (refer Figure 6.2 below). The ascension of primary legislation breathes legality into the functionality of such a structure. In this regard, the concept has to first be promoted to the highest levels of government (President and Cabinet) for their acknowledgment of the key importance attached to such a structure. The promoter in this instance would have to be the SAPS as the structure will be housed within their capacity. Thereafter the relevant Bill would be conceptualised and submitted to the relevant Portfolio Committee for submission to Parliament to debate the concept. Once tabled, the idea would also require public discourse. If accepted the Bill would then become relevant legislation.

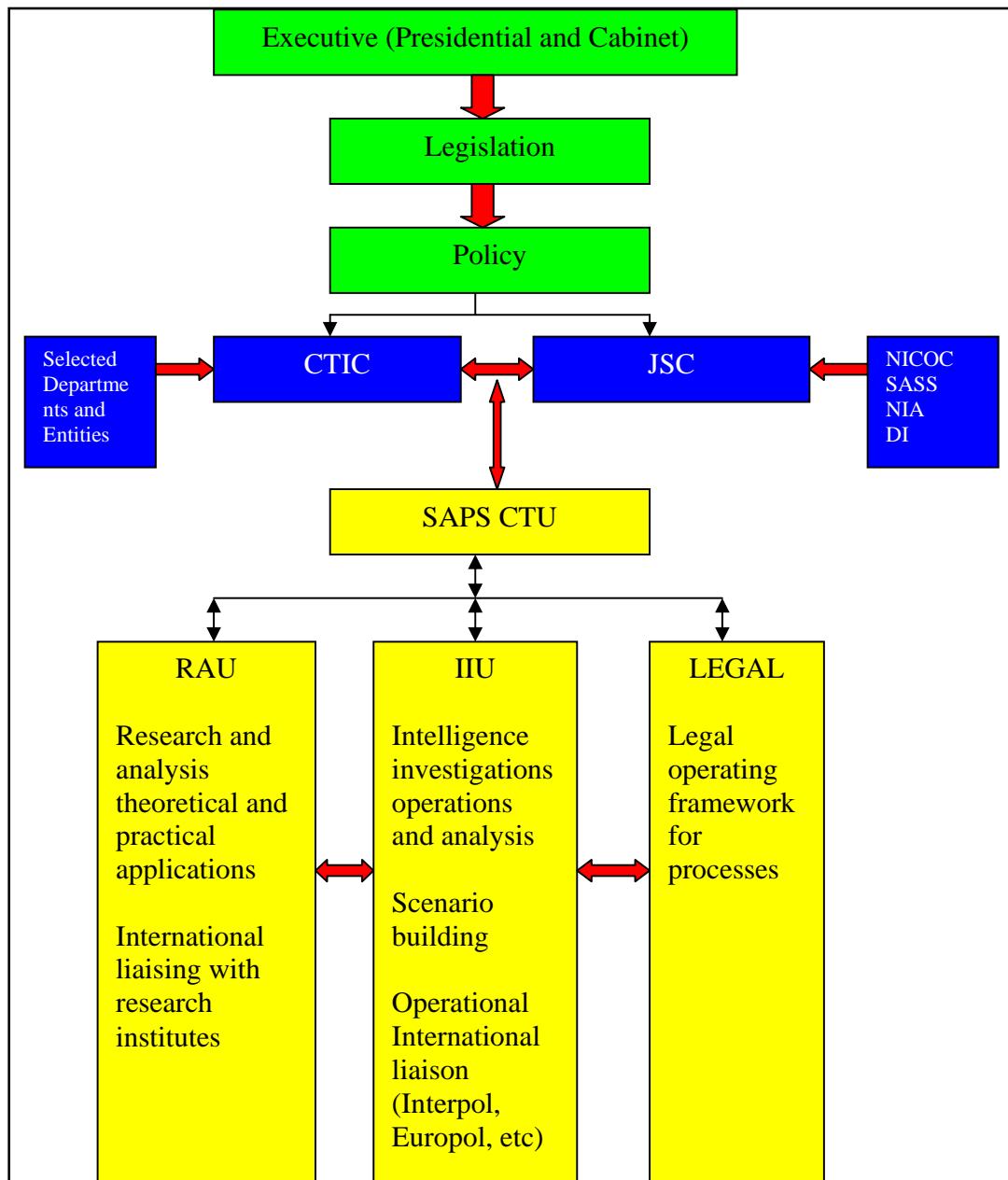
Apart from the relevant legislation that would establish the CTU, executive authorisation in the form of a mandate would have to be given for the functionality of the Counter Terrorism Interdepartmental Community (CTIC) and the Joint Security Cluster (JSC). These institutions would have similar weighting to Cluster programmes of the Policy Coordination and Advisory services (PCAS) which aim at policy analysis, mainstreaming, coordination, and monitoring and evaluation on key government actions in terms of policy objectives (The Presidency, 2008).

These policy formulations and regulations would form the basic tenets on the route of executive authorisation.

6.2.3. The Establishment of an effective and institutionalized Counter Terrorism Unit (CTU)

Taking into cognisance the above recommendations on basic elements and executive authorisation, the proposed structure of the CTU is envisioned as follows:

Figure 6.2: Graphic illustration of the CTU set-up



One of the core elements will be an integrated interdepartmental approach. The objective of an integrated interdepartmental approach to counter terrorism is to quell the following concerns:

- *Target hardening*: preventing these entities from becoming targets to terrorist attacks .e.g. as illustrated in Chapter 2, government entities especially law enforcement agencies which are the prime targets of terrorist attacks;
- *Target exploitation*: preventing these entities from being exploited in their normal business processes, for example, assisting the Department of Home Affairs to be aware of weak links in its operational capacities. Take or instance, the example of the number of SA passports found in Britain through the investigation of the Tantoushe case (Chapter 4).
- *Risk and threat assessments*: as attributed towards the threat of terrorism in that specific department as researched by experts in the department. Consider the example of the Nuclear Energy Council of South Africa (NECSA). Nuclear scientists will conduct a threat assessment on the availability of their nuclear arsenal and the consequences of their security setbacks. If terrorism were to be characterised by a new manifestation of ‘nuclear terrorism’, then it would be the risk assessment by these nuclear scientists that would aid in determining the extent of the terrorist threat as it pertains to South Africa.
- *Counter terrorism inter-departmental governance*: ensuring that measures and concerns addressed by counter terrorism units in various departments are complied and addressed in a common forum. One of the statements made in Chapter 4 (section 4.7) about the United States departments during the 9/11 incident was that the ‘right hand seldom knows what the left hand is doing’, and within South Africa, the same conclusion can be deduced. Increasingly, departments within South Africa seem to be working independent of each other and often on the same issues. It is effectively known that pooling of resources and knowledge aids in a more positive approach to dealing with threats and problems rather than piecemeal efforts. Gueli and Botha aptly argued that coordination, harmonization and rationalise of efforts will form a key component of an effective mechanism to counter terrorism in South Africa.

The composition of the Counter Terrorism Interdepartmental Community (CTIC) will be pre-determined by a risk and threat assessment of entities, which could be influenced by threats of terrorism. This risk and threat assessment will be the responsibility of a counter terrorism unit. Departments of relevance may include the Department of Home Affairs, Department of Education, National Treasury and Financial Intelligence Centre (FIC), Department of Defence, Department of Science and Technology etc. Experts from these respective departments will contribute to the counter terrorism unit (CTU).

Furthermore, these experts will remain in the employ of their respective units but will be tasked under the direction of the CTU. Essentially, the representation of experts from the various departments is required since it will be virtually impossible to include these diverse spectrums of experts to be solely in the CTU. The access of these experts to their relevant departments will be crucial as the interlinking element between the Department and the CTU. These relevant experts will fortify the interconnectedness of the process

and a sense of ownership of all relevant national departments for the counter terrorism mechanism.

The Joint Security Cluster (JSC) (a combination of NIA, SASS, DI, SAPS) efforts on counter terrorism are coordinated in NICOC. There efforts in countering terrorism have proven to be successful in the past, and it is suggested that these structures remain as they are currently positioned. However, it is envisaged that the counter terrorism unit should fall within the structure of SAPS. Various motivations as extrapolated from international best practices (Chapter 3) indicate that to have counter terrorism within a policing environment is the most amicable disposition in a democratic state. Although the efforts of NICOC are commendable, concerns have arisen concerning coordination (Section 5.4.). In order to coordinate and effectively have a common approach to terrorism, it is suggested that representatives from these structures also report to the envisaged CTU. These will include support structures, which will be utilised by the CTU as well the important counter terrorism experts input from differing departments.

Substantiating arguments in this regard is that ownership is obtained for the common strategy. Various information regarding counter terrorism, which were previously restricted to departments, should become available to all role players. Limitations to counter terrorism by the respective security cluster agencies should be addressed in keeping with the common counter terrorism perspective. In essence, the distribution of resources and diverse spectrum of expertise also become accessible and aligned to a common approach. An illustrative of this concern is that if a threat of an impending nuclear bomb and the only expert is at a conference abroad; this in itself may prove disastrous. It is therefore essential to be able to correlate resources, experts and threats to ensure effective counter terrorism responses.

The SAPS CTU as envisaged will have an integrated approach on terrorism. Essentially, the approach is of an intelligence led operation (see chapter 5 on intelligence led policing). Although intelligence led policing will be at the forefront of countering terrorism, it will not impede on the current dynamics of community and sector policing. Intelligence led policing will compliment the current sector policing dynamics in that a ‘soft approach’ will be deployed for intelligence gathering. It has been proven through research (Chapter 3 and 4), that through an interactive community operation, intelligence has proven to be more effective against counter terrorism. Communities are not marginalised but collectively contribute to eliminating impending threats. In a South African perspective, the philosophy of ‘Batho Pele’ and ‘Ubuntu’ could be effectively utilised to encourage a collective community and police approach to counter terrorism.

The operationalisation of the CTU will flow from the establishment of the Research and Analysis Unit (RAU). The RAU will primarily be responsible for conducting research and analyses on processes and measures to counter terrorism. This study has highlighted that research on terrorism and counter terrorism is lacking in South Africa and due to the very dynamics of the subject and the country, it is a fundamental requirement (refer to Richard Gueli’s statements in section 5.4.4.). It will also be responsible for conducting a broad based risk and threat analysis of departments and related entities, which are at risk by threats of terrorism. These departments, if not already included in the counter terrorism set-up, will then be included to ensure that they are aligned to current counter

terrorism dispensations. The RAU must also interact with the NICOC forum with regard to eliciting and reporting counter terrorism responses and concerns. Furthermore, liaisons with regard to the processes and measures mentioned above will be included in RAU's ambit.

Supporting the CTU will be the realisation of a legal department. The department will regulate all processes of the CTU; be it operationally or administratively. Reflected upon is the 'rendition' of Rashid (Chapter 4), if the person was an illegal immigrant, would it have been more amicable to follow the prescribed procedures to extradite an illegal immigrant rather than follow a much more volatile neutralisation process. Furthermore, the operations of the CTU needs to be governed under the auspices of a liberal democracy and this legal department must ensure that counter terrorism measures do not infringe on South Africa's founding tenets of democratic principles underlying the Constitution.

The intelligence and investigation Unit (IIU), is already in existence as predisposed by operations conducted against PAGAD and Boeremag. However, the response by SAPS towards crime and organised crime is of concern and therefore their intelligence ability becomes questionable. These can be substantiated by various remarks by experts in section 5.4.4 of this study and the consequential implications of SAPS to limit organised crime to an acceptable level. These arguments have also raised concerns on the IIU's ability to conduct operations. This unit will also filter into the CTU but with certain critical transformations. The IIU has to have clearly defined parameters and although difficult be able to quantify its intelligence operation. Quantify intelligence entails implementing intelligence operations and achieving tangible results.

The analysis wing of the IIU needs to be effective in optimally utilising the most modern and sophisticated analysis tools such as Proteus and the Beijian model to direct intelligence operations. The key output of the IIU will be the development of a common database that will be easily tapped for relevant information on terrorist profiles and counter terrorism measures. Furthermore, international liaisons for operational counter terrorism will need to be exploited in this forum to ensure a common approach to international terrorism. There must be a synthesis within the IIU, such as strategic tactical vision incorporated with good analysis and effective operational techniques. Concerning the intelligence unit is the expertise of the personnel.

South Africa is a young democracy and embryonic in its international counter terrorism endeavours. These amongst other threats to the IIU need to be conceptualised and explored to obtain best practices. The integrated CTIC and the Joint Security Cluster will form sub-units of the CTU and filter into the common practices of the mechanism.

ANNEXURE 1: BACKGROUND ON USAMA BIN LADEN

(A.k.a. Usama bin Mohammad bin Laden, Shaykh Usama bin Laden, the Prince, the Emir, Abu Abdallah, Mujahid Shaykh, Hajj, the Director)

Usama bin Mohammad bin Laden, now known in the Western world as Usama bin laden, was born on July 30, 1957, in Riyadh, Saudi Arabia, the seventeenth son of Mohammad bin Laden. Bin Laden's family inherited a financial empire that today is worth an estimated \$10 billion. The Saudi bin Laden Group is now run by Usama's family, which has publicly said it does not condone his violent activities (Hunsicker, 2006: 48).

Whilst his family's construction firm was rebuilding holy mosques in the sacred cities of Mecca and Medina in 1973, Usama bin Laden developed a religious passion for Islam and a strong belief in Islamic law. In the early 1970s, he began to preach the necessity of armed struggle and worldwide monotheism, and he also began to associate with Islamic fundamentalist groups. Usama bin Laden's religious passion ignited in December 1979, when the Soviet Union invaded Muslim Afghanistan. Bin Laden's worldview of seeing the world in simplistic terms as a struggle between righteous Islam and a doomed West prompted him to join the Mujahideen in Pakistan, just a few days after the invasion (Hunsicker, 2006: 48).

In the early 1980s, he returned home to fund, recruit, and transport and train a volunteer force of Arab nationals, called the Islamic Salvation Front (ISF), to fight alongside the existing Afghan Mujahideen. He co-founded the Mujahideen Services Bureau (Maktab al-Khidamar) and transformed it into an international network that recruited Islamic fundamentalists with special knowledge. According to Hunsicker (2006:48-49), the mujahideen were from various Arab states, and were of different ages, most of them were young. They held high scientific degrees: such as doctors, engineers etc. They left their families and jobs and joined the Afghan Jihad. In addition, bin Laden volunteered the services of the family construction firm to blast new roads through the Afghan mountains. As commander of a contingent of Arab troops, he experienced combat against the Soviets first-hand, including the siege of Jalalabad in 1986-one of the fiercest battles of the war, and he earned a reputation as a fearless fighter. Following that battle, bin Laden and other Islamic leaders concluded that they were victims of a U.S. conspiracy to defeat the jihad in Afghanistan and elsewhere (Hunsicker, 2006: 48).

Following Iraq's invasion of Kuwait on August 2, 1990, bin Laden, according to Hunsicker (2006:48), urged the Saudi government not to taint its Islamic legitimacy by inviting infidel Americans into Saudi Arabia to defend the country, but he was ignored. Although bin Laden, unlike most other Islamic leaders, remained loyal to the regime while condemning the U.S. military and economic presence as well as the Iraqi invasion, Saudi officials increasingly began to threaten him to halt his criticism (Hunsicker, 2006: 48-49).

Consequently, bin laden and his family and a large band of followers moved to Sudan in 1991. Sudan served as a base for his terrorist operations. In 1992, his attention appears to have been directed against Egypt, but he also claimed responsibility that year for

attempting to bomb U.S. soldiers in Yemen, and again for attacks in Somalia in 1993. He also financed and helped set up at least three terrorist training camps in cooperation with the Sudanese regime, and his construction company worked directly with Sudanese military officials to transport and supply terrorists training in such camps (Hunsicker, 2006: 48-49).

In the winter of 1993, bin Laden travelled to the Philippines to support the terrorist network that would launch major operations in that country and the United States. His calls for insurrection prompted Saudi authorities to revoke his Saudi citizenship on April 7, 1994, for ‘irresponsible behaviour’, and he was officially expelled from the country. He subsequently established a new residence and base of operations in the London suburb of Wembley, but was forced to return to Sudan after a few months to avoid being extradited to Saudi Arabia. In early 1995, he began stepping up activities against Egypt and Saudi Arabia (Hunsicker, 2006: 48-49).

That summer, he uprooted his family again from Sudan and returned to Afghanistan on board his unmarked, private C-130 military transport plane. Bin Laden established a mountain fortress near the city of Kandahar southwest of Jalalabad, under the protection of the Afghan government. After attending a terrorism summit in Khartoum, bin Laden stopped in Tehran in early October 1996 and met with terrorist leaders, including Abu Nidal, to discuss stepping up terrorist activities in the Middle East (Hunsicker, 2006: 48-49).

Annexure 2: Major Terrorist Organisations: An illustration of Al-Qaeda

Al-Qaeda (the Base) was founded by Usama Bin laden and Abdullah Azzam. Bin laden is the seventeenth son of a wealthy building contractor who made a fortune carrying out major construction contracts in Saudi Arabia (Wilkinson, 2006:39).

Azzam, according to Wilkinson (2006:39), was a teacher of Islamic Law at King Abdul Aziz University in Jeddah. Azzam exerted considerable influence on Usama bin Laden while he was a student in the same university. Azzam was a follower of Sayyid Qutb, an influential Egyptian Islamist. Qutb's teachings included that the world was divided between those who do submit to Islamic law and those who do not submit to Islamic law. Qutb, according to Wilkinson (2006:39), believed that all Muslims had a duty to wage holy war (jihad) in order to establish Shari' a rule not only in Egypt but globally. In order to achieve this ultimate objective Qutb was prepared to include secular Arab regimes and those considered of collaborating with the 'infidel' governments of the west, as legitimate targets of jihad.

The second most important factor in the shaping of Al-Qaeda was the experience of the Muslim resistance to the Soviet occupation of Afghanistan (Wilkinson, 2006:39). Bin Laden was an active participant for the Afghanistan resistance. Bin laden also supported the resistance by using part of his father's construction company to build fortifications and tunnels (Wilkinson, 2006:39).

Wilkinson (2006:39) considers the third key factor in the early development of Al-Qaeda to be an audience of the Egyptian radical Islamists, particularly Ayman Zawahiri. Ayman Zawahiri became the leading theoretician and strategist of Al-Qaeda. Ayman Zawahiri was the revolutionary terrorist activity leader of al-Jihad, the Egyptian extreme Islamist group, which carried out the assassination of President Anwar Sadat in 1981. Zawahiri was arrested by the Egyptians after the assassination and was released three years later because a lack of specific evidence of his involvement in the crime.

Zawahiri travelled to Afghanistan in 1980 where he met bin Laden and arranged the merger of the Egyptian al-Jihad Group with Al-Qaeda. Abdullah Azzam, who had developed major differences with bin Laden over strategy, was assassinated in 1989 whilst in Pakistan. It was Zawahiri, a fanatical believer in the use of terrorism as the key weapon in the global jihad, who became deputy leader of Al-Qaeda (Wilkinson, 2006:39).

Bin Laden and his followers were elated by the success of the forcing the Soviet Union to withdraw its forces from Afghanistan, an achievement made partially possible by the substantial financial assistance (estimated at \$3 billion), modern weaponry (including 'Stinger' missiles and technical assistance from the United States (Wilkinson, 2006:39).

Al-Qaeda is considered more dangerous than other traditional terrorist groups. From an early stage in its development, it was clear that Al-Qaeda was not going to resemble the traditional terrorist groups with monolithic structures and centralised control: instead, it was developed into a worldwide network of networks. According to Wilkinson (2006:42),

the ‘horizontal’ network structure means that although bin Laden and Zawahiri provide ideological leadership and inspiration it is left to the affiliated networks and cells to carry out attacks against the types of targets designated by Al-Qaeda’s ideology and combat doctrine. The Al-Qaeda movement is able to maintain its ‘global reach’ through its widely dispersed terrorist network (Wilkinson, 2006:42).

Another key feature of Al-Qaeda is that although it uses the language of extreme fundamentalist Islam, its core ideology is a grandiose plan to wage global jihad against America and its allies and against all existing Muslim government in order to bring about nothing less than a revolutionary transformation of international politics. Ultimately Al-Qaeda wants to create a pan Islamist caliphate to rule all Muslims. Their ideology is absolutist and ‘incorrigible’, that is there is no basis for diplomatic or political compromise. However impracticable this ideological project may seem to most in the West, Al-Qaeda members certainly believe that their revolutionary global transformation will happen because they believe Allah is on their side and that they will ultimately be victorious, however long it takes (Wilkinson, 2006:42).

A key feature of the Al-Qaeda movement is its terrorist attacks which have an explicit commitment to mass-killing. In a notorious ‘fatwa’ announced to the world in February 1998, bin Laden and a group of leading fellow extremists declared that it is the duty of all Muslims to kill Americans, including civilians and their allies, whenever the opportunity arises. The 9/11 attacks which killed almost 3000 and a whole series of other Al-Qaeda attacks, including those in Nairobi, Bali, Madrid and London demonstrate that the movement has no hesitation or compunction about killing hundred of innocent civilians, including fellow Muslims (Wilkinson, 2006:42).

Closely connected with Al-Qaeda’s innate tendency to engage in mass killing is their modus operandi in tactics, targets and areas of operations. Their typical tactic is to mount coordinated ‘no-warning’ suicide attacks using car or truck bombs designed to maximise carnage and economic destruction. Their choice of targets shows that they have no qualm about attacking soft targets were crowds of civilians are likely to be gathered, such public transport systems, tourist hotels and restaurants, etc. these suicide ‘no-warning’ coordinated attacks on the general public are partially difficult for the police to prevent in open, democratic societies (Wilkinson, 2006:43).

According to Wilkinson (2006:41), Al-Qaeda’s aim is to kill large numbers of people and cause maximum economic damage and disruption to create a climate of fear. Typical methods include: no warning of imminent attack; coordinated suicide attacks which hit several targets simultaneously. Its most commonly used weapon has been suicide bombers (Wilkinson, 2006:41).

According to Wilkinson (2006:41) Bin Laden’s Al-Qaeda is more of a global trans-national movement in history. The records show that it has global reach. Bin Laden and his Deputy Zawahiri provide ideological and strategic leadership and direction. They are assisted by a Shura (council of advisers) and specialist committees which deal with matters such as ‘military’ planning, teachings of Islamist doctrine and indoctrination etc. (Wilkinson, 2006:41).

Wilkinson (2006:41) mentions in addition that the organisation consists of a wide and complex network of cells and affiliated organisations (e.g. Jemaah Islamiyah; Salafist Group for Call and Combat (GSPC). These groups are used as vehicles for waging terrorism around the world.

Wilkinson (2006:41) considers the case of Al-Qaeda when determining the modus operandi of terrorist groups. Yet, it must be understood, that different terrorist groups operate, while having some similarities also diverge in other regards when it comes to their modus operandi.

Annexure 3: UN Conventions

UN Conventions on Terrorism

Hague convention on the unlawful seizure of aircraft, 1970: The convention makes it an offence for any person on board an aircraft in flight ‘unlawfully, by force or threat thereof, or any other form of intimidation, to seize or exercise control of that aircraft’ or to attempt to do so. Parties to the convention are required to make aircraft hijackings punishable by ‘severe penalties’. South Africa ratified the convention in May 1972. The Civil Aviation Offences Act of 1972 gives effect to the Tokyo, Hague and Montreal conventions. The act criminalises, in general, the interference with aircraft in flight, or endangering flight crew, passengers, aircraft and aviation facilities.

Montreal convention for the suppression of unlawful acts against the safety of civil aviation, 1971: The convention makes it an offence for any person unlawfully and intentionally to perform an act of violence against a person on board an aircraft, if that act is likely to endanger the safety of the aircraft. It is also an offence to place an explosive device on an aircraft. The convention mandates ‘severe penalties’ for persons guilty of the aforementioned acts. South Africa ratified the convention in May 1972.

Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents, 1973: The convention defines internationally protected persons as a head of state, a minister of foreign affairs, a representative or official of a state or of an international organisation who is entitled to special protection from attack under international law. The convention requires each party to criminalise and make punishable ‘by appropriate penalties which take into account their grave nature’, the murder, kidnapping, or other attack upon the person or liberty of an internationally protected person; or, a violent attack upon the official premises, the private accommodations, or the means of transport of such a person. South Africa had not ratified the convention at the time of writing. In South Africa, internationally protected persons enjoy the same common law protections as any South African citizen. The Diplomatic Immunities and Privileges Act of 1989 affords certain privileges and protections to some classes of internationally protected persons (see above).

Convention on the physical protection of nuclear materials, 1979: The convention criminalises the unlawful possession, use and transfer of nuclear material, the theft of nuclear material, and threats to use nuclear material to cause death or serious injury to any person, or substantial damage to property. The convention had been signed but not ratified by South Africa at the time of writing. Most provisions of the convention are contained in the Nuclear Energy Act of 1999.

International convention against the taking of hostages, 1979: The convention provides that ‘any person who seizes or detains and threatens to kill, to injure, or to continue to detain another person, or a group of persons, to do or abstain from doing any acts as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostages within the meaning of this convention’. South Africa had not

ratified the convention at the time of writing. In terms of the South African common law, the crime of kidnapping is committed when a person is unlawfully and intentionally deprived of their freedom of movement. Hostage taking falls within the common law definition of kidnapping. Moreover, the definition of intimidation contained in the Intimidation Act of 1982 is broad enough to include hostage taking.

International convention for the suppression of terrorist bombings, 1997: The purpose of the convention is to enhance international co-operation to eliminate the use of explosives or other lethal devices in acts of terror. Conduct that amounts to the unlawful and intentional delivery, placement, discharge or detonation of explosives or other lethal devices into or against public places, state facilities, infrastructure facilities or public transportation systems is prohibited. Such actions constitute an offence in terms of the convention where the intention is to cause death, serious bodily injury, or extensive destruction that results in actual or potential economic loss of such places or facilities. South Africa signed the convention in December 1999, but had not ratified it at the time of writing.

Source: United Nations website: www.un.org

Annexure 4: The London Bombings

The London Bombings: 7 July 2007

Attacks on the Underground

08:50 am

Three bombs on the London Underground exploded within fifty seconds of each other:

- The first bomb exploded on eastbound Circle Line sub-surface Underground train number 204 between Liverpool Street and Aldgate. The explosion occurred about eight minutes after the train left King's Cross St. Pancras tube station.
- The second bomb exploded on the second carriage of westbound Circle Line sub-surface Underground train number 216 at Edgware Road.
- The third bomb exploded on southbound Piccadilly Line deep-level Underground train number 311 between King's Cross St Pancras and Russell Square.

Attack on a double-decker bus

09:47 am

- An explosion occurred in Tavistock Square on a No. 30 double-decker bus operated by Stagecoach London travelling its route from Marble Arch to Hackney Wick

The bombers

- Hasib Hussain: No 30 bus, age 18, Pakistani descent, from Colenso Mount, Leeds.
- Jamal (Germaine) Lindsay: Piccadilly Line train, Jamaican-born resident of Aylesbury.
- Mohammad Sidique Khan: Edgware Road train, age 30, married and recent father, Pakistani descent, from Dewsbury, near Leeds.
- Shehzad Tanweer: Aldgate train, age 22, Pakistani descent, from Colwyn Road, Leeds.

Accomplices

The following people are being or have been investigated in relation to the attacks:

- Magdi Asdi el-Nashar: Egyptian-born Ph.D. lecturer at the University of Leeds; renter of the house where explosives were found; he was arrested in Cairo on 15 July by Egyptian police

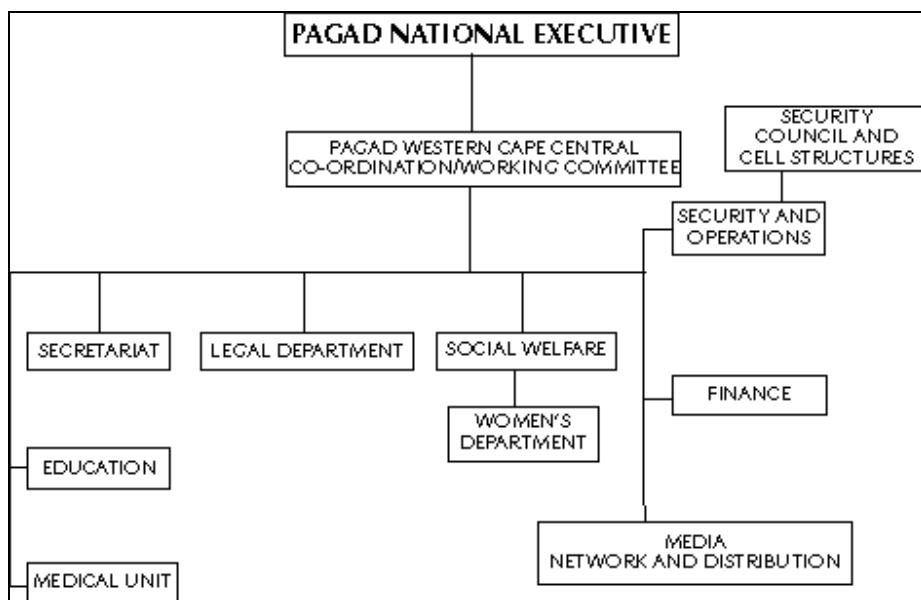
- Ejaz ‘Jacksy’ Fiaz (also named as Eliaz Fiaz): possible co-conspirator, in his early thirties, from Beeston, Leeds. Initially thought to have been the suicide bomber on the Piccadilly Line train; he has disappeared.
- Naveed Fiaz: brother of Ejaz, detained by police in the days after the attacks, but released without charge on 22 July. He was connected to three of the bombers via the Hamara Youth Access Point.
- Haroon Rashid Aswat: an Al-Qaeda operative and possible M16 informant. believed to be the bomb-maker or cell organiser, initially described as a Pakistani in his 30s, who entered Britain through a port some time in June 2005, and left the country on 6 July. Reports on 28 July said he had been arrested in Livingstone, Zambia some days earlier. He was deported to the UK on 7 August and arrested by British police on his arrival. Authorities in the United States have expressed a desire to have him extradited to face charges relating to the setting up of a terrorist training camp in Oregon in 1999.

Source: (http://www.en.wikipedia.org/wiki/7_July_2005_London_bombings)

Annexure 5: The eight new challenges confronting the Indian counter terrorism managers and policymakers between 1989 and 2001:

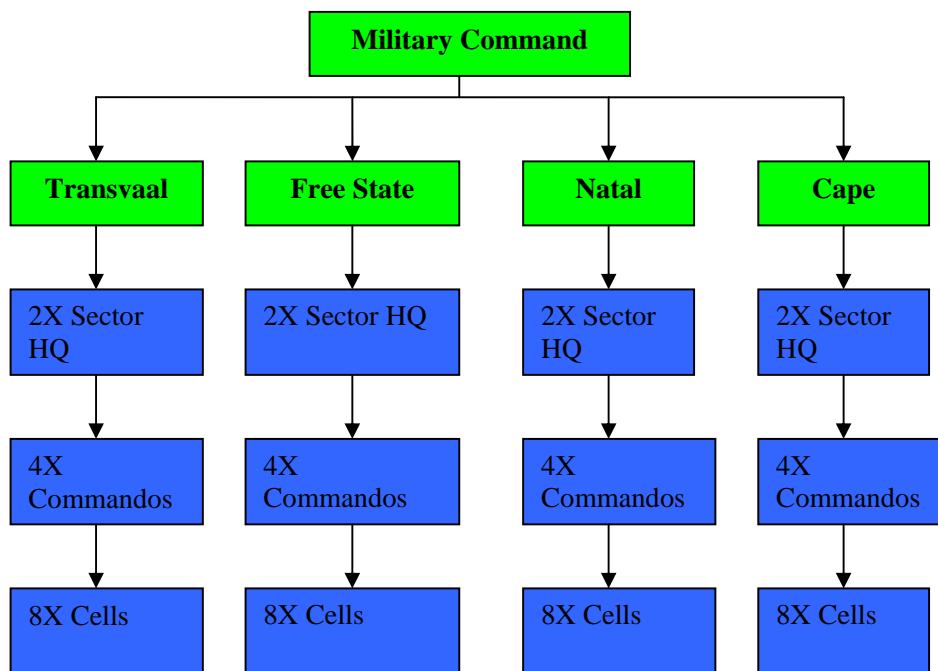
- The emulation of the Afghan Mujahideen of the 1980s by some organizations in the Indian State of Jammu and Kashmir (J&K) in order to exercise pressure on the Government to concede their demands, which related to either independence for the State or its annexation by Pakistan. The cadres of these organizations, which have been active in the State since 1989, are funded, trained, armed and guided by the ISI.
- The infiltration initially into J&K and subsequently into other parts of India of trained and armed members of four Pakistani pan-Islamic Organisations, namely, the Lakshkar-e-Toiba (LET), the Harkat-ul-Mujahideen (HUM), the Harkat-ul-jihad-al-Islami (HUJI) and the Jaish-e-Mohammad (JEM). These organizations, which have since joined Usama bin Laden's International Islamic Front (IIF) formed in 1998, were initially recruiting their members from Pakistan, but since 2003, they have also been recruiting from the Indian Muslim Diaspora in the Gulf and from the Indian Muslim Community in India itself. All these organizations operate from Pakistan. Two of them –the LET and HUJI- also have sanctuaries in Bangladesh.
- The emergence of suicide terrorism as a strategic weapon of great lethality. Suicide terrorism was first used in Indian Territory by the Liberation Tigers of Tamil Eelam (LTTE) to assassinate Rajiv Gandhi in Chennai in May 1991. Since the four Pakistani pan-Islamic organizations joined bin Laden's IIF in 1998, they have been increasingly resorting to suicide terrorism.
- The acquisition of a maritime terrorism capability by the LTTE. This capability consists of a fleet of commercial ships for guns and narcotics running and a naval capability for covert acts of maritime terrorism, including sea-borne suicide terrorism.
- The beginning of economic terrorism with the attacks on the tourist infrastructure in J&K and with the explosions of the March 1993 in Mumbai, which were directed against carefully selected economic targets such as the stock exchange.
- Narco Terrorism and the increasing use of narcotics by different terrorist groups as a source of funding for their terrorist operations.
- The emergence of links between the Pakistan-based pan-Islamic jihadi terrorist organizations and the trans-national mafia group headed by the Karachi-based Dawood Ibrahim, who has since been designated by the US Treasury Department in October 2003, as an international terrorist following evidence of his contacts with Al-Qaeda. He has master-minded the Mumbai explosions of 1993.
- Large-scale illegal immigration into India from Bangladesh, which is threatening to change the demographic composition of sensitive areas in India's North-East and provides sanctuaries for jihadi terrorists based in Bangladesh for their operations in Indian Territory (Raman, 2003b).

Annexure 6: Illustrative example of the Western Cape Organisational structure of PAGAD and the Boeremag



Source: Botha, 2001

Boeremag Structure



Annexure 7: South African Legislation against Terrorism

Emergency situations

State of Emergency Act of 1997: The act provides for the declaration of a state of emergency in South Africa. According to the constitution, a state of emergency may be declared only when 'the life of the nation is threatened by war, invasion, general insurrection, disorder, natural disaster or other public emergency, and the declaration is necessary to restore peace and order'.

Defence Act of 1957: The act contains various provisions relating to the combating of terrorism. These include the mobilisation of the Citizen Force, the Reserve and the commandos for: service in the prevention or suppression of terrorism; compulsory service outside South Africa for the prevention or suppression of terrorism; the safeguarding of the borders of South Africa for the prevention or suppression of terrorism; the commandeering of, amongst other things, buildings, vehicles, aircraft and equipment for the prevention or suppression of terrorism, and assuming control over transport systems for the prevention or suppression of terrorism.

Terrorism, sabotage and intimidation

Internal Security Act of 1982: In terms of the act, a person is guilty of the offence of terrorism if he, inter alia, commits (or threatens to commit) an act of violence; or incites aids, advises or encourages any other person to commit an act of violence with the intent to: overthrow or endanger the state authority in South Africa; achieve, bring about or promote any constitutional, political, industrial, social or economic aim or change in the country, or induce the government to do or to abstain from doing any act or to adopt or abandon any particular standpoint.

Intimidation Act of 1982: The act is targeted at persons who intend to frighten, demoralise, or incite the public (or a particular section of the population) to do or abstain from doing any act.

Assisting and training terrorists

Criminal Law Second Amendment Act of 1992: The act prohibits any person from: taking part in the control, administration or management of any organisation; organising, training, equipping or arming the members or supporters of any organisation, or undergoing training in any organisation.

Regulation of Foreign Military Assistance Act of 1998: The act regulates the rendering of foreign military assistance by South African persons—both natural and juristic—including citizens, permanent residents and foreign citizens from within the borders of South Africa. The act prohibits anyone from recruiting, using or training persons for, or financing or engaging in, mercenary activity.

Targeting the tools of terrorism

Armaments Development and Production Act of 1968: The act regulates the manufacture, possession and importation of armaments. The meaning of armaments is broadly defined to include 'bombs, ammunition or weapons, or any substance, material, components... of whatever nature capable of being used in the development, manufacture or maintenance of armaments'.

Explosives Act of 1956: The act regulates the manufacture, storage, transport, importation, exportation and the use of explosives. A 1997 amendment to the act holds that no person may manufacture, import, possess, sell, supply or export any plastic explosive that is not marked with a detection agent.

Dangerous Weapons Act of 1968: In terms of the act, a 'dangerous weapon' is any object, other than a firearm, which is likely to cause serious bodily injury if used to commit an assault.

Firearms Control Act of 2001: According to the act, it is an offence to possess a firearm without a licence. The possession of 'prohibited firearms' including fully automatic firearms, grenades, bombs and explosive devices is also a criminal offence.

Non-Proliferation of Weapons of Mass Destruction Act of 1993: The act provides for control over weapons of 'mass destruction', that is, a weapon designed to kill, harm or infect people, animals or plants through the effect of a nuclear explosion, or the toxic properties of a chemical or biological warfare agent.

National Key Points Act of 1980: The act empowers the minister of defence to declare a place or area as a national key point

Civil Aviation Offences Act of 1972: The act creates a number of offences relating to aircraft and airports.

Merchant Shipping Act of 1951: According to the act, no person may without a reasonable excuse do anything to obstruct or damage any equipment on a ship, or obstruct, impede or molest any of the crew in the navigation and management of the ship or otherwise, in the execution of their duties on the ship.

Annexure 8: Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004

To provide for measures to prevent and combat terrorist and related activities; to provide for an offence **of** terrorism and other offences associated or connected with terrorist activities; to provide for Convention offences; to give effect to international instruments dealing with terrorist and related activities; to provide for a mechanism to comply with United National Security Council Resolutions, which are binding on member States, in respect **of** terrorist and related activities; to provide for measures to prevent and combat the financing of terrorist and related activities; **to** provide for investigative measures in respect of terrorist and related activities; and to provide for matters connected therewith.

Chapter 2

Part 1

Offences associated or connected with terrorist activities

(1) Any person who -

- (a) does anything which will, or is likely to, enhance the ability of any entity to engage in a terrorist activity, including providing or offering to provide a skill or an expertise;
- (b) Enters or remains in any country; or
- (c) Makes himself or herself available,

for the benefit of, at the direction of, or in association with any entity engaging in a terrorist activity, and who knows or ought reasonably to have known or suspected, that such act was done for the purpose of enhancing the ability of such entity to engage in a terrorist activity, is guilty of the offence associated with a terrorist activity.

(2) Any person who -

- (a) Provides or offers to provide any weapon to any other person for use by or for the benefit of an entity;
- (b) solicits support for or gives support to an entity;
- (c) Provides, receives or participates in training or instruction, or recruits an entity to receive training or instruction;
- (d) Recruits any entity;
- (e) Collects or makes a document; or
- (f) Possesses a thing.

connected with the engagement in a terrorist activity, and who knows or ought reasonably to have known or suspected that such weapons, soliciting, training, recruitment, document or thing is so connected, is guilty of an offence connected with terrorist activities.

Part 2

Offences associated or connected with financing of specified offences

(1) Any person who, directly or indirectly, in whole or in part, and by any means or method -

- (a) Acquires property;

- (b) collects property;
- (c) Uses property;
- (d) Possesses property;
- (e) Owns property;
- (f) Provides or makes available, or invites a person to provide or make available property;
- (g) Provides or makes available, or invites a person to provide or make available any financial or other service;
- (h) Provides or makes available, or invites a person to provide or make available economic support; or
- (i) Facilitates the acquisition, collection, use or provision of property, or the provision of any financial or other service, or the provision of economic support,

intending that the property, financial or other service or economic support, as the case may be, be used, or while such person knows or ought reasonably to have known or suspected that the property, service or support concerned will be used, directly or indirectly, in whole or in part.

- Offences relating to explosive or other lethal devices
- Offences relating to hijacking, destroying or endangering safety of a fixed platform
- Offences relating to taking a hostage
- Offences relating to causing harm to internationally protected persons
- Offences relating to hijacking an aircraft
- Offences relating to hijacking a ship or endangering safety of maritime navigation

Part 3

Other offences

- Offences relating to harbouring or concealment of persons committing specified offences
- Duty to report presence of person suspected of intending to commit or having committed an offence and failure to so report
- Offences relating to hoaxes
- Threat, attempt, conspiracy and inducing another person to commit offence

INVESTIGATING POWERS AND FREEZING ORDERS

Investigating powers

- (1) Whenever the National Director has reason to believe that -
 - (a) Any person may be in possession of information relevant to –
 - (i) The commission or intended commission of an alleged offence under Chapter 2.

Freezing order

- (1) A High Court may, on *ex parte* application by the National Director to a judge in chambers, make an order prohibiting any person from engaging in any conduct, or obliging any person to cease any conduct, concerning property in respect of which there are reasonable grounds to believe that the property is owned or controlled by

or on behalf of, or at the direction.

Cordon off, stop and search of vehicle and person

- (1) If, on written request under oath to a judge in chambers by a police official of or above the rank of director, it appears to the judge that it is necessary in order.

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LIST OF INTERVIEWS

Anneli Botha, Senior Researcher on Counter Terrorism. African Security Programme, International Security Studies (ISS), 25 October 2007, 9-10:30 am

Boyane Tshelha, Head of Crime and Justice Programme, ISS, 1 November 2007, 1-2pm.

Dr. Johan Burger, Senior Researcher on Crime and Justice: Crime and Justice Programme, ISS, 8 November 2007, 10-12pm.

Kurt Shillinger, Senior Researcher on Counter Terrorism. Counter Terrorism Programme, South Africa Institute of International Affairs (SAIIA), 2 November 2007, 10-11:30am.

Professor Andre Thomashausen, Professor at the Institute of Foreign and Comparative Law, University of South Africa (UNISA) 25 October 2007, 11-1pm.

Professor Clifford Shearing, Professor of Criminology and the Director of the Institute of Criminology, University of Cape Town, 1 November 2007, 12 -1pm.

Professor Hough, Director of International Strategic Studies, University of Pretoria, 30 October 2007, 11-11:30am

Professor Hussein Solomon, Political Studies, University of Pretoria, 14 November 2007, 10:30-11:45pm.

Richard Gueli, Research Fellow on Counter Terrorism. Council for Scientific and Industrial Research (CSIR), 7 November 2007, 9-11am.

SAPS Senior Official, Crime Intelligence, 10 November 2007, 10-1pm.