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CONGRESSIONAL TESTIMONY

**U.S.–India Counterterrorism
Cooperation: Deepening the
Partnership**

Testimony before
The United States House of Representatives,
Committee on Foreign Affairs, Subcommittee
on Terrorism, Nonproliferation, and Trade

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**Lisa Curtis
Senior Research Fellow**

My name is Lisa Curtis. I am a senior research fellow at The Heritage Foundation. The views I express in this testimony are my own, and should not be construed as representing any official position of The Heritage Foundation.

The U.S. and India are under threat from terrorists that seek to disrupt both countries' democratic way of life, undermine their economic progress, and strike terror among their citizenries. This point was driven home last week as India experienced yet another devastating attack—this time at the New Delhi High Court—and the U.S. sought to track down credible threat information that terrorists were preparing to attack New York City and Washington, D.C., around the 10-year anniversary of the 9/11 attacks.

Despite a general convergence of American and Indian views on the need to contain terrorism, the two countries have failed in the past to work as closely as they could to minimize threats. The U.S.–India Homeland Security Dialogue launched in May provides a fresh opportunity to expand counterterrorism cooperation between New Delhi and Washington to mutual benefit. In order to gain the full benefits of this cooperation, both countries will have to overcome suspicions of the other's intentions and be willing to deepen their intelligence exchanges.

While the U.S. and India engage closely on a host of issues—including defense, nuclear nonproliferation, and economic cooperation—the greatest potential benefit to each country's national security is likely to come from the expansion of counterterrorism cooperation. The U.S. can help India strengthen its homeland security and make itself less vulnerable to terrorism by sharing best practices and lessons learned over the post-9/11 decade. The U.S. also stands to benefit from greater access to India's information and databases that track terrorists who are active in India, many of whom have close connections to al-Qaeda and other Pakistan-based terrorist groups.

The Evolving Terrorist Threat in India

While India has faced numerous insurgencies and separatist movements over the last 30 years, my testimony will focus on the threat from Islamist terrorism, which constitutes one of the most urgent internal threats to India's security. In addition to terrorist attacks by Islamist extremists, India has dealt with a Sikh uprising in the state of Punjab in the 1980s, a Muslim separatist movement in the state of Jammu and Kashmir that flared in the 1990s, various ethnic separatist movements in its northeast, and a leftist extremist movement that has recently spread in the rural areas of eastern and central India. The background on these separatist movements goes beyond the scope of my testimony and will only be mentioned to the degree that it relates to Islamist terrorist attacks, which have wracked India over the last five years.

India has experienced two major terrorist attacks within the last two months. Just last Wednesday, terrorists struck the New Delhi High Court by planting a bomb in a trash can near the reception area, killing 13 and injuring scores of others. This attack followed serial bombings in Mumbai on July 13 that killed 26. In the July attacks, terrorists detonated improvised explosive devices (IEDs) in three separate locations of the city

almost simultaneously. The first two blasts occurred at around 6:55 p.m., one in a jewelry market and one in a business district in southern Mumbai. The third blast occurred around 7:05 p.m. in a crowded neighborhood in central Mumbai.

Two separate groups have claimed responsibility for last week's attack on the High Court. In an e-mail sent a few hours after the incident, the Harakat-ul-Jihadi Islami (HuJI) claimed credit for the bombing and demanded repeal of a death sentence for an alleged terrorist on death row for involvement in a 2001 attack on the Indian parliament. That attack precipitated a six-month military standoff between India and Pakistan that U.S. officials feared could erupt into nuclear conflict. HuJI, a well-known Pakistan-based group that also operates in Bangladesh, in the past focused on attacking targets in Indian Kashmir but has more recently forged ties to al-Qaeda. HuJI leader and close confidante of Osama bin Laden, Ilyas Kashmiri, was reportedly killed in a drone strike in Pakistan in June. In a separate e-mail sent a day after the High Court bombing, a locally based terrorist outfit called the Indian Mujahideen claimed credit for the bombing.

India has not assigned responsibility for either of the recent attacks, although Indian Home Minister P. Chidambaram said the strikes were most likely conducted by India-based terrorists. The statement represented a significant departure from past Indian pronouncements following terrorist attacks in which officials automatically pointed a finger across the border to Pakistan.

India's inability to identify a specific organization responsible for the recent bombing seems to define the evolving nature of the threat that India faces. Many analysts are starting to focus less on organizational designations and paying more attention to networks of individuals and the possibility that small groups of Indians may be working in coordination with Pakistan-based terrorist groups like Lashkar-e-Tayyiba (LeT) and HuJI. Revelations from the David C. Headley trial in Chicago (see below) apparently revealed that Pakistani intelligence and the LeT have worked together in recent years on an endeavor called the Karachi Project, which seeks to motivate and equip Indians to attack their own country.¹

A survey of terrorist attacks occurring in India over the last five years validates the theory that terrorism in India is increasingly being conducted by Indians working closely with Pakistan-based terrorist groups. In the six months before the November 2008 attacks that were carried out by the LeT, India suffered several terrorist attacks inside the country, most of which were claimed by the Indian Mujahideen (IM). This led to concern in India about the growing threat posed by homegrown Islamist extremists. The IM had sent out a manifesto on November 23, 2007, via e-mail, claiming responsibility for bombing court complexes in the Indian cities of Lucknow, Varanasi, and Faizabad. The group said it conducted the attacks to avenge the mistreatment of suspects held for their involvement in a Jaish-e-Mohammed kidnapping plot.² Jaish-e-Mohammed is another Pakistan-based terrorist group with past ties to Pakistani intelligence.

¹Sandeep Unnithan, "The Karachi Project," *India Today*, February 18, 2010, at <http://indiatoday.intoday.in/story/The+Karachi+project/1/84662.html> (September 12, 2011).

²Praveen Swami, "Indian Mujahideen Manifestos Attacked Judiciary," *The Hindu*, September 8, 2011 at <http://www.thehindu.com/news/national/article2436739.ece> (September 12, 2011).

India's Response to the Threat

Indian officials were severely criticized for security lapses following the attack in New Delhi. Despite an earlier smaller scale bombing at the court four months prior, the government had not installed surveillance cameras in the area, and metal detectors at the building were not functioning properly. Although India has taken some steps to improve its counterterrorism capabilities since the 2008 Mumbai attacks, it must do far more to cope with the persistent threat of terrorism. India will have to overhaul its intelligence systems and reform and bolster its local police operations. The amount of resources that India has invested in bolstering its counterterrorism capabilities has so far failed to adequately meet the challenge.

Steps that India has taken to try to improve its ability to get a handle on terrorism include passing a law in December 2008 establishing the National Investigative Agency (NIA) to investigate threats or acts of terrorism. Senior NIA officers have unique authority to pursue and investigate terror incidents throughout the country, thereby addressing the challenge of separate jurisdictions for Indian states. A major challenge for India has been lack of information-sharing among the different intelligence agencies and difficulties in conducting investigations across state jurisdictions. The NIA has so far been staffed with personnel from existing intelligence and law enforcement agencies throughout India. Critics say the NIA is drastically underfunded, however.

Also in the immediate aftermath of the 2008 Mumbai attacks, the Indian parliament passed the Unlawful Activities (Prevention) Amendment to strengthen existing anti-terror laws by expanding definitions of terrorist attacks and instituting legal reforms and other judicial modifications, including establishing special courts for speedy trials and revising burdens of proof and search-and-seizure standards.

In addition, India revitalized the Multi-Agency Center (MAC) as an interagency counterterrorism center similar to the CIA's National Counterterrorism Center. The MAC was started before the 2008 Mumbai attacks as a way to improve coordination of intelligence and break down barriers between the state and central governments. The government also intends to set up subsidiary MACs in each state to streamline local intelligence gathering. Like the NIA, though, the MAC also reportedly has been plagued by lack of staffing and resources.

India has also established a national intelligence grid (NATGRID) to integrate existing information databases to better track terrorist suspects. Under the NATGRID, 21 sets of databases will be integrated into a single network to allow for quick access to information by both the intelligence and law enforcement agencies.

One of India's biggest challenges is to increase the number, and improve the capabilities, of its police forces. Indian police lack training and equipment and are simply too low in number to serve the population adequately. India has only 140 policemen for every 100,000 people, while the world average is around 270. A retired Indian security official said the country was short of no less than 1.8 million policemen. Indian Home Minister Chidambaram recently indicated that India had hired an extra 90,000 police officers in

2010, but 600,000 vacancies remain, which will take approximately seven years to fill at the current rate of recruitment. A report published in August by an Indian think tank stated that police forces in Mumbai do not even have the financial resources to purchase basic supplies like bulletproof vests.³

U.S.–India Counterterrorism Cooperation

The visit of U.S. Homeland Security Secretary Janet Napolitano to New Delhi in May has laid a strong foundation for enhanced counterterrorism cooperation between the U.S. and India. Secretary Napolitano and Indian Home Minister Chidambaram launched the first-ever U.S.–India Homeland Security Dialogue to enhance cooperation in countering terrorist threats, sharing information, protecting the global supply chain, combating illicit financing, enhancing cyber security, protecting critical security infrastructure, developing effective IED detection systems, and policing large cities.

Prior to the launching of the Homeland Security Dialogue, U.S. and Indian counterterrorism cooperation was handled through the Joint Working Group on Counterterrorism, which had started meeting in 2000. Through this dialogue, India and the U.S. exchanged information, training material, and methods related to interrupting terrorist financial networks, and have taken institutional and law enforcement steps to strengthen homeland security, border management and surveillance techniques, aviation security, and disaster management in the event of a terrorist incident involving weapons of mass destruction.⁴

Despite this wide-ranging anti-terrorism cooperation, a lingering trust deficit has pervaded the U.S.–Indian relationship and prevented deeper cooperation on specific regional threats. In the past, India has been frustrated by what it viewed as inconsistencies and backsliding in U.S. public statements concerning the Pakistan-based terrorist threat to India. Indian officials also believe that the U.S. has withheld information on al-Qaeda terrorist operatives suspected of having ties to Kashmiri militants.⁵ Indian officials perceive the U.S. as hesitant to share such information because of the possible repercussions on its relationship with Pakistan and a desire to avoid creating a perception that the U.S. is taking India's side in the Indo–Pakistani dispute over Kashmir.

The 2008 Mumbai attacks broke down many barriers to cooperation between Washington and New Delhi, and forced the two countries to coordinate their response and

³Amit Kumar, "Is the Mumbai Police Geared Up to the Yask of Combating Terrorism?" Institute for Defence Studies and Analyses (IDSA) *Issue Brief*, August 30, 2011, p. 5, at http://www.idsa.in/system/files/IB_MumbaiPoliceCombatingTerrorism.pdf (September 12, 2011).

⁴Lisa Curtis, "Building a Strategic Partnership: U.S.–India Relations in the Wake of Mumbai," Testimony before the House Foreign Affairs Committee, Subcommittee on the Middle East and South Asia, United States House of Representatives, February 26, 2009, at <http://www.heritage.org/Research/Testimony/Building-a-Strategic-Partnership-US-India-Relations-in-the-Wake-of-Mumbai>.

⁵Polly Nayak, "Prospects for U.S.–India Counterterrorism Cooperation: An Historical Perspective," *Counterterrorism in South Asia*, summary of the Observer Research Foundation–Heritage Foundation New Delhi Dialogue, July 2010, p. 27.

investigations into the attack in unprecedented ways. The scale of the attack and the fact that it claimed the lives of six U.S. citizens led both sides to shun lengthy bureaucratic protocols. The FBI reported having unprecedented access to evidence and intelligence, as well as having the opportunity to interview 70 individuals, including the sole surviving attacker, Ajmal Kasab.⁶ U.S. technical assistance helped India develop critical leads in its investigation and to understand the command and control of the operation.

Headley/Rana Trials and LeT

The U.S. handling of the David Coleman Headley case revived, to some extent, Indian mistrust of the U.S. and its handling of terrorism cases implicating Pakistan. Striking revelations about the LeT's international reach and its close connections to Pakistani intelligence emerged from the trials of both Headley and his accomplice, Tahawwur Rana. The two were arrested in the U.S. in October 2009 for involvement in the 2008 Mumbai terrorist attacks and a plot to bomb a Danish newspaper.

On October 2, 2009, U.S. authorities in Chicago arrested David Headley (also known as Daood Gilani) for conspiring with the LeT in Pakistan to conduct attacks in India, and for plotting an attack on the Danish newspaper that first published cartoons of the Prophet Mohammed in 2005. In March 2010, Headley pleaded guilty in a U.S. court to involvement in both plots. Headley had traveled frequently to Pakistan, where he received terrorist training from the LeT, and had scouted the sites of the Mumbai attacks as well as sites for subsequent attacks in India, including the National Defense College in New Delhi and two well-known boarding schools. In four days of testimony and cross-examination, Headley detailed meetings he had with a Pakistani intelligence officer, a former army major, and a navy frogman, who were among the key players in orchestrating the Mumbai assault.⁷

Headley's co-conspirator, Pakistani-born Canadian citizen Tahawwur Rana, went on trial in the U.S. in June. Rana, who owned First World Immigration Services in Chicago and other cities, allegedly allowed Headley to use his business for cover when he scouted potential attack sites in India. The federal jury convicted Rana of helping to plot an attack against the Danish newspaper and of supporting the LeT, but cleared him of cooperating in the 2008 Mumbai rampage.

It took almost nine months before Indian authorities were given direct access to Headley. The U.S. failure to pursue arrest and prosecution of Pakistani intelligence officers named by Headley as being involved in the 2008 Mumbai attacks has also reinforced Indian beliefs that the U.S. will gloss over Pakistani involvement in attacks in India, so long as

⁶James W. McJunkin, Deputy Assistant Director, Counterterrorism Division, FBI, Testimony Before the House Committee on Homeland Security, Subcommittee on Transportation Security and Infrastructure Protection, in "The Mumbai Attacks: A Wake-Up Call for America's Private Sector," March 11, 2009, p. 20, at <http://www.gpo.gov/fdsys/pkg/CHRG-111hrg49944/html/CHRG-111hrg49944.htm> (September 12, 2011).

⁷Abha Shankar, "Trial's First Week Reinforces Pakistani Intelligence Suspicions," The Investigative Project on Terrorism, May 27, 2011, at <http://www.investigativeproject.org/2919/trial-first-week-reinforces-pakistani> (September 12, 2011).

Pakistan continues to cooperate with the U.S. against groups that attack the American homeland.

In the past, the U.S. tended to view the LeT only through the Indo–Pakistani prism—rather than as part of an international terrorist syndicate—although opinions within the current Administration are beginning to change on this issue. Throughout the 1990s, the LeT focused primarily on waging jihad in Kashmir. Over the last decade, however, it has married its objectives with al-Qaeda’s extremist pan-Islamist agenda and provided al-Qaeda operatives with logistical and operational support. The leader of LeT, Hafiz Muhammed Sayeed, declared in 2001 that, “Our struggle will continue even if Kashmir is liberated.”⁸ In addition to signing Osama bin Laden’s 1998 edict calling for attacks on Americans and Israelis, the LeT provided shelter to al-Qaeda leader Abu Zubaydah before he was captured eight years ago, and trained shoe bomber Richard Reid as well as one of the London subway bombers. The attack on the Jewish center in Mumbai in 2008 was another example of LeT’s broadening ideological scope and objectives.

LeT involvement in Afghanistan also has picked up since 2006. The LeT apparently trained at camps in Kunar and Nuristan provinces in the 1990s but did not fight alongside the Taliban at that time.⁹ In the last four years, however, as the Taliban has regained influence in Afghanistan, the LeT has supported the insurgents by recruiting, training, and housing fighters and facilitating their infiltration into Afghanistan from the tribal areas of Pakistan. The LeT has also helped al-Qaeda by recruiting men from the Jalozai refugee camp in Peshawar for training at al-Qaeda camps to become suicide bombers in Afghanistan.¹⁰ LeT fighters were also likely part of the group that attacked a U.S. outpost in Wanat, Afghanistan, in 2008 that killed nine U.S. soldiers.

Furthermore, the LeT has maintained recruitment and fundraising activities in the U.S. In 2003, followers of “Virginia Jihad” cleric Sheikh Ali Al-Timmi were convicted for training at a LeT camp in Pakistan with the intention of fighting coalition forces in Afghanistan. Just last week, U.S. authorities arrested an American permanent resident born in Pakistan, Jubair Ahmad, for providing material support to Lashkar-e-Tayyiba by producing and uploading LeT propaganda to YouTube. Ahmad reportedly attended a LeT training camp in Pakistan before moving to the U.S. in 2007.¹¹

The hesitant U.S. approach to sharing information on Pakistan-based terrorist groups with India does not serve U.S. interests and cripples the U.S. ability to fully get a handle on terrorist threats emanating from South Asia. Downplaying connections between al-Qaeda and terrorist groups that mainly focus on attacking India is counterproductive. By

⁸Ashley J. Tellis, “Lesson from Mumbai,” Testimony before the Committee on Homeland Security and Governmental Affairs, U.S. Senate, January 28, 2009, at http://hsgac.senate.gov/public/_files/012809Tellis.pdf (September 12, 2011).

⁹Stephen Tankel, “Lashkar-e-Taiba in Perspective: An Evolving Threat,” *Counterterrorism Strategy Initiative Policy Paper*, New America Foundation, February 2010, p. 2.

¹⁰*Ibid.*, p. 4.

¹¹“Pakistani Man Arrested on U.S. Terrorism Charges,” *Reuters*, September 2, 2011, at <http://www.reuters.com/article/2011/09/02/us-pakistan-usa-arrest-idUSTRE7815M920110902> (September 12, 2011).

choosing to view the activities of al-Qaeda and other Pakistan-based terrorists groups, such as the LeT, through a separate lens, U.S. officials have failed to hold Pakistan accountable for dealing effectively with terrorists located on its territory.

Indeed, Pakistan's tolerance of the LeT and groups like it has facilitated al-Qaeda's ability to operate from Pakistan, and Osama bin Laden's ability to hide in the country as long as he did. For instance, information gathered from bin Laden's Abbottabad compound revealed contacts between members of the Pakistani terrorist group Harakat-ul-Mujahideen (HuM) and bin Laden's courier.¹² Former Director of National Intelligence Admiral Dennis Blair told the U.S. Senate Intelligence Committee in February 2010 that Pakistan's conviction that terrorist groups help blunt India's military and economic advantages over Pakistan limit its incentive to pursue a comprehensive approach to countering terrorism. Blair went on to note that Pakistan's segmented approach to terrorism helped al-Qaeda maintain a safe haven in the country since some of the groups that Pakistan supports also aid al-Qaeda.¹³

Recommendations:

The U.S. and India alike should recognize the value of their shared experiences in fighting terrorism and pursue a robust dialogue on counterterrorism strategies, as well as deepen their intelligence-sharing and other forms of cooperation, thereby improving the security of both nations. More specifically, the U.S. should:

Enhance intelligence-sharing and cooperation without prejudice to Pakistani political sensitivities. Since the vast majority of counterterrorism concerns intelligence, Washington and New Delhi should focus on breaking down barriers to intelligence-sharing. Preventing Indo-Pakistani conflict is a high priority for the U.S., and Washington should encourage the two countries to continue dialogue that was officially resumed earlier this year. However, the U.S. must avoid sending the signal that it considers Pakistan-based terrorist groups that attack India less of a terrorism threat than al-Qaeda. The groups that focus on attacking India cooperate with al-Qaeda and share its pan-Islamist, anti-West agenda, and thus must be defeated in order to contain the overall terrorist threat in the region.

The U.S. should never stifle counterterrorism cooperation with India in deference to Pakistani political sensitivities. This would only strengthen the hands of the terrorists. Instead, the U.S. must make clear to Pakistan that its tolerance or support of terrorist groups will lead to international isolation and a weakened position in the region.

¹²Lisa Curtis, "Pakistan Must Act Against Network that Shielded bin Laden," Heritage Foundation *WebMemo* No. 3301, June 25, 2011 at <http://www.heritage.org/Research/Reports/2011/06/Pakistan-Must-Act-Against-Network-That-Shielded-bin-Laden>.

¹³Dennis C. Blair, former Director of National Intelligence, "Annual Threat Assessment of the U.S. Intelligence Community for the Senate Select Committee on Intelligence," February 2, 2010, at http://www.dni.gov/testimonies/20100202_testimony.pdf (September 12, 2011).

Make counterterrorism cooperation a center piece of the strategic partnership and enhance the level and tempo of exchanges to institutionalize relationships among the various agencies involved in countering terrorism. The unprecedented cooperation between U.S. and Indian law enforcement and intelligence officials following the Mumbai attacks broke down many bureaucratic barriers. But the two sides need to cooperate at this level of urgency at all times to ensure that robust and streamlined cooperation becomes the norm, not the exception. Secretary Napolitano and Home Minister Chidambaram committed to comprehensive information-sharing relating to the Mumbai attacks, and now they must ensure that their respective bureaucracies maintain the spirit of that commitment.

Position itself as a resource for India as it seeks to develop more integrated and effective homeland security systems and involve the private sectors in both countries. U.S. companies are exploring the opportunities to forge partnerships in India to meet the country's growing homeland security needs. There is an immediate need for the Indian government in conjunction with the private sector to focus on better preparing its cities to cope with the terrorism threat. Improving the security of large cities like Mumbai will require investment from international companies that can provide state-of-the-art technology and products that help protect critical infrastructure. To get ahead of the challenge, Indian leaders must prioritize the issue and provide space for the private sector to get involved.

Increase official diplomatic and non-governmental exchanges on addressing the ideological foundations of terrorism and implementing de-radicalization programs. Home Minister Chidambaram's acknowledgement that Indian citizens have been involved in recent acts of terrorism points to the need for implementing initiatives that raise community awareness about the radicalization process. The White House recently released a strategy to counter radicalization in the U.S. called "Empowering Local Partners to Prevent Violent Extremism in the United States" that emphasizes a community-based approach to ensuring that all Americans understand that they are an essential part of the civic life of the nation, and partners with the government in combating extremists seeking to weaken society. A regular dialogue on this topic should be instituted between the two countries, bringing together practitioners, law enforcement, and intelligence analysts from India and the U.S.

Provide training for, and help with equipping, India's police forces. The U.S. can increase its police training programs with India and even help equip Indian police forces to some extent. But ultimately, India must raise budgets for its own homeland security needs. Its defense budgets have been steadily rising over the last several years. But it must focus more attention on enhancing its internal security, which includes bolstering and reforming its police forces.

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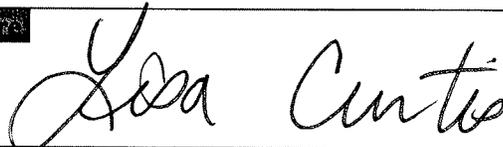
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