

**PAKISTAN:
THE MILITANT JIHADI CHALLENGE**

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PAKISTAN: THE MILITANT JIHADI CHALLENGE

EXECUTIVE SUMMARY AND RECOMMENDATIONS

The recent upsurge of jihadi violence in Punjab, the Northwest Frontier Province (NWFP), the Federally Administered Tribal Areas (FATA) and Balochistan's provincial capital, Quetta, demonstrates the threat extremist Sunni-Deobandi groups pose to the Pakistani citizen and state. These radical Sunni groups are simultaneously fighting internal sectarian jihads, regional jihads in Afghanistan and India and a global jihad against the West. While significant domestic and international attention and resources are understandably devoted to containing Islamist militancy in the tribal belt, that the Pakistani Taliban is an outgrowth of radical Sunni networks in the country's political heartland is too often neglected. A far more concerted effort against Punjab-based Sunni extremist groups is essential to curb the spread of extremism that threatens regional peace and stability. As the international community works with Pakistan to rein in extremist groups, it should also support the democratic transition, in particular by reallocating aid to strengthening civilian law enforcement.

The Pakistani Taliban, which increasingly controls large swathes of FATA and parts of NWFP, comprises a number of militant groups loosely united under the Deobandi Tehrik-i-Taliban Pakistan (TTP) that have attacked not just state and Western targets, but Shias as well. Their expanding influence is due to support from long-established Sunni extremist networks, based primarily in Punjab, which have served as the army's jihadi proxies in Afghanistan and India since the 1980s. Punjab-based radical Deobandi groups like the Sipah-e-Sahaba Pakistan (SSP) and its offshoot Lashkar-e-Jhangvi (LJ) provide weapons, recruits, finances and other resources to Pakistani Taliban groups, and have been responsible for planning many of the attacks attributed to FATA-based militants. The SSP and LJ are also al-Qaeda's principal allies in the region.

Other extremist groups ostensibly focused on the jihad in Kashmir, such as the Jaish-e-Mohammed and Lashkar-e-Tayyaba, are also signatories to al-Qaeda's global jihad against the West, and have been active in local, regional and international jihads. Their continued patronage by the military, and their ability to hijack

major policy areas, including Pakistan's relations with India, Afghanistan and the international community, impede the civilian government's ongoing efforts to consolidate control over governance and pursue peace with its neighbours.

The actions of the Pakistan Peoples Party (PPP)-led federal government, and the Punjab government, led until recently by Nawaz Sharif's Pakistan Muslim League (PML-N), against Punjab-based jihadi groups for their role in November's attack in India's commercial capital, Mumbai, are a step in the right direction. They must now be followed up by consolidating the evidence and presenting it in court. The two main parties, however, risk reversing the progress they have made by resorting to the confrontational politics of the past. On 25 February 2009, the Supreme Court decided to uphold a ban, based on politically motivated cases dating back to Musharraf's military rule, on Nawaz Sharif and his brother, Shahbaz, Punjab's chief minister, from electoral politics. President Asif Ali Zardari's subsequent imposition of governor's rule in Punjab has aggravated a political stalemate between the two main parties that, the longer it lasts, will allow non-democratic forces, including the military, the religious right and extremists, to once again fill the political vacuum.

The aftermath of the Mumbai attack presents an opening to reshape Pakistan's response to terrorism, which should rely not on the application of indiscriminate force, including military action and arbitrary detentions, but on police investigations, arrests, fair trials and convictions. This must be civilian-led to be effective. Despite earlier successes against extremist groups, civilian law enforcement and intelligence agencies, including the Federal Investigation Agency, the provincial Criminal Investigation Departments, and the Intelligence Bureau, lack the resources and the authority to meet their potential. The military and its powerful Inter-Services Intelligence Directorate (ISI) still dominate – and hamper – counter-terrorism efforts.

The PPP government cannot afford to enforce the law only in response to a terrorist attack or external pressure. Proactive enforcement will be vital to containing

religious militancy, which has reached critical levels; this includes checks on the proliferation of weapons and the growth of private militias, which contravene the constitution; prosecution of hate speech, the spread of extremist literature and exhortations to jihad; greater accountability of and actions against jihadi madrasas and mosques; and ultimately converting information into evidence that holds up in court. It is not too late to reverse the tide of extremism, provided the government immediately adopts and implements a zero tolerance policy towards all forms of religious militancy.

Unfortunately, on 16 February 2009, NWFP's Awami National Party (ANP)-led government made a peace deal, devised by the military, with the Swat-based Sunni extremist Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM), a militant group allied to the Taliban. The government agreed to impose Sharia (Islamic law) in NWFP's Malakand region, with religious courts deciding all cases after 16 February 2009; dismantle all security checkpoints and require any military movements to be pre-approved by the TNSM; and release captured militants, including those responsible for such acts of violence as public executions and rape. In return, the militants pledged to end their armed campaign.

This accord, an even greater capitulation to the militants than earlier deals by the military regime in FATA, will if implemented entrench Taliban rule and al-Qaeda influence in the area; make peace more elusive; and essentially reverse the gains made by the transition to democracy and the defeat of the military-supported religious right-wing parties in NWFP in the February 2008 elections. With the Swat ceasefire already unravelling, the federal government should refuse presidential assent required for its implementation, and renew its commitment to tackling extremism and realising long-term political reform in the borderlands.

The international response to the Swat deal has so far been mixed, with several key leaders, including U.S. Secretary of Defense Robert Gates, viewing it as an acceptable compromise. Acknowledging the failure of unconditionally supporting the Pakistani military, the international community, particularly the U.S., must reverse course and help strengthen civilian control over all areas of governance, including counter-terrorism, and the capacity of the federal government to override the military's appeasement policies in FATA and NWFP, replacing them with policies that pursue long-term political, economic and social development.

RECOMMENDATIONS

To the Government of Pakistan:

1. Acknowledge that a credible crackdown on jihadi militants will ultimately require convictions in fair trials and take steps to:
 - a) vest significantly greater authority in civilian law enforcement agencies, including access to mobile phone records and other data, without having to obtain approval from the military and the Inter-Services Intelligence Directorate (ISI);
 - b) establish through an act of parliament a clear hierarchy of civilian intelligence agencies, including the Federal Investigation Agency (FIA), the provincial Criminal Investigation Departments and the Intelligence Bureau (IB), with the IB as the primary authority in anti-terrorism investigations;
 - c) strengthen links between law enforcement agencies and prosecutors to build strong cases in court against religious extremists;
 - d) enhance the capacity of federal and provincial civilian law enforcement agencies, with a particular focus on forensics capabilities and crime scene investigations; establish national and provincial crime labs with modern equipment and internationally trained scientists, under control of the federal interior ministry and provincial home departments;
 - e) amend the Criminal Procedure Act to establish a witness protection program, and ensure the highest level of security for anyone agreeing to provide valuable testimony against extremists; and
 - f) enhance the role and guarantee the autonomy of Community Police Liaison Committees to enlist the public in the fight against militancy.
2. Take robust action against jihadi militant groups and their madrasa networks, including:
 - a) disbanding private militias, pursuant to Article 256 of the constitution;
 - b) disrupting communications and supply lines, and closing base camps of jihadi groups in the tribal belt and the political heartland of Punjab; and
 - c) enhancing oversight over the madrasa sector, including finances and enrolment, and conducting regular inquiries into the sector by provincial authorities, as recently conducted by the Punjab government, with a view to:

- i. identifying seminaries with clear links to jihadi groups, closing them and taking action against their clerics and, where appropriate, students;
 - ii. keeping any seminaries suspected of links with jihadi groups under close surveillance;
 - iii. taking legal action where seminaries encroach on state or private land; and
 - iv. ensuring that accommodation and facilities meet proper safety and building standards.
3. Prosecute anyone encouraging or glorifying violence and jihad, including through hate speech against religious and sectarian minorities, and the spread of jihadi literature.
 4. Acknowledge that political reform is integral to stabilising FATA and NWFP by:
 - a) invoking Article 8 of the constitution that voids any customs inconsistent with constitutionally guaranteed fundamental rights, refusing to sign the *Nizam-e-Adl* Regulation Order 2009 for the imposition of Sharia (Islamic law) in the Malakand region, and refraining from entering into similar peace deals with religious militants elsewhere;
 - b) carrying through on its commitment to repeal the Frontier Crimes Regulations (1901), extending the writ of the state, the rule of law, including the courts and police, and ensuring FATA's representation in the state legislature;
 - c) integrating FATA into the federal framework by incorporating it into the Northwest Frontier Province, with the seven agencies falling under the executive control of the province and jurisdiction of the regular provincial and national court system and with representation in the provincial assembly;
 - d) extending the Political Parties Act to FATA, thus removing restrictions on political parties, and introducing party-based elections for the provincial and national legislatures;
 - e) refraining from arming and supporting any insurgent group or tribal militia, and preventing the army from doing the same; and
 - f) relying on civilian law enforcement and intelligence as the primary tool to deal with extremism in FATA, limiting the army's role to its proper task of defending the country's borders.
5. Repeal all religious laws that discriminate on the basis of religion, sect and gender.
 6. Resolve the political crisis between the PPP and the PML-N by ending governor's rule and respecting the PML-N's elected mandate in Punjab, and agreeing on a political and legal solution to allow for Nawaz and Shahbaz Sharif to participate in electoral politics, either through an act of parliament, or an executive order.
 7. Carry through on its commitment to repeal the 17th Amendment to the constitution, and any constitutional provisions, executive orders and laws that contravene the principles of parliamentary democracy.

To the International Community, in particular the U.S. and the European Union:

8. Provide financial and logistic support to civilian law enforcement agencies to expand their capacity, including in forensics and crime scene investigations, through provision of modern equipment and training of Pakistani scientists.
9. Condition military assistance on demonstrable steps by the Pakistani armed forces to support civilian efforts in preventing the borderlands from being used by al-Qaeda, Afghan insurgents and Pakistani extremists to launch attacks within Pakistan and from Pakistani territory to its region and beyond; if the Pakistani military does not respond positively, as a last resort, consider targeted and incremental sanctions, including travel and visa bans and the freezing of financial assets of key military leaders and military-controlled intelligence agencies.
10. Expand assistance to the hundreds of thousands of civilians displaced by the conflict in FATA and Swat.

Islamabad/Brussels, 13 March 2009

PAKISTAN: THE MILITANT JIHADI CHALLENGE

I. INTRODUCTION

The November 2008 terror attacks in Mumbai highlight the threat that militant jihadi groups such as the Lashkar-e-Tayyaba (LeT) pose to regional stability and Pakistan's fragile democratic transition.¹ Ostensibly focused on jihad in Kashmir, organisations like the LeT and Jaish-e-Mohammed maintain close ties to other jihadi groups that operate countrywide – not just in Pakistan's tribal belt bordering on Afghanistan. Increasingly bold attacks within Pakistan, India, Afghanistan and the West also reflect the expanding alliance of local, regional and global jihadi networks. The Pakistan Peoples Party (PPP)-led government must assert civilian control over foreign policy and counter-terrorism if it is to roll back the tide of religious extremism.

The Mumbai attacks were most likely an effort to disrupt rapprochement between Islamabad and New Delhi. Following the return to civilian rule in Pakistan in February 2008, the two sides had agreed to deepen economic relations; launch trade across the Line of Control in Kashmir after a gap of 61 years; and prepare a joint strategy against regional terrorism. That agenda is now at risk unless Pakistan demonstrates its commitment to dismantle jihadi networks on its soil. Taking such action is vital not only to moving the normalisation process forward, but also to tackling religious extremism at home.

The PPP-led government faces emboldened jihadi groups in major cities and a growing Taliban offensive in the tribal areas. The contradictions in the previous military government's counter-terrorism approach helped extremist groups expand their reach. Although the military regime took action, albeit in a haphazard way, against al-Qaeda after 11 September 2001, the LeT

and Jaish-e-Mohammed were only banned as a result of international pressure following an attack on the Indian parliament in December 2001. However, because of their role in the military's proxy war in Indian-administered Kashmir, they were allowed to re-emerge and operate under new names.

The Pakistan military has always differentiated between al-Qaeda, home-grown jihadi groups with a local agenda and Kashmir-oriented jihadi groups. But such distinctions are tenuous at best. Sharing idiosyncratic religious interpretations, and seeking to propagate them through force, all these local, regional and international jihadi groups have combined resources and recruits to fight Islam's perceived enemies within and beyond Pakistan's borders.

Although the Federally Administered Tribal Areas (FATA) are commonly described as the epicentre of the global "war on terror", militancy there is less the cause than the symptom of radicalism in Pakistan. The predominantly Pashtun Pakistani tribal militants, who call themselves the Taliban, belong to several radical Sunni Deobandi groups. They draw much of their know-how, manpower and material resources from long-established Sunni jihadi groups and their countrywide networks of mosques and religious seminaries, or madrasas. Foot soldiers from these madrasas fight alongside the Afghan Taliban and their Pakistani counterparts. In the process, radical Sunni groups, with al-Qaeda's direct support, have secured new zones of influence in Pakistan's borderlands; in much the same way that al-Qaeda used its alliance with the Taliban before the October 2001 U.S.-led intervention in Afghanistan.

Although Pakistan now has an elected civilian government, the military high command has yet to cede authority in key policy areas, including counter-terrorism and relations with Afghanistan and India. This has significant ramifications for the new administration's efforts to curtail religious extremism at home and pursue peace with its neighbours. The military and its intelligence agencies, particularly the Inter-Services Intelligence Directorate (ISI), have often hampered investigations by civilian law enforcement agencies like the Criminal Investigation Department (CID), Federal Investigation Agency (FIA) and Intelligence Bureau (IB), which have a better track record against extremists

¹For previous analysis on religious extremism in Pakistan, see Crisis Group Asia Reports N°95, *The State of Sectarianism in Pakistan*, 18 April 2005; N°73, *Unfulfilled Promises: Pakistan's Failure to Tackle Extremism*, 16 January 2004; N°49, *Pakistan: The Mullahs and the Military*, 20 March 2003; and N°36, *Pakistan: Madrasas, Extremism and the Military*, 29 July 2002.

but lack the resources and authority to fulfil their mandate. Their ability to build cases that have traction in the courts, not just against the militants responsible for the Mumbai attacks but also against those responsible for attacks or inciting others to violence within Pakistan, will be vital to combating religious extremism and terrorism within and from Pakistan.

The military also continues to appease Islamist militants, now with the support of the Awami National Party (ANP), which heads the Northwest Frontier Province (NWFP) government. The most recent effort is an agreement on 16 February 2009 between the ANP government and Swat-based militants for the imposition of Sharia (Islamic law) in Malakand district in return for guarantees that the militants will end their armed campaign. Less than two weeks after declaring a “permanent ceasefire”, however, the Pakistani Taliban in Swat abducted a Frontier Corps district commander and four other troops, attacked a military vehicle, killed two security personnel and kidnapped three government officials,² signs that the deal, like as earlier “peace deals” in FATA under military rule,³ will not constrain but simply embolden extremists.

Civilian control of all areas of governance, through a sustained democratic transition and strengthening of civilian institutions, is crucial for stability. This will require cooperation between the two major parties, the PPP and Nawaz Sharif’s Pakistan Muslim League (PML-N). The judiciary’s politically motivated disqualification of Nawaz and Shahbaz Sharif from participating in electoral politics, upheld by the Supreme Court on 25 February 2009, and President Asif Zardari’s subsequent imposition of governor’s rule in Punjab⁴ have brought relations between the two parties to their lowest point since the 1990s, when their quarrelling provided the military an opportunity to repeatedly dismiss elected governments.⁵ Their ongoing confrontation not only provides an ambitious military leadership an opportunity to intervene, but it has also distracted the federal and Punjab governments from

the core goal of curtailing extremism and strengthening moderate democratic forces.

This report follows earlier Crisis Group reporting on Islamist extremism, examining fresh challenges and opportunities provided by the return to civilian rule to contain the spread of radicalism in Pakistan.

²The attack on the military convoy was justified on the grounds that it violated the ceasefire agreement, which included informing the militants about any troop movements. See Hameedullah Khan, “Swat peace deal comes under pressure”, *Dawn*, 2 March 2009; and Hameedullah Khan, “Swat peace accord suffers another setback”, *Dawn*, 4 March 2009.

³See Crisis Group Asia Report N°125, *Pakistan’s Tribal Areas: Appeasing the Militants*, 11 December 2006.

⁴After the February 2008 elections, the PML-N formed the Punjab government, in coalition with the PPP. While the PPP-PML-N coalition at the centre collapsed in August 2008, the two parties remained allies in Punjab.

⁵See Crisis Group Asia Report N°102, *Authoritarianism and Political Party Reform in Pakistan*, 28 September 2005.

II. THE STATE OF JIHADI MILITANCY

A. CHANGING DYNAMICS

While the rise of militants in Pakistan's tribal areas has deflected attention away from long-established Sunni militant jihadi groups in recent years, these groups still pose the same, if not greater, threat to internal, regional and global security. The larger cause of fighting the West and its allies, and a wider, better-financed network of radical Deobandi⁶ groups have changed the pattern of terrorist attacks from those on religious processions, mosques and prominent Shias, to increasingly bold strikes against the symbols of the state. Terror tactics now include the use of sophisticated explosives, suicide bombers, car-bombings and the pooling of resources across various cells. At the same time, the war against perceived internal enemies – religious and sectarian minorities – has not subsided, assuming the shape of Talibanisation in NWFP and FATA.

Deobandi madrasas and mosques, which provide a growing pool of recruits, have been as integral to the Pakistani Taliban's rise, now loosely aligned under the Tehrik-i-Taliban (Movement of the Taliban, TTP), as they were to that of the Afghan Taliban in the 1990s.⁷ Militant fundraising, which includes criminal activities such as kidnappings for ransom and bank robberies, has gained momentum with the tribal extremists expanding their control over territory and reviving ties with drug and smuggling cartels in Afghanistan, severed after the Taliban's ouster. The militants now have greater manpower, money and access to equipment than ever before. Their increasing capabilities have indeed produced an upsurge of jihadi violence countrywide. "Deobandi groups are becoming bolder and more violent than we have ever seen", said a former Pakistani ambassador. "Their trademark has become the spectacular suicide attack".⁸

According to the Pakistan Institute for Peace Studies, there were 2,148 terrorist, insurgent and sectarian attacks in 2008, a dramatic 746 per cent increase since 2005, killing 2,267 people, and injuring roughly 4,500. Inter-tribe sectarian clashes, primarily in FATA's

Kurram Agency and bordering areas, resulted in another 1,336 deaths.⁹ While the majority of these were in NWFP and the tribal areas, the threat is by no means confined to the Pashtun belt, as the 20 September bombing of the Marriott Hotel in the federal capital, Islamabad, illustrated.

Although many observers, including government officials, pinned responsibility for the Marriott bombing on FATA-based militants,¹⁰ investigators initially suspected the Punjab-based Harkatul Jihadul Islami (HUJI).¹¹ Adviser to the interior ministry Rehman Malik has subsequently attributed the Marriott attack to the Lashkar-e-Jhangvi (LJ), the offshoot of another Punjab-based radical Deobandi group, Sipah-e-Sahaba Pakistan (SSP), which has known al-Qaeda links.¹² Although the bombing, as with the Mumbai attacks, symbolises an enhanced focus on high profile and Western targets, radical Sunni groups have also continued to attack Shias and other religious minorities. An editorial in a leading national daily argued: "The umbrella of al-Qaeda and Taliban violence now gives shelter to old terrorist tendencies" in Pakistan.¹³

⁶ Deobandis form one of the four broad Sunni sub-sects, which also include Bareilvis, Ahle Hadith and revivalist movements. Radical Deobandi groups appropriate the term Sunni for themselves; what is commonly referred to as Sunni-Shia conflict is more specifically Deobandi-Shia conflict. See Crisis Group Report, *The State of Sectarianism in Pakistan*, op. cit.

⁷ In this briefing, the term Pakistani Taliban will be used to refer to Pakistani tribal militants.

⁸ Crisis Group interview, Karachi, 16 October 2008.

⁹ "Pakistan Security Report 2008", Pakistan Institute for Peace Studies, January 2009, available at www.san-pips.com/new/downloads/03.pdf. The institute draws on a range of sources and data, including national and regional media reports, journals, official records and interviews with local administration officials, police, journalists and others. It does not include clashes between insurgents and security forces, or acts of violence between organised political parties and groups in its definition of "terrorist, insurgent or sectarian attacks". Those form separate categories: "operational attacks" and "political violence", respectively. For more detail on the methodology, see *ibid*, p. 2.

¹⁰ Adviser to the interior ministry Rehman Malik told reporters, "It is premature to blame any particular group or individual, but all roads lead to Waziristan". "All roads lead to Waziristan", *Daily Times*, 22 September 2008. Waziristan comprises the North and South Waziristan Agencies in FATA.

¹¹ HUJI was also suspected of involvement in assassination attempts against President Musharraf in December 2003, and former Prime Minister Benazir Bhutto in a suicide bombing in Karachi on 18 October 2007 that killed over 140 people. See Amir Mir, "Was Harkatul Jihadul Islami responsible?" *The News*, 22 September 2008.

¹² See Richard A. O'Connell and Salman Masood, "Pakistan says banned group helped plan attack on hotel", *The New York Times*, 23 December 2008.

¹³ See "The sectarian-ethnic scourge", *Daily Times*, 5 February 2009.

B. THE MILITARY LEGACY AND THE DEMOCRATIC TRANSITION

Radical jihadi groups benefited from state patronage, for the first time, during General Zia-ul-Haq's military regime in the 1980s. They were backed for the twin purpose of fighting in the U.S.-supported anti-Soviet jihad in Afghanistan and promoting Sunni orthodoxy at home. That patronage continued even during the democratic interlude in the 1990s, as the military used its jihadi allies in India-administered Kashmir and in support of the Taliban in Afghanistan. As radical Sunni groups proliferated and grew stronger, sectarian violence became the primary source of terrorism in Pakistan.

Before it was dismissed through a military coup in October 1999, Nawaz Sharif's Muslim League (PML-N) government took some significant steps against Deobandi militant groups, particularly the SSP and the Lashkar-e-Jhangvi (LJ). With scores of militants arrested and convicted in 1998-1999, the SSP and LJ shifted bases from their home province, Punjab, to Afghanistan, where they were provided sanctuaries by Mullah Omar's regime. In 1999, Sharif's government sent a high-level delegation to Kabul demanding that SSP and LJ militants, including LJ leader Riaz Basra, be handed over to face trial in Pakistan. Those efforts to bring jihadi militants to justice ended with Musharraf's coup.¹⁴

Facing significant international pressure after 11 September 2001, Musharraf reversed the government's support to the Taliban regime in Kabul, and promised to crack down on extremist groups at home. Efforts were, however, selective at best. After the Taliban's ouster, many militants from radical Sunni groups including the LJ, having lost their Afghan sanctuaries, were allowed to return to Pakistan. Government inaction also permitted Taliban and al-Qaeda militants fleeing Afghanistan to establish havens in the tribal areas, from where they deepened contacts with Pakistani jihadi groups. Moreover, Musharraf's failure to implement his stated commitment to reform the madrasa sector enabled a second generation of militants, trained in Pakistan's madrasas and terrorist camps, to establish links with other cells and/or merge into new entities.¹⁵

The military high command's regional priorities played a major role in this policy of turning a blind eye to the presence of radical Sunni groups. According to an informed observer, the military government "left the sectarian infrastructure intact because in the future it would prove useful in order to implement the state's foreign policies in Afghanistan and Kashmir.... As long as these are the policy preferences, these groups will remain intact".¹⁶ Indeed, new jihadi groups were to emerge under Musharraf's watch.

The most powerful of these, the Jaish-e-Mohammed, was formed in February 2000 with the backing of the military's intelligence agencies. It was headed by Masood Azhar, imprisoned in India on terrorism charges, and released in December 1999 in exchange for hostages on a hijacked Indian Airlines flight in Kandahar, Afghanistan, then under Taliban rule.¹⁷ As militancy grew and the writ of the state declined, groups like the Jaish-e-Mohammed shifted their camps from Punjab, Sindh and Azad Jammu and Kashmir (AJK) to the tribal areas bordering Afghanistan, forging deeper links with the Pakistani and Afghan Taliban. Their extensive network of madrasas and mosques nevertheless remained intact in Punjab, Sindh and elsewhere.

The military government's failure to move against religious extremists can also be attributed to its dependence on the six-party religious alliance, Muttahida Majlis-e-Amal (MMA), led by the pro-Taliban Jamiat Ulema-e-Islam (JUI-F) and the Jamaat-i-Islami (JI), to offset opposition from moderate secular parties. As a result of the rigged October 2002 elections, the MMA became the third-largest party in the National Assembly. It formed a majority provincial government in NWFP and became a coalition partner with Musharraf's Pakistan Muslim League (Quaid-i-Azam) (PML-Q) in Balochistan.

In return for helping Musharraf consolidate power, the MMA was allowed to pursue its Islamisation agenda in NWFP. In June 2003, NWFP's provincial assembly passed a fifteen-point Sharia bill, declaring Sharia the supreme law of the province and empowering the government to set up three commissions to examine ways

ism; Pakistan: The Mullahs and the Military; and Pakistan: Madrasas, Extremism and the Military, all op. cit.

¹⁶Crisis Group interview, Wajahat Masood, Lahore, 24 June 2008.

¹⁷Azhar was arrested again in Pakistan for his alleged involvement in the attack on the Indian parliament in December 2001, but was released in December 2002 on the Lahore High Court's order. His was one of three names on the Indian government's list of terrorists it wanted Pakistan to extradite after the Mumbai attacks in December 2008. The Pakistani government claims it does not know his whereabouts.

¹⁴Crisis Group interview, Rana Jawad, Islamabad, 7 October 2008.

¹⁵See Crisis Group Asia Report N°130, *Pakistan: Karachi's Madrasas and Violent Extremism*, 29 March 2007; and Crisis Group Reports, *The State of Sectarianism in Pakistan; Unfulfilled Promises: Pakistan's Failure to Tackle Extrem-*

to Islamise education, the economy and the legal system.¹⁸ It later passed the Hasba bill to establish ombudsmen's offices at the provincial, district and local levels to ensure enforcement of Islamic codes.¹⁹ "The writing was on the wall", said an analyst. "It was obvious that Talibanisation was going to spread, but no one was holding the MMA accountable".²⁰

In FATA, Musharraf adopted a "complex policy of minimally satisfying American demands, not interfering with the resettlement of militants in Waziristan, all the while assuring the JUI-led provincial government in Peshawar that the army would not stop their pro-Taliban policies".²¹ The Shakai agreement signed between the military regime and militants in South Waziristan in 2004 extended amnesty and financial incentives to the Pakistani Taliban and allowed them to enforce Islamic law through Sharia courts. In September 2006, under JUI-F mediation, the government reached a similar agreement in North Waziristan, agreeing also to dismantle security checkpoints, release militants arrested in anti-terrorism operations, and return weapons, vehicles and other resources seized. Such deals expanded the political space of Islamists without producing peace, effectively providing them a sphere of influence in the tribal areas and some settled districts of NWFP, including Swat, which is now increasingly under the control of the Pakistani Taliban.²²

Under military rule, actions against extremist groups were reactive, in response to external pressure and not followed through. A more vigorous application of the law could have prevented religious extremism from reaching its now critical proportions. Only in 2006, for example, did the Musharraf government attempt to clamp down, with debatable success, on the black market of weapons in Dara Adamkhel in FATA. The proliferation of weapons from this village to every part of the country has strengthened jihadi militias.

The return to civilian rule provides an opportunity to contain this spread of radicalism. In his first address to a joint session of parliament, President Zardari articulated a three-pronged strategy to tackle extremism:

negotiations with militants who renounce violence and lay down their arms; political and social reforms in the tribal belt; and the use of force against violent extremists.²³ On 22 October 2008, after a series of in camera briefings by military leaders on the security situation, a joint session of parliament unanimously passed a resolution calling extremism, militancy and terrorism a grave threat to Pakistan's stability, and stressing that the country's territory would not be used for attacks on other countries.²⁴ In November 2008, the government formed a special parliamentary committee on national security to oversee implementation of this resolution.

Describing the Tehrik-i-Taliban as an "extension of al-Qaeda", Rehman Malik, the interior ministry adviser, admitted that the suicide bombers, their handlers and financiers are Pakistan-based, dispelling the notion that terrorism is foreign-funded and an offshoot of the Afghan conflict.²⁵ An editorial in a major daily commented that this was "a realistic diagnosis of the problem of terrorism" in Pakistan.²⁶

While the government acknowledges the links between tribal militants and sectarian jihadi groups, including Lashkar-e-Jhangvi, it must also tackle the Kashmir-oriented jihadi organisations, particularly Lashkar-e-Tayyaba and Jaish-e-Mohammed, responsible for terror attacks in neighbouring Afghanistan and India. Both organisations are close allies of the Afghan and Pakistani Taliban. Expressing his commitment to bring any Pakistani involved in the Mumbai siege to justice, President Zardari argued that his government was already fighting the very groups suspected of involvement in those attacks, referring to military operations in the tribal areas.²⁷ Much more sustained action, however, is needed against Sunni Deobandi militant networks in the heartland, particularly in Punjab, the most populous province.

The Supreme Court's decision on 25 February 2009 to uphold the Lahore High Court's ban on the Sharif brothers from contesting elections, based on politically motivated charges filed by the Musharraf regime,²⁸

¹⁸ See Crisis Group Report, *Unfulfilled Promises: Pakistan's Failure to Tackle Extremism*, op. cit.

¹⁹ The Supreme Court eventually struck down the Hasba bill. See Crisis Group Asia Report N°160, *Reforming Pakistan's Judiciary*, 16 October 2008.

²⁰ Crisis Group interview, Owais Tohid, Karachi, 16 October 2008.

²¹ Ahmed Rashid, *Descent into Chaos: How the war against Islamic extremism is being lost in Pakistan, Afghanistan and Central Asia* (London, 2008), p. 269.

²² See Crisis Group Report, *Pakistan's Tribal Areas: Appeasing the Militants*, op. cit.

²³ Text of president's address to parliament, Associated Press of Pakistan, 20 September 2008.

²⁴ Ahmed Hassan, "Call for urgent review of war on terror: Joint session adopts resolution", *Dawn*, 23 October 2008.

²⁵ Tariq Butt, "Suicide bombers, handlers & financiers are all Pakistanis: Malik", *The News*, 9 September 2008.

²⁶ "Rehman Malik is right about Al Qaeda's three-in-one challenge", *Daily Times*, 3 September 2008.

²⁷ Syed Irfan Raza, "Zardari offers India unconditional help", *Dawn*, 2 December 2008.

²⁸ In 2000 both the Sharif brothers were convicted of corruption-related charges. Nawaz Sharif was also earlier convicted of hijacking a plane carrying then-army chief Musharraf on

has forced Shahbaz Sharif to step down as Punjab's chief minister. Zardari's controversial decision to subsequently impose governor's rule in the province, thus preventing the PML-N from forming a government after proving its parliamentary majority, has provoked a constitutional and political crisis, and violent protests.

Given the grave threats posed by jihadi violence, particularly in Punjab, effective counter-terrorism will depend as much on overall good governance in the province as on the federal government's commitment to eradicate terrorism. It is therefore vital that the PPP government withdraws governor's rule, and, respecting the PML-N's mandate, allows the party to once again form a government in Punjab. The federal government should also urgently seek a legal solution, either by an act of parliament or an executive order, to overturn the court's verdict that has deprived the two PML-N leaders of their right to contest public office. For its part, the PML-N, respecting the PPP's mandate in Islamabad, should refrain from violent confrontation and agitation, which would only benefit the military, extremist groups and other undemocratic forces.

III. THE JIHADI LANDSCAPE

A. PUNJAB NETWORKS

Two days after the Marriott bombing, NWFP Governor Owais Ghani predicted a spate of suicide attacks in southern Punjab as a "dangerous carry over from the troubled FATA region".²⁹ On 6 October 2008 a suicide bomber attacked the home of Shia PML-N parliamentarian Rashid Akbar Niwani in Punjab's Bhakkar district, close to Dera Ismail Khan in NWFP, killing 25 and wounding 60, including Niwani. This was widely believed to be a sectarian attack by the Lashkar-e-Jhangvi.³⁰ On 5 February 2009, a suicide bomber targeted a procession at a Shia mosque in Punjab's Dera Ghazi Khan district, killing more than 30 people. On 3 March 2009, gunmen attacked the Sri Lankan cricket team during its visit to Lahore, injuring several of the players and killing five security personnel. While these attacks seemed to confirm Ghani's warning, such extremism is not an outgrowth or "carry over" of the Pakistani Taliban. On the contrary, violent Deobandi networks in Punjab lie at the root of Pakistan's militancy problem.

1. Sunni radicalism and global jihad

The interdependence between Punjab-based militant jihadi organisations and al-Qaeda deepened in 2001-2002, when many militants fleeing international forces in Afghanistan relied on radical Sunni extremist networks to relocate to parts of Punjab. Today, the LJ is the lynchpin of the alignment between al-Qaeda, the Pakistani Taliban and sectarian groups. Law enforcement officials described one of its leaders, Matiur Rehman, a resident of Bahawalpur district in southern Punjab, as the "public face" of this three-tiered alliance.³¹ Between August and December 2007, there were nine suicide bombings in Punjab; another nine attacks in 2008 killed 170 people and injured almost 500. In five of these, suicide bombers used specialised explosives, denoting a high level of sophistication. The principal targets in most of these cases have been

the day of Musharraf's coup, and sentenced to life imprisonment.

²⁹ Aoun Abbas Sahi, "The Punjab connection", *Newsline*, October 2008.

³⁰ In addition to being a prominent Shia politician, Niwani had helped resettle many Shias affected by sectarian violence in neighbouring Dera Ismail Khan, an NWFP district.

³¹ Crisis Group interviews, law enforcement officials, Karachi, October 2008.

state institutions and security forces, including army, navy and police personnel.³²

Having established bases and training camps in Afghanistan in the late 1990s, the SSP and LJ trained alongside al-Qaeda, and assisted the Taliban regime in its fight against both the Northern Alliance and Afghanistan's Shia community. Following their return to Pakistan after the U.S.-led intervention in 2001, the SSP and LJ established contacts with regional jihadi groups like the Jaish-e-Mohammed and LeT, discussed in more detail below. The LJ established a major training centre in Muridke, where Jamaat-ud-Dawa – the renamed LeT (see below) – was headquartered. In December 2006 the LJ extended support to the Swat-based Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM), an ally of the Afghan and Pakistani Taliban, in its plans to target prominent Pakistani politicians and international forces in Afghanistan, reportedly assuming the role of recruiting suicide bombers for these missions.³³ SSP and LJ madrasas, mosques and training camps across Pakistan are conduits for foot soldiers, arms and funds from Punjab to other parts of the country, including NWFP and FATA.

“The LJ has become the key player in the nexus between al-Qaeda, Taliban and sectarian groups because of its ability to exploit its network of mosques and madrasas in just about every district in Pakistan”, said a security analyst, adding, “in all major terrorist attacks in Pakistan there is irrefutable evidence that the LJ and SSP were used”.³⁴ In November 2008, interior ministry adviser Malik disclosed that al-Qaeda was using the SSP, LJ and Karachi-based Taliban groups to execute its agenda.³⁵ Tribal militants also do stints with the LJ and sectarian groups in Punjab; many extremists arrested in the province have been FATA residents.³⁶ Militancy in Punjab has in turn taken on Taliban-like dimensions, with CD and DVD shop owners facing constant threats from extremists. In September 2008, Nishtar Medical College in Multan was warned to end co-education or face attack.³⁷

Seeking political legitimacy, and fielding national candidates in the 2002 and 2008 elections, the SSP has

tried to distance itself from sectarian killings and the LJ's militancy in general. However, the two remain firmly intertwined. Some SSP and LJ leaders argue that they have lost command and control over the rank and file, with various subsidiary groups using the organisation's network and resources to carry out attacks and other criminal activity.³⁸ A loosened, less organised structure will be more difficult to contain, and underlines the need for more vigorous counter-terrorism strategies.

2. Regional jihad: Jaish-e-Mohammed and Lashkar-e-Tayyaba

a) Beyond Kashmir

Regional militant jihadi groups merit special attention, as the military's support for them continues despite Pakistan's commitments in the global “war on terror”. These groups have extended their reach well beyond the Kashmir jihad. The Jaish-e-Mohammed, for example, is involved in sectarian violence in Punjab and Karachi,³⁹ and also fights alongside the Pakistani Taliban in the borderlands. It includes many SSP workers amongst its ranks.⁴⁰ Its parent organisation, the Harkatul Mujahidin, which operated in Kashmir, was a signatory to al-Qaeda leader Osama Bin Laden's 1998 *fatwa* calling for jihad against the U.S. and all Jews. Along with the LeT, it has been linked to the December 2001 attacks on the Indian parliament. It was also linked to three al-Qaeda-related plots: shoe-bomber Richard Reid who tried to blow up an airliner in December 2001; the murder of American journalist Daniel Pearl less than two months later in Karachi; and the London bombings on 7 July 2005.

Jaish leader Amjad Farooqi, formerly the leader of the banned Harkatul Mujahidin, was believed to be the main interlocutor between al-Qaeda and domestic jihadi groups until he was killed in a shootout in May 2004, a role now filled by LJ's Matiur Rehman. Like Rehman, Farooqi was associated both with Taliban leader Mullah Omar and al-Qaeda leader Osama bin Laden.⁴¹ After his death, the Jaish remains a key link between domestic jihadi groups and international terror networks, with a presence that extends well beyond Punjab. Like the SSP and LJ, its camps provide conduits for foot soldiers travelling from Punjab to the tribal borderlands.

³² Statistics and documentation provided to Crisis Group by Punjab intelligence official, Lahore, December 2008.

³³ Ibid.

³⁴ Crisis Group interview, Rana Jawad, Islamabad, 7 October 2008.

³⁵ “Al-Qaeda can use banned militant outfits for terrorist acts: Rehman Malik”, *The News*, 21 November 2008.

³⁶ Residential profiles of militants arrested in Punjab, obtained by Crisis Group from senior civilian intelligence official, December 2008.

³⁷ Sahi, op. cit.

³⁸ Crisis Group interview, Punjab government official, Lahore, December 2008.

³⁹ The Jaish was also implicated in attacks against Christians in Murree and Taxila in 2002.

⁴⁰ Crisis Group Report, *The State of Sectarianism in Pakistan*, op. cit.

⁴¹ See Rashid, op. cit., pp. 231-232.

The LeT, renamed Jamaat-ud-Dawa (JD)⁴² after Musharraf banned the organisation in early 2002, is another signatory to al-Qaeda's global jihad.⁴³ An Ahle Hadith organisation, the JD is in fact one of the most extreme jihadi groups.⁴⁴ In March 2003, LeT leader Hafiz Saeed publicly called for jihad in Iraq, and against the U.S., Israel and India.⁴⁵ The group's links to low-income Pakistani diaspora communities, particularly in Britain, provide potential international staging grounds that make the group, according to Bruce Riedel, a former Central Intelligence Agency analyst and current adviser to U.S. President Barack Obama, "just as serious a threat to [Britain and the U.S.] as al-Qaeda".⁴⁶ The JD was, for instance, implicated in a plot to blow up U.S.-bound airliners flying from Britain in August 2006.⁴⁷

Until recently, the JD's headquarters in Muridke, a major commercial city near Lahore, were spread over 200 acres, with teaching, residential and other facilities, including its own mosque. It housed over 3,000 students up to university level.⁴⁸ The LeT established the complex in 1988, with funds from a Saudi Arabian charity, to spread Wahhabi teachings. The complex remained open after Musharraf's ban.

The organisation's aggressive recruitment of teenagers for the Kashmir jihad has provoked a backlash in its core constituency of central Punjab in recent years.⁴⁹ The JD's last few annual gatherings have been held at Pattoki, a town in Kasur district, possibly part of a strategy to win back supporters in southern Punjab. It has also recast itself as a social welfare organisation, setting up medical camps and providing ambulance services in major districts such as Gujranwala, Gujrat and Jhelum.⁵⁰ Its welfare networks and ambulance services are expanding to such southern areas of the province as Hasilpur, Bahawalnagar, Lodhran and

Bahawalpur.⁵¹ The group has also established 150 "model schools" in various districts of central and northern Punjab, imparting, it claims, "truly Islamic" education,⁵² and provided relief to the victims of natural disasters in Balochistan and NWFP. If these efforts reveal a quest for greater social and political legitimacy, they also mark an expansion of the JD's geographic reach. It now has a strong presence in Balochistan's provincial capital, Quetta, NWFP, the Federally Administered Northern Areas and Azad Jammu and Kashmir.

Relying on the JD to pressure India on the Kashmir dispute, the Musharraf government resisted U.S. pressure to ban the group.⁵³ The military's support for its jihadi proxies was most evident in the October 2005 earthquake in Kashmir, when it sidelined civilian administrators and secular non-governmental organisations in rescue and relief efforts, instead channelling funds to the JD and other jihadi groups.⁵⁴ "It was an effort to expand the JD's space, so that when foreign missions came, Musharraf could dilute the impression that it was a radical group ... the JD made huge political gains", said an analyst, warning two months before the Mumbai attacks that, "In the long term this [support to the JD] is going to hurt Pakistan".⁵⁵ Supported once again by the military, the JD was similarly quick to exploit the October 2008 earthquake in Quetta that killed over 150 and displaced thousands.⁵⁶

In March 2006, despite curbs on public protests by moderate political parties, the Musharraf regime allowed JD to stage a rally in Lahore, condemning the Danish cartoons of the Prophet Muhammad, which drew an estimated 20,000 people. A major monthly wrote, "The significance of the conference was not the convergence of such a large number of participants at one place but the concession granted by the government to a militant outfit to stage a show of strength".⁵⁷

⁴² JD is ostensibly LeT's humanitarian wing. In this report, both names will be used for the organisation.

⁴³ Gilles Kepel, "Al Qaeda on the run", *Newsweek*, 22 December 2008.

⁴⁴ Ahle Hadith is an ultra-orthodox, puritanical sect inspired by Sunni Wahhabi doctrine. See Crisis Group Report, *The State of Sectarianism in Pakistan*, op. cit.

⁴⁵ See Rashid, op. cit., p. 228.

⁴⁶ "LeT terrorists in UK greatest threat to U.S., CIA tells Obama", *The News*, 9 February 2009.

⁴⁷ Dexter Filkins and Souad Mekhennet, "Pakistan charity under scrutiny in plot", *New York Times*, 14 August 2006.

⁴⁸ Amir Mir, "India might target Muridke to avenge Mumbai", *The News*, 2 December 2008.

⁴⁹ See Crisis Group Report, *The State of Sectarianism in Pakistan*, op. cit.

⁵⁰ Jamaat-ud-Dawa website, at www.jamatuddawa.org.

⁵¹ Crisis Group interviews, members, Human Rights Commission of Pakistan (HRCP), Multan, 26 June 2008.

⁵² www.jamatuddawa.org.

⁵³ The U.S. government designated the JD a terrorist organisation in May 2006.

⁵⁴ See Crisis Group Asia Briefing N°46, *Pakistan: Political Impact of the Earthquake*, 15 March 2006.

⁵⁵ Crisis Group interview, Rana Jawad, Islamabad, 7 October 2008.

⁵⁶ Ashraf Khan, "Hardline group pledges to help Pakistan's victims of earthquake", Associated Press, 31 October 2008; and "Earthquake in Pakistan kills at least 135, official says", Associated Press, 29 October 2008.

⁵⁷ Azmat Abbas, "Jamaatud Dawa allowed to stage show of strength", *The Herald*, April 2006.

b) JD post-Mumbai

With the UN Security Council designating the JD a terrorist organisation on 10 December 2008 under resolution 1267 ((1999) concerning Al-Qaeda and the Taliban and Associated Individuals and Entities), the PPP government officially banned the group, detained some of its leaders, froze its assets, and locked its offices countrywide and in Azad Jammu and Kashmir. The JD argued that the “government took the decision in haste ... under pressure from India and America”.⁵⁸ The group’s chief, Hafiz Saeed, who was placed under house arrest, called the Security Council’s action an “attack on Islam”.⁵⁹ His political ally, JI chief Qazi Hussain Ahmed, warning, “[t]he people who are struggling for the freedom of Kashmir would be discouraged” by these moves, argued that the Security Council action violated Pakistan’s sovereignty, and threatened countrywide protests.⁶⁰ On 26 January 2009, the Punjab government occupied the Muridke complex, also taking over the administration of JD’s educational institutions and medical services.⁶¹ The government has since charged eight people with “abetting, conspiracy and facilitation of a terrorist act”.⁶² Of the eight charged, six have been arrested, including three LeT operatives, among them Zakiur Rehman.

Accused of mounting the Mumbai attacks, the JD has put renewed emphasis on its credentials as a charity, attempting to distance itself from the LeT.⁶³ A LeT spokesman, meanwhile, said, “Our struggle is only confined to Kashmir and we have no relations or association with armed groups operating at the international level. We have no global agenda. We just want the freedom of Kashmir and if it comes through peaceful means, we will welcome it”.⁶⁴ Responding to the charges filed by the government against some top LeT operatives for their involvement in the Mumbai attacks, an LeT spokesman claimed this was done to “win appreciation” from India and the U.S. and to “implement

India’s agenda of suppressing the people’s struggle for freedom in Kashmir”.⁶⁵

“Since Mumbai, the JD has been on the defensive”, said a senior bureaucrat in the Punjab government. “It will be quiet for some time, focus on welfare activities, and assure the government that it will stop its militancy in Kashmir.... But a complete divorce [from militancy] is not possible”.⁶⁶ Unlike other jihadi groups, however, even post-Mumbai the JD retains significant support within some bureaucratic circles, and in segments of the civilian police. This comes partly for its welfare activities and, perhaps more importantly, for the supposed focus on the Kashmir insurgency, instead of internal conflict.⁶⁷ “The government’s actions against the JD [after the Mumbai attacks] are to the detriment of all the people who were beneficiaries [of the group’s social services]”, said a senior Punjab bureaucrat.⁶⁸ Another argued that the group “transcended sectarianism” and was legitimately supporting popular resistance to Indian rule in Kashmir.⁶⁹ Whether such sentiments will hamper long-term government action against the group in the wake of the Mumbai incident remains to be seen.

The JD’s welfare activities are far from innocuous. After the 2005 earthquake, for example, it enforced gender segregation and compulsory Islamic prayers and education in its NWFP-based relief camps.⁷⁰ The group also actively runs jihadi training camps and distributes jihadi literature.⁷¹ In February 2009, the JD’s local chapter in Punjab’s Layyah district pressured the police to register blasphemy cases against four Ahmadi⁷² students of a private tuition centre, and called for all of their Ahmadi peers to leave the school.⁷³ Some Pakistani jihadis have accused the LeT of undermining the Kashmir jihad by promoting sectarian divisions

⁵⁸ Babar Dogar and Asif Shahzad, “Pakistan acts against charity”, Associated Press, 11 December 2008.

⁵⁹ “Saeed says UNSC ban ‘an attack on Islam’”, *The News*, 12 December 2008.

⁶⁰ *Ibid.*

⁶¹ “Government takes control of Dawa headquarters”, *Daily Times*, 26 January 2009.

⁶² “Mumbai attacks: Part of plot hatched in Pakistan, says Malik”, *The News*, 13 February 2008.

⁶³ “Jamaatud Dawa denies militant link”, *Dawn*, 5 December 2008.

⁶⁴ Iftikhar Gilani, “LT to support democratic struggle to liberate Indian-held Kashmir”, *Daily Times*, 19 January 2009.

⁶⁵ “Mumbai attacks partially planned in Pakistan: Malik”, *Daily Times*, 13 February 2009.

⁶⁶ Crisis Group interview, Lahore, December 2008.

⁶⁷ Crisis Group interviews, December 2008.

⁶⁸ Crisis Group interview, Lahore, December 2008.

⁶⁹ Crisis Group interview, Lahore, December 2008.

⁷⁰ See Crisis Group Report, *Pakistan: Political Impact of the Earthquake*, op. cit.

⁷¹ Crisis Group interviews, Islamabad and Karachi, October 2008.

⁷² Ahmadi form a Sunni minority sect that follows the teachings of Mirza Ghulam Ahmed; some members believe Ahmed was a twentieth century prophet. For more details on persecution of Ahmadi in Pakistan, see Asia Report N°160, *Reforming the Judiciary in Pakistan*, 16 October 2008; and Crisis Group Reports, *The State of Sectarianism in Pakistan*, and *The Mullahs and the Military*, both op. cit.

⁷³ “The sectarian-ethnic scourge”, *Daily Times*, 5 February 2009.

among the mujahidin.⁷⁴ The argument that Kashmir-oriented groups do not hurt Pakistan's stability or regional interests is untenable. Through attacks such as Mumbai, these groups will continue to derail the PPP-led government's policy towards India, making a sustained normalisation process all the more elusive.

B. EXTREMISM IN KARACHI

After a relative lull, sectarian violence began anew in Sindh's capital, Karachi, in 2006. "Now, instead of Kalashnikovs, they had suicide bombers", said a former anti-terrorism official.⁷⁵ In April 2006, a suicide bomb in Nishtar Park killed much of the leadership of the Bareilvi militant group, Sunni Tehrik. Three months later a suicide bomber killed Allama Hasan Turabi, president of Pakistan's largest Shia party, the Pakistan Islami Tehrik. The SSP and the LJ are suspected in both attacks. Since early 2007, the three banned organisations – SSP, LJ and LeT – have openly held public meetings in Karachi.⁷⁶ In a 2,000-strong rally on 1 March 2008, the SSP threatened jihad against Denmark, Germany and other Western countries.

Jaish-e-Mohammed leader Masood Azhar⁷⁷ is now running a large madrasa in Karachi's Ehsanabad constituency. Some al-Qaeda members, including Daniel Pearl's kidnappers, were found and arrested in this seminary.⁷⁸ Pro-Taliban and anti-Shia graffiti can be seen in the same constituency.⁷⁹ The PPP's coalition partner in the Sindh government, the Muttahida Qaumi Movement (MQM), which also runs Karachi's district government, has expressed concerns about Talibaniisation in Karachi. It points to an increase in pro-Taliban Deobandi madrasas and mosques, which often encroach on both state and private land with impunity. Of the 34 mosques in the military-run Defence Housing Authority (DHA), the wealthiest residential neighbourhood in Karachi, 32 are Deobandi; the most prominent of them, the Sultan Mosque, is manifestly pro-Taliban, and its clerics regularly preach against Shias.⁸⁰

The renewed intensity of Sunni extremist groups in a city with a history of sectarian conflict has provoked fears of fresh violence. The former president of an Imam Bara (Shia mosque) in DHA was compelled to turn his mosque "into a fortress, with armed guards on the rooftop during Friday prayers".⁸¹ He also formally complained about the Sultan Mosque's incitements against Shias to the DHA administration, which took no action.⁸² In response to this climate of heightened threat, the Sipah-e-Muhammad, the banned Shia militant counterpart to the SSP, has also regrouped and resumed a conspicuous presence.⁸³ Similarly, the Bareilvi Sunni Tehrik is reportedly "more armed than ever"⁸⁴ after the April 2006 bomb attack in Nishtar Park targeting its leadership.

Karachi has witnessed a marked increase in crime since 2008, as radical Sunni groups increasingly turn their attention to raising funds and acquiring weapons for the FATA-based Pakistani Taliban through robberies, kidnappings for ransom, and snatching weapons from police, guards and even the paramilitary Rangers force.⁸⁵ The Punjab-based Harkatul Jihadul Islami and a new splinter group, Jandala, have started operating in Karachi for this purpose. "No one had ever heard of these groups in Karachi, and some carry on without a name", said a Karachi police official with experience in counter-terrorism.⁸⁶ Money stolen in two major robberies – of a money exchange company and a large bank in the city's commercial centre – was eventually traced to FATA's Waziristan agencies.⁸⁷ These various jihadi groups are also competing to capture "as many mosques in Karachi as possible".⁸⁸

The Jamaat-i-Islami has played a significant role in destabilising Karachi. The JI's student wing, Islami Jamiat-e-Talaba (IJT), enlists students from universities and high schools; these young men often join the party's jihad wing, Hizbul Mujahidin, or new terrorist cells.⁸⁹ Attaur Rehman, a Karachi University graduate

⁷⁴ Crisis Group Report, *The State of Sectarianism in Pakistan*, op. cit.

⁷⁵ Crisis Group interview, Karachi, October 2008.

⁷⁶ Marianna Babar, "Government ought to get tough with militants", *The News*, 29 September 2008.

⁷⁷ Azhar is a graduate of a madrasa run by Mufti Rashid Ahmed, who had once issued a *fatwa* (religious edict) calling for Shias to be killed.

⁷⁸ Crisis Group interview, Faisal Ali Subzwari, Sindh minister for youth affairs, Karachi, 15 October 2008.

⁷⁹ Ibid.

⁸⁰ Crisis Group interviews, Karachi, October 2008.

⁸¹ Crisis Group interview, Zahid Hassnain, Karachi, 17 October 2008. In September 2008, Hassnain's son turned down a senior position at the same mosque out of fear for his life.

⁸² Ibid.

⁸³ "Banned outfits re-emerging in Karachi", *Daily Times*, 13 July 2008.

⁸⁴ Crisis Group interview, bureaucrat, Sindh provincial government, Karachi, October 2008.

⁸⁵ Crisis Group interviews, law enforcement officials, Karachi, October 2008.

⁸⁶ Crisis Group interview, Karachi, October 2008.

⁸⁷ Ibid.

⁸⁸ Crisis Group interview, official, Sindh provincial government, Karachi, October 2008.

⁸⁹ See Crisis Group Report, *Pakistan: Karachi's Madrasas and Violent Extremism*, op. cit.

and former IJT associate, for example, established an al-Qaeda-linked group in 2004, and was arrested in June 2004 for planning attacks in Karachi.⁹⁰ Karachi-based militants also regularly fight in the tribal areas, typically for two- and three-month stints, before returning to the city. They are also believed to be refocusing their attention on more ambitious attacks against the Pakistani state and Western targets.⁹¹

C. EXPANDING THE TARGET: MILITANCY IN ISLAMABAD

With the state becoming a primary militant target, militant jihadi groups have expanded their presence and activities to the federal capital. There were four suicide bombings in and near Islamabad in 2008, claiming 85 lives.⁹² These included the suicide bombing of the Danish embassy compound on 2 June 2008, later claimed by al-Qaeda; the headquarters of the Anti-Terrorism Squad in Islamabad, killing eleven people, on 9 October; September's Marriott hotel bombing; and an attack on an ordnance factory some forty miles outside Islamabad in August 2008, which claimed more than 60 lives.

Militants have made their presence increasingly felt in Islamabad from at least early 2006. An SSP rally in Islamabad on 7 April 2006 drew a reported 5,000 activists, despite the Musharraf government's ban on the group. At the rally, former Pakistani general Zaheerul Islam Abbasi, who had been arrested in 1995 for a coup attempt against Benazir Bhutto's government, declared, "The concept of nation state is an obstacle in the way of the establishment of Khilafat. We will start the establishment of Khilafat in Pakistan and then will do so across the world".⁹³ Organisers distributed literature, preaching jihad against Shias, and one organiser reportedly thanked the government for allowing the rally,⁹⁴ which continued despite what former law minister and general secretary of the independent Human Rights Commission of Pakistan (HRCP) Iqbal Haider termed "the blatant violation of laws against inciting violence". Haider added, "It is obvious that there will be no end to extrem-

ism and hatred in society while official policies promote such things".⁹⁵

In March-April 2007, militants from various groups, including the SSP and Jaish-e-Mohammed, and from a female madrasa, Jamia Hafsa, occupied the premises of Islamabad's Red Mosque, provoking a months-long standoff with the government. The mosque's leader, Maulana Abdul Aziz Ghazi, and his brother Abdul Rashid Ghazi had established a Sharia court on the premises, which among other decisions issued a death sentence against a female minister after she was photographed with a male parachuting instructor. The Musharraf regime had earlier ignored notices from the Capital Development Authority (CDA) about illegal activity at the Red Mosque, including the storage of illicit weapons, enabling "the mosque's transformation into a centre for militants".⁹⁶ Several dozen militants from North and South Waziristan were also reportedly present at the mosque.⁹⁷

The Ghazi brothers, who had close ties to both the SSP and the JUI-F, were also reportedly signatories of a *fatwa* in 2004, signed by 500 clerics and Muslim scholars. The *fatwa* decreed that any military personnel killed in fighting in South Waziristan must be denied a Muslim burial.⁹⁸ Arrested in August 2004 for possession of weapons and involvement in terrorist activities, they were soon released at the behest of Musharraf's minister for religious affairs, Ejaz-ul-Haq; and they continued to be on the religious affairs ministry's payroll.⁹⁹ Anti-terrorism officials generally consider the Red Mosque episode, including the military government's belated, poorly conducted and bloody operation in July 2007 to seize control of the premises, a turning point, with a spike in terrorist attacks in subsequent months.¹⁰⁰

In November 2007, two consecutive suicide attacks in Islamabad's twin city, Rawalpindi, including one just outside the army's general headquarters by jihadist-retaliation for the Lal Masjid operation—claimed over 30 lives. On 27 December, PPP leader and former prime minister Benazir Bhutto was assassinated in Rawalpindi.

In September 2008, following an armed attack on Prime Minister Yusuf Raza Gilani's convoy along a heavily

⁹⁰ Ibid.

⁹¹ Crisis Group interviews, law enforcement officials, Karachi, October 2008.

⁹² Statistics provided by Punjab intelligence official, Lahore, December 2008.

⁹³ "SSP vows to establish caliphate worldwide", *Daily Times*, 8 April 2006. See also Mohammad Imran, "Government might allow Sipah-e-Sahaba activities", *Daily Times*, 3 April 2006.

⁹⁴ "SSP vows to establish caliphate worldwide", op. cit.

⁹⁵ "Rallies with govt support promoting sectarianism", *Daily Times*, 11 April 2006.

⁹⁶ "More Lal Masjids?" *Dawn*, 9 September 2008.

⁹⁷ Massoud Ansari, "Veiled threats", *Newsline*, April 2007.

⁹⁸ Ibid.

⁹⁹ See Crisis Group Report, *The State of Sectarianism in Pakistan*, op. cit.

¹⁰⁰ Crisis Group interviews, Lahore, December 2008.

guarded route between Rawalpindi and Islamabad, an analyst commented on “how freely [militant groups] have begun operating” in what is essentially the military high command’s backyard.¹⁰¹

The Jaish-e-Mohammed and Harkatul Mujahidin have reportedly set up bases and transit camps in Rawalpindi for militants travelling from southern Punjab to NWFP.¹⁰² Said a Rawalpindi resident: “Most of the time ... Islamabad gets attention without a reference to the city of Rawalpindi. How can people ignore the influence of what is happening in Rawalpindi? The fact that Rawalpindi has turned into a hub of various sectarian groups needs to be analysed. If you walk around the city after Friday prayers, you will see their strength. They have established their presence in Rawalpindi. Their impact on Islamabad’s security is key”.¹⁰³

D. PAKISTAN’S TALIBANISATION

1. Sunni extremism and the Pakistani Taliban

Pakistani Talibanisation is not uniquely a “Pashtun problem”, but a logical extension of Sunni Deobandi militancy. Its ideological tenets derive from the same orthodox Sunni-Hanafi interpretations of Islam, promoted by Zia’s military regime in the 1980s, that lie at the heart of state-driven Islamisation.¹⁰⁴

The Tehrik-i-Taliban Pakistan (TTP) supposedly coordinates the activities of numerous Taliban groups in NWFP and FATA, although its unity is questionable.¹⁰⁵ Led by Baitullah Mehsud, a tribal militant from South Waziristan Agency, the TTP was formed in December 2007 after a *shura* (tribal council) of some 40 senior leaders of militant groups, operating in the tribal belt since 2001, decided to unite under a single banner. “During this process”, notes an analyst, “the Pakistani Taliban never really merged into the organisation[al]

structure of the Afghan Taliban under Mullah Omar. Instead, they developed a distinct identity. From their perspective, they intelligently created a space for themselves in Pakistan by engaging the military in attacks while at other times cutting deals [with Musharraf’s military government] to establish their autonomy in the region”.¹⁰⁶ In September 2008, the PPP government banned the TTP, designating it a terrorist organisation, and freezing its known bank accounts.

Pakistani Taliban groups have targeted the limited administrative infrastructure in the tribal areas, destroying educational institutions, particularly girls’ schools, establishing parallel Sharia courts, and killing and intimidating tribal leaders, or *maliks*, who in some areas now consult these groups rather than political agents, the official authority, for orders.¹⁰⁷

The Taliban groups expound Islam as a vehicle of social and political empowerment. Their Sharia courts claim to resolve cases that were pending in officially constituted tribunals for years.¹⁰⁸ In fact, they seek to reform society along radical Deobandi lines, as expressed in attacks on girls’ schools, barber shops, DVD and CD stores, and residents perceived to be engaged in immoral activities.¹⁰⁹ The Taliban have publicly executed members of rival tribes and sects. When releasing paramilitary troops captured in fighting, militants have typically released Sunnis and executed Shia captives.¹¹⁰

Pakistani Taliban groups have also absorbed members of radical Sunni organisations who were operating independently before the U.S.-led invasion of Afghanistan, such as the Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM). This Sunni militant organisation had been considerably weakened when hundreds of its fol-

¹⁰¹ Irfan Hussain, “Whose side is Pakistan on in fighting the Taliban?” *The Daily Star*, 16 September 2008.

¹⁰² In March 2007, police arrested five Jaish-e-Mohammed activists, including two brothers of the group’s leader, travelling between Rawalpindi and Islamabad. “Five Jaish activists arrested”, *Daily Times*, 17 March 2007.

¹⁰³ Crisis Group interview, Mirza Ashfaq Baig, Rawalpindi, 20 June 2008.

¹⁰⁴ See Crisis Group Report, *The State of Sectarianism in Pakistan*, op. cit.

¹⁰⁵ The Pakistani Taliban too often have competing interests, and include both violently anti-government forces and those who are ostensibly more amenable to cohabitation with the military. “Three ‘US spies’ executed”, *Dawn*, 19 July 2008. See also Rahimullah Yusufzai, “Top guns the who’s who of the Pakistani Taliban”, *Newsline*, July 2008.

¹⁰⁶ Hassan Abbas, “A profile of Tehrik-i-Taliban”, *CTC Sentinel*, vol.1, no. 2 (January 2008).

¹⁰⁷ A political agent (PA), who is a federal bureaucrat, heads the local administration of each FATA agency, and exercises extensive executive, judicial and revenue powers. With the NWFP governor’s approval, the PA confers the status of *malik*, or tribal elder, on the basis of male inheritance. See Crisis Group Report, *Pakistan’s Tribal Areas: Appeasing the Militants*, op. cit.

¹⁰⁸ “Those who have lost trust in the state’s ability to resolve their disputes would naturally go to the Taliban to get justice”, commented a Peshawar resident. Crisis Group interview, Peshawar, July 2008.

¹⁰⁹ For example, in March 2007, the Lashkar-e-Islami (Army of Islam), a Deobandi militant group led by Mangal Bagh, and sympathetic to the Pakistani Taliban (although Mangal Bagh has denied links to the TTP), stoned and then shot dead a woman in Khyber Agency on “charges” of adultery, after holding her in custody for two days.

¹¹⁰ See Rahimullah Yusufzai, “Much ado about nothing”, *Newsline*, September 2007; and Amir Mohammad Khan, “In the name of honour”, *Newsline*, April 2007.

lowers went to fight alongside the Taliban following the U.S.-led intervention in Afghanistan, and were killed or detained there.¹¹¹ The TNSM's cadres have recovered lost ground under new leaders like Maulana Fazlullah, a key Taliban ally who heads his TNSM faction in Swat, which draws on significant numbers of al-Qaeda fighters.¹¹²

Furthermore, according to a Punjab anti-terrorism official, "proclaimed offenders of the Lashkar-e-Jhangvi and other such groups are now operating in FATA".¹¹³ In November 2008, a U.S. missile strike killed Rashid Rauf, a British al-Qaeda operative, the suspected mastermind of the 2006 al-Qaeda plot to blow up passenger airliners in London. An associate of Jaish-e-Mohammed chief Masood Azhar in Bahawalpur, Rauf had escaped from police custody in Islamabad in December 2007.¹¹⁴ His presence in FATA illustrates the links between sectarian, regional and global jihadis.

In FATA's Khyber Agency, the Lashkar-e-Islami (Army of Islam), a Deobandi extremist group, and the Barelvi militant Ansarul Islam¹¹⁵ run competing Sharia courts and have engaged in violent intra-sect conflict, with hundreds of followers of both groups killed since 2006. The Lashkar-e-Islami has also targeted religious minorities; in June 2008, for example, it kidnapped sixteen Christians from Peshawar and detained them in Khyber Agency. Although the hostages were soon released following negotiations with the local administration, the incident "heightened insecurity among non-Muslims".¹¹⁶

¹¹¹ The TNSM was founded in the early 1990s by Maulana Sufi Mohammed to implement Sharia in the Swat and Malakand regions. Mohammed was an active leader of the Jamaat-i-Islami in the early 1980s. When U.S.-led forces invaded Afghanistan in 2001, Mohammed and his son-in-law, Fazlullah, led their followers to Afghanistan in order to wage war against foreign forces and the Northern Alliance in Afghanistan. Both of them were arrested upon their return. Fazlullah was released on bail but Sufi Mohammed, refusing to apply for bail, remained in custody.

¹¹² See Eric Schmitt and Jane Perlez, "Strikes worsen Qaeda threat, Pakistan says", *The New York Times*, 25 February 2009.

¹¹³ Crisis Group interview, anti-terrorism official, Lahore, December 2008.

¹¹⁴ Shakeel Anjum, "Rauf's escape shrouded in mystery", *The News*, 17 December 2007; Ismail Khan and Jane Perlez, "Airstrike kills Qaeda-linked militant in Pakistan", *The New York Times*, 23 November 2008. See also Carlotta Gall and Arif Jamal, "Man at heart of British terrorist plot laid roots in a land rife with Sunni extremism", *The New York Times*, 21 August 2006.

¹¹⁵ Hassan Abbas, "Pakistan's grip on tribal areas is slipping", *Asia Times*, 4 October 2007.

¹¹⁶ Zahid Hussain, "Are we losing the war against militancy", *Newsline*, July 2008.

Extremists propagate their message through illegal FM stations, as in the case of Mangal Bagh and Mullah Fazlullah in Khyber Agency and NWFP's Swat district, respectively, to call for Sharia and jihad against the West, the Pakistani state, and "infidels" at home.¹¹⁷

In Swat, which has a distinct cultural history, the Pakistani Taliban, mirroring their Afghan counterparts,¹¹⁸ defaced a centuries-old rock statue of Buddha in October 2007. The chairman of the Swat Arts and Cultural Society remarked that the Taliban "think that by destroying Buddhist sites they are performing a religious duty". He added, "God forbid, you will soon see religious seminaries in place of these sites".¹¹⁹ Such fears are well founded: trying to tap into a large and increasingly alienated youth pool, Pakistani Taliban groups have enlarged the Deobandi madrasa sector in both tribal and settled districts, including Swat, attempting to convert those schools left untouched into seminaries. The Swat Taliban have destroyed some 200 boys' and girls' schools in Swat district, and, in December 2008, "banned" Swat's 120,000 female students from attending classes, threatening to bomb schools with any female students after 15 January 2009.¹²⁰

2. Appeasing the militants in Swat

On 16 February 2009, NWFP's Awami National Party (ANP)-led government and the TNSM reached an agreement, devised by the military, for the imposition of Sharia in NWFP's Malakand region, which includes Swat.¹²¹ According to the initial agreement, the government will, among other provisions, establish Qazi or religious courts to decide all cases after 16 February 2009, ensuring adherence to Sharia; dismantle security checkpoints after 4 March 2009; and withdraw troops to their barracks.¹²² The government would also release militants detained in anti-terrorist operations,

¹¹⁷ See Crisis Group Report, *Pakistan's Tribal Areas: Appeasing the Militants*, op. cit. Fazlullah is also known as Mullah Radio.

¹¹⁸ The Afghan Taliban destroyed centuries-old Buddha statues in the Hindu Kush region in 2001. See Ahmed Rashid, "After 1,700 years, Buddhas fall to the Taliban", *The Telegraph*, 3 July 2001.

¹¹⁹ Shaheen Beneri, "Obliterating a rich past", *Newsline*, September 2008.

¹²⁰ See Javed Aziz Khan, "Education for girls prime victim of Swat turmoil", *The News*, 10 February 2009.

¹²¹ See Waseem A. Shah, "Sharia-based system tied to peace in Swat", *Dawn*, 17 February 2009. NWFP's Malakand division is composed of seven districts: Buner, Shangla, Dir Upper, Dir Lower, Chitral and Malakand. In 1969, the former princely state of Swat was included in Malakand division.

¹²² See "All checkpoints in Swat to be abolished by March 4", *The News*, 1 March 2009.

with the TNSM insisting on the release of all detainees, including those responsible for violent crimes such as public executions and rape.¹²³ In return, the TNSM will ensure that the Pakistani Taliban in Swat lay down heavy weapons, end its armed campaign and accept the government's writ in Swat, including allowing boys' and girls' schools to reopen – but all females attending school must wear the *purdah*, or veil.

The deal negates the wishes of an electorate that voted out religious right-wing parties in Swat, supporting the ANP in the February 2008 national elections for the very purpose of reversing the MMA's Islamisation policies. While the accord ostensibly aims at dividing militants in Swat from FATA-based counterparts, it will in fact only strengthen those links. Furthermore, given al-Qaeda's links to Swat-based militants, described above, the deal will not only enhance the Taliban's presence, but also al-Qaeda's, as did earlier peace deals under Musharraf in FATA.¹²⁴

Since the deal, TNSM chief Sufi Mohammed has increased his demands, claiming in a 1 March 2009 press conference that he was dissatisfied with the speed of the NWFP government's implementation of the accord; insisting on a 15 March 2009 deadline for Sharia courts to be established, presided over by judges appointed by Sufi Mohammed himself, and for all imprisoned militants to be released by that date.¹²⁵ The Swat Taliban, who have ordered all non-governmental organisations (NGOs) to leave Swat, also insist that any military movement or action in the district be

pre-approved by them.¹²⁶ On 4 March, the NWFP government agreed to an additional 17-point plan to enforce Sharia in Swat, which included measures against obscenity and corruption, closing down music shops and expelling "prostitutes" and "pimps" from Swat. This new agreement, noted a national daily, "virtually amounts to handing over charge of Swat to the Taliban and allowing them to determine arbitrarily the distinction between vice and virtue and impose their own values through an extrajudicial system of vigilantes".¹²⁷

By agreeing to these demands, and vowing to implement the accord "at any cost",¹²⁸ the ANP-led NWFP government has abdicated governance of the Malakand region to the extremists while it has failed to enforce the peace. Weeks after reaching agreement, the militants attacked and killed security personnel and abducted government officials. A national daily commented: "Now that their hold is consolidated – at least for the time being – the Taliban are revealing their hand and it is clear that sweeping change is the order of the day, allowing us to see what is our likely future as the Taliban groups gradually take hold of the country".¹²⁹

President Zardari, who has yet to sign the *Nizam-e-Adl* Regulations Order that would put Sharia in force, should resist the ANP and the military's pressure to do so. Not only does the accord effectively transfer authority to govern the Malakand region to religious extremists, as the FATA deals before it, it also imposes the TNSM's version of Taliban-like Islamic legislation on Pakistani citizens in Malakand division, clearly violating Article 8 of the constitution, which prohibits laws "inconsistent with or in derogation of fundamental rights".

The international response has so far been mixed, with U.S. Secretary of Defense Robert Gates for example suggesting that the Swat deal was an acceptable compromise and could be replicated in Afghanistan.¹³⁰ The U.S., and the international community in general, should be under no illusions that the current peace deal will yield any more positive results than Musharraf's failed peace deals with militants in the Waziristans in 2004-2006. The U.S. and other influential external

¹²³ Pakistan's ambassador to the U.S. Hussain Haqqani and other officials defended the deal as a means of restoring peace in a socially and religiously conservative region, a claim that is rejected by independent analysts. "The TNSM's actions, which include "beheading, rape, murder, public display of dead bodies [and] public executions" commented one such analyst, "have little to do with religion or a moral order". Through "such brutal means and barbaric methods", they "have forced the government to accept their power over people and resources through the *Nizam-e-Adal* agreement". Dr. Rubina Saigol, "Myths vs facts about fundamentalism", *The News*, 21 February 2009. Claiming that the Taliban was paid anywhere between \$6-10 million, a former ambassador insisted that locals opposed the Taliban and were "dumb founded when the military, for all its vaulted claims was unable to prevail mostly because they were unwilling to sustain losses; and having lost the will to fight preferred to let the [NWFP] government take the rap for their failure and cobble a deal which amounted to surrender". Zafar Hilaly, "Swat and saving Pakistan", *The News*, 10 March 2009.

¹²⁴ See Crisis Group Report, *Pakistan's Tribal Areas: Appeasing the Militants*, op. cit.

¹²⁵ Hameedullah Khan, "Swat peace deal comes under pressure", *Dawn*, 2 March 2009.

¹²⁶ Pakistani Taliban spokesman, Muslim Khan said: "All NGOs should leave Swat because they are creating problems for peace". "Sweeping Swat", *The News*, 2 March 2009.

¹²⁷ "Betrayal of Swat", *Dawn*, 6 March 2009; Delawar Jan, "17-point plan to salvage Swat peace accord", *The News*, 5 March 2009.

¹²⁸ Daud Khattaq, "NWFP govt vows to enforce Sharia at all costs", *The News*, 1 March 2009.

¹²⁹ "Sweeping Swat", *The News*, 2 March 2009.

¹³⁰ "Swat-style deal in Afghanistan acceptable, says Gates", *The News*, 21 February 2009.

actors, including the EU, should, instead, dissuade the Pakistani military from entering similar deals in FATA or elsewhere in NWFP, and from arming and supporting any Pakistani insurgent group or tribal militia. To win hearts and minds, to respond to a humanitarian crisis and to deprive the jihadis of a potential pool of recruits, the U.S. and the EU should also expand assistance to the hundreds of thousands of civilians displaced by the conflict in Swat and FATA.

The U.S. should also condition military assistance on demonstrable steps by the Pakistani armed forces to support civilian efforts in preventing Pakistani territory, in Swat or the borderlands, from being used by al-Qaeda, Afghan insurgents and Pakistani extremists to launch attacks within Pakistan and from Pakistani territory to its region and beyond. Should the Pakistani military fail to respond positively, as a last resort, the international community should consider targeted and incremental sanctions, including travel and visa bans and the freezing of financial assets of key military leaders and military-controlled intelligence agencies.

3. Shia-Sunni violence

a) FATA: Kurram and Orakzai Agencies

The tribal agencies of Kurram and Orakzai, with their large Shia populations, have become a focal point for Sunni extremists, and provide further examples of the convergence of Pakistani Taliban groups, sectarian groups and religious rightwing parties. The Lower Kurram Valley is under the control of the SSP; some argue that Lower Kurram is now an even stronger base than the SSP's birthplace of Jhang district in Punjab.¹³¹

Sectarian violence in Kurram has its roots in the anti-Soviet jihad in the 1980s, when the Shia Turis, the dominant clan in the agency's administrative centre, Parachinar,¹³² declined to support the mujahidin. In response to Sunni attacks in the 1980s, the militant Shia group Tehrik-e-Nifaz-e-Fiqh-e-Jaafaria (TNFJ) emerged under the leadership of a Parachinar-based Turi, Allama Ariful Hussaini.¹³³ Echoing their position in the 1980s, the Turis refused to provide shelter to al-Qaeda and Taliban forces fleeing Afghanistan following the U.S.-led intervention in 2001.

The influx of Afghan refugees has had a significant impact on Kurram's demographic balance. By one account, while locals outnumber refugees almost four to one in NWFP, FATA and Balochistan as a whole, in Kurram Agency, they equal or outnumber Pakistanis. This Afghan presence has introduced "a hard-core brand of Taliban-style Sunni ideology"¹³⁴ and fuelled sectarian conflict.

Sectarian conflict in Kurram has taken on tribal dimensions, with the Turis and the Sunnis of the Bangash tribe escalating their conflict in 2007, beginning with an attack on a Shia procession in April 2007 that killed over 50 people. According to one report, more than 1,500 people have been killed and 5,000 injured since then.¹³⁵ The HRCP noted:

The people of Kurram Agency have been suffering horrific sectarian violence at the hands of home-bred and foreign terrorists since April 2007. For over a year, the main road connecting the agency to the rest of Pakistan has been occupied by militants who close it as and when they please. Ambulances have been attacked; innocent people slaughtered and dismembered bodies in sacks found dumped by the roadside. Heavy weapons are used to target peaceful civilian neighbourhoods. Communication and water supply systems have been destroyed, and the local economy ruined.¹³⁶

Both Pakistani and Afghan Taliban have supported the Sunni Bangash tribesmen. While sectarian violence in Parachinar can be attributed in part to local Sunni militants retaliating against the Turis' refusal to support the Taliban, the Taliban too are attacking local Shias. According to a Peshawar resident, "The Taliban saw the Turis as their enemies because they were Shia apostates according to their strict Deobandi interpretation of Islam. Apart from this, they wanted to get rid of Shias because they were a major obstruction in Taliban activities across the border....It was natural for the Taliban to attack them if they wanted to operate freely in the border region of Pakistan and Afghanistan".¹³⁷

While acknowledging Kurram's history of sectarian conflict, an editorial in a major daily claimed, "never before has the orgy of violence continued quite so long or

¹³¹ "Sectarian war in Parachinar", *Daily Times*, 19 November 2007.

¹³² Shias insist that they form 80 per cent of Parachinar's population. See Crisis Group Report, *The State of Sectarianism in Pakistan*, op. cit.

¹³³ Hussaini was murdered in Peshawar in August 1988, for which Turis blamed General Zia-ul-Haq. See "Sectarian war in Parachinar", op. cit.

¹³⁴ "Violence in Parachinar", *Dawn*, 23 November 2007.

¹³⁵ "Fierce clashes in Kurram despite temporary ceasefire", *The News*, 2 September 2008.

¹³⁶ HRCP, press release, 21 July 2008.

¹³⁷ Crisis Group interview, Peshawar, July 2008. See also Naseer Hussain, "Kurram killing spree continues", *The Frontier Post*, 27 December 2007.

assumed such terrifying proportions”.¹³⁸ A former chief secretary of NWFP has described the actions against Turis as “ethnic cleansing”.¹³⁹

Shias are also the targets of Sunni extremism in neighbouring Orakzai Agency, where, besides the Taliban, the SSP has expanded its presence. The agency’s political agent argued, “The Orakzai Taliban are using the platform of the JUI-F to promote the agenda of the [SSP]”.¹⁴⁰ In October 2006, violence between the two sects erupted after Sunni hardliners tried to prevent Shias from visiting a centuries-old shrine that both communities venerate.¹⁴¹ The Shia community blamed the local administration and the government for enabling local Pakistani Taliban to carry out attacks.¹⁴² Sunni leaders in Orakzai Agency have issued edicts to Sunnis not to use major roads that pass through Shia-dominated areas, and a Sunni Supreme Council oversaw the construction of new roads that only Sunnis would use. Shia leaders, in turn, issued similar instructions to their community, splitting the agency into “two fiefdoms ... insulating themselves against each other”.¹⁴³

b) Beyond the tribal belt

With Talibanisation spreading well into NWFP, some settled districts have seen an upsurge of sectarian violence, including Bannu, Kohat and Dera Ismail Khan and even the provincial capital, Peshawar, where on 5 December 2008 a car bomb near a Shia mosque killed over 30 people. In Dera Ismail Khan, another centre of Sunni-Shia discord, an August 2008 suicide bombing targeting Shias at a hospital killed at least 25; and the bombing of a Shia funeral in November 2008 left ten dead and 40 wounded. In probable retaliatory attacks, a remote-controlled bomb targeting a Sunni provincial parliamentarian killed six people and injured 26 in January 2009; the following month, a grenade attack on one of the district’s Sunni mosques killed

one and injured eighteen; and a suicide bombing on 20 February 2009 at a Shia funeral procession killed more than 30.

Balochistan has seen similar violence. According to the Pakistan Institute of Peace Studies, there were 682 terrorist, insurgent or sectarian attacks in Balochistan in 2008.¹⁴⁴ Under Musharraf, as earlier stated, the military ensured JUI-F’s victory in the 2002 national elections. The JUI-F then became the senior partner in the Balochistan provincial government, with Musharraf’s PML-Q. Between 2002-2007, the JUI-F controlled key provincial ministries, received the bulk of the province’s budgetary allocations, and allotted major portfolios to radical clerics.¹⁴⁵ The JUI-F has made no attempt to hide its support for the Afghan Taliban, with JUI-F madrasas recruiting and training Afghan and Pakistani Pashtuns for the Taliban.¹⁴⁶ Balochistan’s provincial capital, Quetta, widely accepted as the Afghan Taliban’s headquarters,¹⁴⁷ is also a hub of sectarian violence, with Shia Hazaras,¹⁴⁸ like Kurram’s Turis, targeted by the Pakistani Taliban and other Sunni radical groups including Lashkar-e-Jhangvi and SSP.

In July 2003, a bomb in a Shia mosque in Quetta left more than 50 people dead. The LJ was responsible for an attack on a Shia procession on Ashura day in March 2004 that killed 38 people, most of them Hazaras; the two senior LJ militants convicted for their role in this incident escaped custody in mid-January 2008.¹⁴⁹ In April 2005, four SSP members were arrested for their role in the bombing of a Shia shrine in Balochistan’s Jhal Magsi district on 19 March 2005 that killed 65

¹³⁸ “Kurram bloodbath”, *The News*, 2 September 2008.

¹³⁹ Khalid Aziz, “Return of the warlords”, *The News*, 26 August 2008. In October 2008, the rival tribes in Kurram brokered a peace accord, including an exchange of captives and dead bodies, reopening roads that had been blocked for over a year, return of displaced people, vacating bunkers and handing them over to Frontier Corps personnel and the political administration, and hefty fines for anyone breaching the agreement.

¹⁴⁰ “Kurram rival tribes agree on peace accord”, *The Nation*, 16 October 2008.

¹⁴¹ “Testing times for Pakistan”, *Daily Times*, 3 October 2006; and “Sectarian mayhem in Orakzai again”, *Daily Times*, 7 October 2006.

¹⁴² Akhtar Amin, “Local Taliban blamed for Orakzai sectarian clashes”, *Daily Times*, 8 October 2006.

¹⁴³ Abdul Sami Paracha, “Cementing sectarian divisions”, *The Herald*, November 2007.

¹⁴⁴ “Pakistan Security Report 2008”, op. cit.

¹⁴⁵ See Crisis Group Asia Briefing N°69, *Pakistan: The Forgotten Conflict in Balochistan*, 22 October 2007; and Crisis Group Report, *Pakistan: The Mullahs and the Military*, op. cit.

¹⁴⁶ See Crisis Group Asia Report N°123, *Countering Afghanistan’s Insurgency: No Quick Fixes*, 2 November 2006.

¹⁴⁷ Mullah Omar’s *shura* is Quetta-based, named after Balochistan’s capital, the province where most commanders are based. This was recognised by NATO Supreme Commander (Europe) Jim Jones, who, when asked “do you agree with the assessment of some that the Taliban headquarters is somewhere in the region of Quetta?” at a congressional hearing, replied: “That’s generally accepted, yes, sir”. “Senate Foreign Relations Committee Holds Hearing on Changing Command Structure in Afghanistan”, Congressional Transcripts, 21 September 2006, p.18. See also Crisis Group Briefing, *The Forgotten Conflict in Balochistan*, op. cit.

¹⁴⁸ There are some 300,000 Hazaras in Quetta; successive waves of refugees have fled religious persecution in Afghanistan since the late nineteenth century.

¹⁴⁹ See Julian Borger and Ian Cobain, “Questions for Musharraf on missing terror plot suspect at No 10 talks”, *The Guardian*, 28 January 2008.

people.¹⁵⁰ On 26 January 2009, the Shia leader of the Hazara Democratic Party was assassinated in Quetta, with the Lashkar-e-Jhangvi claiming responsibility, sparking violent sectarian clashes.¹⁵¹

Hazaras have become even more vulnerable as Sunni radical groups have penetrated the province's police force. For example, police who belonged to the SSP were implicated in two sectarian attacks in quick succession, in March and May 2004.¹⁵² On 19 July 2008, nine Hazara protesters were killed in a clash with police.¹⁵³ More than two dozen were killed between December 2008 and February 2009, with police from the Hazara community a particular target.¹⁵⁴ In the absence of a robust campaign to bring the perpetrators of such violence to justice, sectarian violence in Balochistan will continue to claim lives.

IV. RESPONDING TO THE CHALLENGE

A. STRENGTHENING LAW ENFORCEMENT

1. Stemming recruitment: the mosque, madrasa and militias

In January 2009, facing growing Indian and international pressure, the PPP government cracked down on militant jihadi groups, closing down training camps, schools, libraries, madrasas and extremist websites, and arresting 124 suspected militants under the Anti-Terrorism Act.¹⁵⁵ It also detained 71 people under the Maintenance of Public Order Act. These actions followed an inquiry in December 2008 by the Punjab government identifying five madrasas in the province with verifiable links to terrorist groups, and 173 with suspected links, which remain under surveillance.¹⁵⁶ The government has since charged three LeT suspects with "abetting, conspiracy and facilitation of a terrorist act".¹⁵⁷

The fear that a crackdown would result in increased militancy, law enforcement officials claim, has often kept the government from more concerted efforts. "The Lal Masjid [Red Mosque] operation was the largest factor in the spike in suicide bombings", said an investigator. "The law and order apparatus has been the prime target. So, since then, the government agencies have been very cautious".¹⁵⁸ This is a misplaced and misguided fear. As the PPP's crackdown on the LeT demonstrates, there is no popular support for militant jihadis and hence no public backlash. An overcautious response only serves to embolden the militants, as the military government's appeasement policies in FATA amply demonstrated.

Law enforcement must be proactive, and focus not only on the banned groups and terror suspects, which are the perpetrators, organisers, financiers and sponsors of terrorism, but also on clerics, politicians, journalists and others who promote violence, sectarian hatred and jihad, in violation of the law and the constitution. In September 2008, Amir Liaquat Hussain – a former MQM member,¹⁵⁹ minister for religious affairs under

¹⁵⁰ Azmat Abbas, "Blood and tears", *The Herald*, January 2006.

¹⁵¹ See Muhammad Ejaz Khan, "Hazara leader's killing sparks violence in Quetta", *The News*, 27 January 2009.

¹⁵² See Crisis Group Report, *The State of Sectarianism in Pakistan*, op. cit.

¹⁵³ See Malik Siraj Akbar, "Hazara tribesmen under attack in Quetta", *Daily Times*, 6 February 2009.

¹⁵⁴ Ibid.

¹⁵⁵ See Raza, op. cit.

¹⁵⁶ Crisis Group interviews, Punjab government officials, Lahore, December 2008; and documentation provided by investigators, Lahore, December 2008.

¹⁵⁷ "Mumbai attacks: Part of plot hatched in Pakistan, says Malik", *The News*, 13 February 2008.

¹⁵⁸ Crisis Group interview, Lahore, December 2008.

¹⁵⁹ The MQM expelled Hussain in September 2008 for violating party discipline and promoting sectarian hatred. See Nisar Mehdi, "MQM expels Amir Liaquat", 10 September 2008.

Musharraf and currently an anchorman for a show on the private television channel, GEO TV – declared on the air that killing members of the minority Ahmadi sect was a religious duty for all devout Muslims. Within 48 hours after the broadcast two prominent Ahmadis were murdered. No action has been taken against Hussain.

Shortly after coming to office, the PPP-led government announced that it would establish a Madrasa Regulatory Authority to oversee the workings of seminaries.¹⁶⁰ It must follow through on this pledge. The Musharraf government's Madrasa Reform Project (MRP), launched in 2002 by the education ministry and terminated in 2008, reached only 507 out of more than 8,000 registered seminaries, and was deemed a failure even by its coordinator.¹⁶¹ The religious ministry started a separate MRP in 2005, although it made significant concessions to the clergy, for example dropping the requirement for madrasa managers to disclose sources of income.¹⁶²

Preaching in mosques and madrasas remains a principal source of recruitment, aimed mainly at teenage males who respond positively to evocations of jihad and martyrdom. The student wings of religious parties, such as the Jamaat-i-Islami's Islami Jamiat-e-Talaba, also continue to provide recruits to Kashmir-oriented jihadi groups like the Hizbul Mujahidin. Seminaries are known meeting places and sanctuaries for militants, and major arteries of funds for regional jihad. "The common factor uniting extremists we arrest is that they are madrasa graduates", said a police official.¹⁶³ As various jihadi organisations compete for control, the mosque and madrasa sector continues to expand. "If a Deobandi seminary or mosque comes up in a neighbourhood, [members of another sect] will build one right next to it", said a security analyst.¹⁶⁴ As many as 70 new illegal mosques have appeared in Islamabad since the Red Mosque siege, including on state land, without any action from the Capital Development Authority, the local administration or the federal government.¹⁶⁵

Provincial authorities should regularly undertake inquiries into the madrasa sector, and not merely in response to a terrorist incident. Oversight mechanisms of mosques and madrasas must be strengthened. Given its role in

militancy, the madrasa sector's student body should also be subject to greater scrutiny – not only foreign students, who have typically been identified, but Pakistanis as well. "Often, a kid from Multan comes to stay in a madrasa in Karachi, is not exposed to the world outside the four scary walls of the madrasa", said a senior police official. Since the age bracket most susceptible to recruitment is the mid-teens and many of these youth come from remote areas, the official suggested, "no madrasa should have the right to board anyone below eighteen years without the government's express permission".¹⁶⁶

A counter-terrorism official explained that sermons within madrasas and mosques only serve to help preachers identify potential foot soldiers, but that much of the overt jihadi indoctrination occurs at a later stage, in more private venues. The authorities must prosecute demonstrably criminal activity such as hate speech; incitement to violence through inflammatory speeches and literature; encroachment of state and private land;¹⁶⁷ and maintaining private militias, in violation of Article 256 of the constitution.

2. Building capacity

a) Prioritising civilian law enforcement

The Mumbai attacks have renewed pressures on Pakistan's law enforcement sector. The government delegated responsibility for a preliminary investigation into the incident to a three-member committee of the Federal Investigation Agency (FIA), with the ultimate goal of bringing those involved to trial.¹⁶⁸ This is the appropriate course of action and has produced the desired results. Indeed, the Bhutto and Sharif governments' attempts at curtailing Islamist radicalism in 1995 and 1997-1998, respectively, were more thorough than Musharraf's exactly because they relied on civilian law enforcement and the courts rather than the military. While the challenges today are significantly greater – as a senior bureaucrat in the Punjab government argued, "we are a long way away from returning to the late-nineties situation"¹⁶⁹ – those earlier efforts, and the ongoing investigations into the Mumbai attack are evidence that civilian law enforcement agencies can

¹⁶⁰ "French Media Delegation Calls on Information Minister", press release no 77, Press Information Department, Government of Pakistan, Islamabad, 8 April 2008.

¹⁶¹ See Umer Farooq, "Falling flat", *The Herald*, July 2008.

¹⁶² Ibid.

¹⁶³ Crisis Group interview, Karachi, October 2008.

¹⁶⁴ Crisis Group interview, Rana Jawad, Islamabad, 7 October 2008.

¹⁶⁵ "More Lal Masjids", *Dawn*, 9 September 2008.

¹⁶⁶ Crisis Group interview, Karachi, October 2008.

¹⁶⁷ One local official argued that a vast number of seminaries do not even meet basic ventilation and other building standards, and could be shut down on those grounds alone. Crisis Group interview, Karachi, October 2008.

¹⁶⁸ Syed Irfan Raza, "FIA told to come up with Mumbai report in 10 days", *Dawn*, 18 January 2009.

¹⁶⁹ Crisis Group interview, Lahore, 18 December 2008.

indeed deliver, if properly authorised and equipped to meet their mandate.¹⁷⁰

Notwithstanding their successes against the SSP and other militant groups in the late 1990s, civilian law enforcement agencies were still developing their capacity to investigate militant jihadi activity when the 11 September 2001 attacks occurred, after which the military-dominated Inter-Services Intelligence Directorate (ISI) assumed the lead role in counter-terrorism. Today, an ill-equipped, understaffed and widely corrupt police force must be reformed and strengthened if it is to successfully confront the jihadi threat.¹⁷¹

Currently, a Criminal Investigation Department (CID) in every province and the FIA in Islamabad oversee criminal investigations. The Intelligence Bureau (IB), the main civilian intelligence agency, also falls under the police. These agencies are not only dependent on the ISI's access to data, but also remain at the mercy of its strategic interests. This has often disrupted investigations.¹⁷² The ISI's historical links to regional jihadi groups make its primacy in anti-terrorism at best questionable. Nevertheless, "without ISI approval, you can't get anything done", according to a former anti-terrorism official.¹⁷³ The ISI also operates outside clearly defined statutory parameters: for example, although the agency has no authority to detain suspects, it regularly does so. The ramifications of this were felt with the widespread enforced disappearances in 2004-2007, ostensibly of terrorist suspects, but in fact mainly political opponents of the military regime.¹⁷⁴

¹⁷⁰ Even after the 11 September attacks, civilian law enforcement agencies were responsible for key arrests, including of Lashkar-e-Jhangvi leader Akram Lahori in Karachi in June 2002, and the convictions of the kidnappers and murderers of American journalist Daniel Pearl.

¹⁷¹ See Crisis Group Asia Report N°157, *Reforming Pakistan's Police*, 14 July 2008

¹⁷² HUJI chief Qari Saifullah Akhtar, arrested in Dubai and repatriated to Pakistan in August 2004, was released in 2007, shortly before Benazir Bhutto's return to Pakistan in October 2007. A policeman involved in the case claimed that the police had received orders "from above" to release Akhtar. Crisis Group interview, Karachi, October 2008. Akhtar is suspected of orchestrating the assassination attempt on Bhutto on 18 October 2007, including by Bhutto herself, and the Marriott bombing in September 2008. See Amir Mir, "HUJI chief still at large", *The News*, 23 September 2008. For more information on ISI-police turf battles, see Maqbool Ahmed, "Tug of war", *The Herald*, December 2008.

¹⁷³ Crisis Group interview, Karachi, October 2008.

¹⁷⁴ For more detail on enforced disappearances, see "Denying the Undeniable: Enforced Disappearances in Pakistan", Amnesty International, 23 July 2008; and Crisis Group Briefing, *Pakistan: The Forgotten Conflict in Balochistan*, op. cit.

The police cannot access mobile phone records, the starting point of many investigations, without ISI clearance, which can take weeks. "That information is extremely urgent", a former CID official said.¹⁷⁵ Another senior police official contended: "You don't sleep over phone data, or any kind of data. You need answers fast. You can't waste time on correspondence, and asking for permission. Otherwise, you lose the momentum of an investigation".¹⁷⁶ The arrests of scores of SSP militants in the 1990s, later convicted, were based primarily on phone records, particularly calls made shortly – often a matter of minutes – after a major sectarian attack.¹⁷⁷ According to a senior investigator, kidnapping for ransom, a major source of terrorist financing, is "rampant today only because the police don't have access to [mobile phone] data... Kidnappers use mobile phones during negotiations [with the victims' family members]. If we had proper access, we could trace them".¹⁷⁸

The Punjab home department has requested the federal interior ministry for mobile phone data to be immediately available to the provincial government through the police but so far unsuccessfully. "The argument is that this authority can be abused or misused", said a senior bureaucrat. "So we are still handicapped".¹⁷⁹ With proper safeguards against abuse, this data could help deter crime. With limited and ill-defined authority, law enforcers depend increasingly on personal relationships to the military and its intelligence community. "The head of the CID today might be able to get things done because he is on good terms with the right people. But his replacement might not have the same relations, so he won't be able to get what he asks for".¹⁸⁰

Greater coordination between the various law enforcement agencies is also essential. Inter-agency competition often undermines cooperation in terrorist investigations. Said one official with experience in anti-terrorism: "The ISI won't give anything to the FIA; the FIA won't share anything with the CID".¹⁸¹ Such rivalry has even hindered the ongoing FIA-led investigation into the Marriott bombing, with other agencies like the IB blocked from contributing meaningfully.¹⁸² The lack of a formal hierarchy, with clearly defined roles, is partly to

¹⁷⁵ Crisis Group interview, October 2008.

¹⁷⁶ Crisis Group interview, Karachi, October 2008.

¹⁷⁷ Crisis Group interviews, anti-terrorism officials, October 2008.

¹⁷⁸ Crisis Group interview, CID official, December 2008.

¹⁷⁹ Crisis Group interview, Lahore, December 2008.

¹⁸⁰ Crisis Group interview, anti-terrorism official, December 2008.

¹⁸¹ Crisis Group interview, October 2008.

¹⁸² Crisis Group interviews, Islamabad and Karachi, October 2008.

blame. Many law enforcement officials argue for a pyramid structure with a single, civilian-led agency at the top.¹⁸³ The IB should be given that role at the federal level, free from ISI and military interference, with responsibility over coordinating counter-terrorism efforts between agencies.¹⁸⁴

b) Modernising the agencies

Granting more authority to the police and civilian intelligence must be accompanied by significantly greater government investment. Police still lack the capacity to gather credible forensic evidence. Prosecutions of jihadi militants largely rely on confessions, which do not have traction in the courts as defendants often reverse their confessions when facing a judge, claiming to have been coerced during interrogation.¹⁸⁵ Witnesses are understandably too scared to testify in terrorist cases without a witness protection program. Police therefore rely on technical evidence, but lack the equipment necessary to collect it. As a result, many key figures have managed to secure releases. L.J. leader Akram Lahori, for example, was either acquitted in several sectarian killing cases, or convicted but released on appeal for lack of evidence.¹⁸⁶ Indeed a credible crackdown on jihadi groups requires convictions in fair trials, not simply prolonged detentions. Faisal Ali Subzwari, a provincial minister in Sindh, said, "If the government doesn't make major changes, it will continue relying on shootouts to get terrorists".¹⁸⁷

The Punjab government has approved a 1.7 billion rupee (almost \$22 million) project to establish a large-scale forensic science lab with toxicology, DNA, fingerprinting, firearms analysis and other resources for better crime scene investigations. The project includes training Pakistani scientists in the U.S. and elsewhere.¹⁸⁸ A comparable national program should also

be considered by the federal government and supported by the international community.

Since the Criminal Procedure Code is a federal issue, the National Assembly (lower house of parliament) should make amendments to include such provisions as a witness protection program, and address other information gaps that undermine investigations and prosecutions. The police can set up information centres, similar to complaints centres, where anonymous callers may provide information about terrorist activity, with an administrative or investigative team capable of acting on it.

Community outreach should be enhanced to enlist the public as a partner in the fight against religious extremism. Established in Karachi in 1989 as a non-political statutory institution by former Justice of the Supreme Court and then Sindh Governor Fakhruddin G. Ibrahim, the Citizen Police Liaison Committee (CPLC) has been an effective body in that province. "The CPLC can be a major player", said Speaker of the Sindh Assembly Nisar Khuro. "It should have a presence not just in Karachi, but places like Hyderabad, Larkana and Mirpurkhas".¹⁸⁹ The government should also strengthen CPLCs established under Musharraf's Police Order of 2002 in other cities such as Lahore and Faisalabad, which have so far been unsuccessful due to lack of resources and autonomy.¹⁹⁰ It should also enhance the role of Public Safety Commissions, which currently monitor police performance for basic fairness – for example whether police have filed a First Information Report (FIR) against a person in detention as required by law – to ensure that police are properly following up on evidence of militant activity.

The international community should also shift its focus from providing military aid to strengthening the capacity of civilian law enforcement to obtain tangible data and conduct conclusive investigations against jihadi groups. Very little of the equipment and resources the international community, particularly the U.S., provided to the Musharraf government, filtered down to the provinces. International engagement, particularly by the U.S. and the EU, should focus on: supporting the government's current efforts to enhance forensics capabilities through provision of equipment and expertise; intelligence sharing between international and domestic civilian agencies; supplying modern law enforcement equipment to police and ensuring it reaches

¹⁸³ Crisis Group interviews, law enforcement officials, Islamabad and Karachi, October 2008.

¹⁸⁴ See Crisis Group Report, *Reforming Pakistan's Police*, op. cit.

¹⁸⁵ According to the Anti-Terrorism Act 1997, confessions were admissible in terrorism cases, but the Supreme Court later struck down this provision. Some investigators argue that confessions should not be entirely ignored, and that a new law should set standards under which they are admissible, for example that they be videotaped and made to a senior police officer. Crisis Group interviews, law enforcement officials, October–December 2008.

¹⁸⁶ Crisis Group interviews, Karachi, October 2008. For more information on weaknesses in court cases against key militants, see Masoud Ansari, "Winning battles, not the war", *Newsline*, January 2007.

¹⁸⁷ Crisis Group interview, Karachi, 16 October 2008.

¹⁸⁸ Crisis Group interview, senior bureaucrat, Lahore, 18 December 2008.

¹⁸⁹ Crisis Group interview, Karachi, 18 October 2008. These are major cities in Sindh province.

¹⁹⁰ See Crisis Group Report, *Reforming Pakistan's Police*, op. cit.

the provincial level; training officers in how to build cases against terrorists and helping strengthen links between police and prosecutors. Donor-funded training programs should focus especially on younger officers.

B. TACKLING THE TRIBAL AREAS

The unique law and order challenges in FATA and NWFP make reform there especially urgent. As elsewhere, reforms must establish civilian control over counter-terrorism. However, any such efforts will have scant chances of success unless the government carries through on its promises to repeal the Frontier Crimes Regulations; and bring FATA into the constitutional and federal framework by incorporating it into NWFP.¹⁹¹ Earlier policies to bring peace to the Pashtun belt have failed exactly because they pursued solutions based on the military's resort to indiscriminate force or appeasement, with FATA remaining out of the jurisdiction of the police and courts.¹⁹²

Much greater civilian control over law and order in FATA and NWFP is needed.¹⁹³ It might be unrealistic to expect the army to submit to civilian oversight in the short term, but counter-insurgency and counter-terrorism efforts in FATA are unlikely to yield results without a durable political and administrative infrastructure. A proposal by the NWFP inspector-general for an elite police force of 7,500 to focus exclusively on fighting terrorism and militancy, with the appropriate training and equipment, could succeed if properly implemented.¹⁹⁴ Such a force should, once fully equipped and trained, replace the military as the primary agency in confronting the Pakistani and Afghan Taliban and other extremist groups in FATA and NWFP.

The PPP government has refused to negotiate with militants who do not disarm, insisting that it would

enter into negotiations only with those who first surrendered their weapons. It should implement this policy not only in FATA, but also neighbouring districts by refusing presidential assent to the current military-inspired deal for the imposition of Sharia between the ANP-led government, in which the PPP is a coalition partner, and Swat-based militants. Concessions, such as the establishment of Taliban-style legal and judicial structures that violate the fundamental freedoms of Pakistan's constitution and undermine democracy, will only serve to embolden the militants further.

Sharia courts bypass the regular judicial process, basing decisions on narrow interpretations of Islamic jurisprudence, and also fuel sectarian conflict and violence against women.¹⁹⁵ Litigants who appeal to Taliban-run courts in FATA, for example, are not embracing Islamisation, but rather rejecting a judicial and administrative infrastructure, based on tribal *jirgas* (councils of elders, with judicial roles), that has failed to dispense justice.¹⁹⁶ By and large, the people of the tribal areas and settled districts are increasingly terrorised by the Pakistani Taliban's intolerant governance and brutal justice, which includes punishments such as public beheadings that flout local customs. Forward-looking legislation, based on granting political and civil rights and enshrining political competition by extending the Political Parties Act to FATA, is the only effective way to win public confidence and marginalise Islamists.

The military's assistance to tribal *lashkars* (militias), supported tacitly, at the very least, by the provincial and federal governments, is similarly unsustainable and counter-productive. These groups have had some successes against religious extremists, including imposing pressure on them to surrender arms.¹⁹⁷ But these auxiliary forces can only deliver temporary peace. A senior PPP leader expressed misgivings about using private militias, particularly about the possibility that they will refuse to disarm once hostilities end. He acknowledged, however, that many members of his party felt compelled to support the *lashkars* because of the immediate threat in the tribal areas.¹⁹⁸ Secular forces in the tribal areas require political, not armed, mobilisation.

¹⁹¹ The Frontier Crimes Regulations is a draconian colonial-era legal framework, adopted in 1901, and retained by the Pakistani government after independence in 1947, to govern FATA. See Crisis Group Report, *Pakistan's Tribal Areas: Appeasing the Militants*, op. cit.

¹⁹² See "Summary Report: Mainstreaming FATA", Shaheed Bhutto Foundation, January 2009; and Crisis Group Report, *Pakistan's Tribal Areas: Appeasing the Militants*, op. cit.

¹⁹³ In June 2008 the government conferred principal authority to the army chief to apply military force against the militants, including command over the NWFP Frontier Corps and law enforcement agencies, which otherwise fall under the provincial government. Press release no. 226, Press and Information Department, Government of Pakistan, Islamabad, 25 June 2008.

¹⁹⁴ Crisis Group Report, *Reforming Pakistan's Police*, op. cit.

¹⁹⁵ For analysis of the impact of the Federal Sharia Court, see Crisis Group Report, *Reforming the Judiciary in Pakistan*, op. cit., pp. 11-13.

¹⁹⁶ According to a survey sponsored by the British government, 73 per cent of NWFP and FATA residents believe that tribal *jirgas* do not provide adequate justice. Ziad Haider, "Desperate for reform", *Daily Times*, 27 August 2008.

¹⁹⁷ See, for example, "Lashkar captures Taliban stronghold in Kurram", *Daily Times*, 2 September 2008.

¹⁹⁸ Crisis Group interview, Karachi, October 2008.

Supporting political reform in FATA, the U.S. and the EU should strongly urge the Pakistani military against appeasing the militants and against arming any insurgent group or militia. The U.S. itself should, in the absence of any reliable intelligence, carefully calibrate unilateral cross-border strikes to minimise the risk of civilian casualties.

The indiscriminate use of force by the Pakistani military, including attacks by helicopter gunship and heavy artillery, in ongoing military operations against the extremists in FATA has caused enormous damage to an already fragile social infrastructure, which will have to be rebuilt. Operations in Bajaur Agency, for example, caused all schools in four out of seven *tehsils* (towns) to close, affecting roughly 50,000 students.¹⁹⁹ Hundreds of thousands of residents from Swat, Bajaur and Mohmand Agencies have fled to eleven internally displaced person (IDP) camps in NWFP.²⁰⁰ With militant threats likely to escalate in the near future, the government should instead adopt focused and rigorous methods, relying on and allocating more resources and authority to civilian law enforcement and intelligence agencies, and encouraging the military to focus on its primary responsibility of protecting the country's borders. It must also respond to threats to civil society, and provide effective security to declared or likely militant targets, particularly male and female primary and secondary schools.²⁰¹

C. REVERSING ISLAMISATION

Ultimately, religious radicalism is not simply a law and order problem. At its core are questions about the very nature of the Pakistani state. General Zia's amendments to the Pakistan Penal Code (PPC) in the 1980s,

¹⁹⁹ Yousaf Ali, "A dark chapter: militancy forces Bajaur schools' closure", *The News*, 20 November 2008.

²⁰⁰ See "Plight of the Displaced", *Dawn*, 2 February 2009.

²⁰¹ When a girls' high school in Kabal, in the Swat region, received threatening letters from militants, the state did not provide increased security for the school. The education department instead ordered female students to wear the traditional *burqa*. The school was bombed and destroyed in September 2007. Zahir Shah Sherazi, "To begin at the beginning", *The Herald*, December 2007. Responding to the Taliban ban on female students in Swat, Information Minister Sherry Rehman said that all girls' schools affected would be reopened and the district's female students guaranteed protection. "Girls' schools in Swat to reopen on March 1, says Sherry", *Daily Times*, 19 January 2009. The ANP government has, however, accepted the Taliban demand that girls would be only allowed to attend school if they observed *purdah*. Uncertain about the militants' intentions, parents remain hesitant about sending their girls to school.

validated by the 8th Amendment to the constitution, introduced status laws that discriminate between citizens according to religion, sect and gender.²⁰² This body of laws made Sunni orthodoxy the dominant state ideology, and undercut the basic structure of the constitution. Political reforms must, therefore, extend well beyond FATA. The government should repeal religious laws that undermine genuine rule of law and promote religious extremism.

Zia's regime also gave Pakistan's religious right a strong political apparatus. Sectarian biases within state institutions, including the military, intelligence agencies, police and civil bureaucracy remain strong,²⁰³ hampering reform efforts, including madrasa sector reform. "Local officials will never close a madrasa of their own [sect]", said a Karachi-based police official.²⁰⁴ A Shia leader even doubted whether it was possible to eradicate militant Sunni groups because of their political connections.²⁰⁵

After the break-up of its coalition with Nawaz Sharif's PML-N in August 2008, the PPP government made overtures to the JUI-F. To secure the party's support in parliament for Zardari's presidential candidacy, the PPP government agreed to reopen the Jamia Faridia madrasa in Islamabad, which had been closed in July 2007 for its role in the Red Mosque affair, and to hand over the Jamia Hafsa's land to the Lal Masjid (Red Mosque) Action Committee.²⁰⁶ On 1 September 2008 the Jamia Faridia madrasa reopened. Such concessions will limit the government's choices for future reform, including of the madrasa sector, which the JUI-F and its former MMA ally, the Jamaat-i-Islami, have strongly resisted.

Religious rightwing parties have not cut their ties to the Afghan and Pakistani Taliban and sectarian groups, nor have they abandoned the concept of jihad. On 31 May 2008, the Darul Uloom Deoband, a 150-year-old madrasa based in India (where the Deobandi movement originated), issued a *fatwa* against suicide bombing and terrorism. The JUI-F endorsed the *fatwa*, but the party's NWFP secretary general said that differences

²⁰² For more detail on Islamic legislation in Pakistan, see Crisis Group Report, *Reforming the Judiciary in Pakistan*, op. cit.

²⁰³ A prominent Shia PPP politician argued, "If there is no place for Shias in the intelligence agencies, there will be no place for them in the polity". Crisis Group interview, Abida Hussain, Islamabad, 7 October 2008.

²⁰⁴ Crisis Group interview, police official, Karachi, October 2008.

²⁰⁵ Crisis Group interview, Zahid Hassnain, Karachi, 17 October 2008.

²⁰⁶ See "'JUI-F to bring PML-N back to coalition'", *The News*, 1 September 2008.

persisted within the party over the “definition and application” of the term “terrorist”.²⁰⁷

The attacks on schools in FATA and NWFP, and their conversion into religious seminaries, reaffirm the importance of education in the fight against religious extremism. A strong public education system throughout the country is the only viable long-term alternative to an expanding madrasa sector. Shahbaz Sharif’s Punjab government had identified districts and towns with clusters of madrasas, and targeted these areas for building model public schools.²⁰⁸ This approach is more promising than providing funds and resources to modernise religious seminaries, as conceived under Musharraf, and should be replicated nationally.

The government should aim reforms not only at the education sector’s capacity, but also at the content of what is being taught. Zia’s reforms in the 1980s, aimed at Islamising education, introduced overt references to jihad into the public school curriculum. The Musharraf government promised to remove jihadi content from textbooks but retracted under mullah pressure.²⁰⁹ Not only should such references be expunged, but textbooks should also directly address the sectarian bias of the state, and emphasise the rights of minorities and women. A Shia leader suggested that the findings of the Munir Report, a 1954 report by a court of inquiry examining anti-Ahmadi riots in Lahore, which held that every sect was entitled to its own interpretation of Islam,²¹⁰ be added to the public school syllabus.²¹¹

With the JI boycotting the February 2008 general elections, and the JUI-F losing much of its parliamentary clout, the religious right’s actual political power is significantly less today than under Musharraf’s military regime. Nevertheless, these parties retain the ability to derail reform efforts through mobilising street power and imposing external pressure on the government. Whether they succeed will depend on the PPP, PML-N and other moderate parties consolidating the democratic transition, and engaging their popular base in building consensus for reform.

²⁰⁷ Zakir Hassnain, “JUI-F endorses Indian madrasa fatwa”, *Daily Times*, 5 June 2008.

²⁰⁸ Crisis Group interview, senior bureaucrat, Lahore, 18 December 2008.

²⁰⁹ See Crisis Group Asia Report N°84, *Pakistan: Reforming the Education Sector*, 7 October 2004.

²¹⁰ See Crisis Group Reports, *Reforming the Judiciary in Pakistan*; and *The State of Sectarianism in Pakistan*, both op. cit.

²¹¹ Crisis Group interview, Zahid Hassnain, Karachi, 17 October 2008.

V. CONCLUSION

The increased influence of radical Sunni groups, which remain the primary source of terrorism in Pakistan, and their links to international networks like al-Qaeda make them even more dangerous than before. Dismantling them must be the core of the government’s counter-terrorism policy. However, the military’s patronage of regional jihadi groups like the Jamaat-ud-Dawa, also tacitly supported by some elements of the civil bureaucracy, is the primary impediment to sustained government action.

The PPP and PML-N have both demonstrated a commitment to peace with Pakistan’s neighbours, during their tenures in the 1990s and the current transition. The current PPP government supports rapprochement with Kabul and New Delhi. But, as the Mumbai attack and ongoing militant attacks across the border with Afghanistan demonstrate, the government will have to dismantle militant jihadi networks if it is to ensure a sustainable peace with Afghanistan and India.

The experience of earlier civilian governments, during the democratic interlude of the 1990s, provides important lessons for the current dispensation. The military’s control over foreign policy, and its support to Sunni militant groups for regional jihad, undermined civilian efforts to contain religious extremism. The PPP-led government will need to assert civilian control over foreign policy and counter-terrorism to effectively tackle religious extremism. To do so, it will have to mend fences with the PML-N or else it, and the democratic transition, could become the casualty, with the military and the extremists the only gainers.

Even if the democratic transition continues uninterrupted, counter-terrorism will only be effective if it is not just robust but also accountable, based on identifying, arresting and ultimately convicting religious extremists in fair trials. Musharraf’s eight-year rule caused a general breakdown of governance, leaving state institutions like the police and the courts in disarray. Political interference from the military establishment has not only limited the police’s technical capabilities, but has more directly prevented consistent action against radical jihadi groups. The elected government must now vest significantly greater resources and authority in the IB, CIDs and FIA to enable these agencies to fulfil their mandate. As the international community applies pressure on Pakistan to rein in groups like the JD, it would also be well served by reallocating aid to strengthening civilian law enforcement.

Decades of military rule have also weakened Pakistan’s moderate and secular forces and emboldened the reli-

gious right. Nevertheless, the moderate mainstream parties, particularly the PPP and its main opposition, the PML-N, retain the public's support, as the February 2008 elections have shown. The current peace deal with Swat-based militants, which President Zardari has still refrained from signing, would only reverse recent gains, and ultimately undermine the broad national mandate given to the moderate parties. Instead of confronting each other, these parties must instead cooperate on reforms to buttress civilian institutions against direct and indirect manipulation from the military, strengthen the legislature, and repeal constitutional reforms under both Musharraf and Zia that encourage

religious radicalism and make democratic governance impracticable. The current political crisis in Punjab will provide a decisive test for the PPP and PML-N to resolve their differences through the political process, set the course for political stability and cooperation, and implement the Charter of Democracy signed between them in May 2006. In calling for genuine democratic governance, in FATA as well as the rest of the country, this approach maps the best defence against the spread of extremism in Pakistan.

Islamabad/Brussels, 13 March 2009

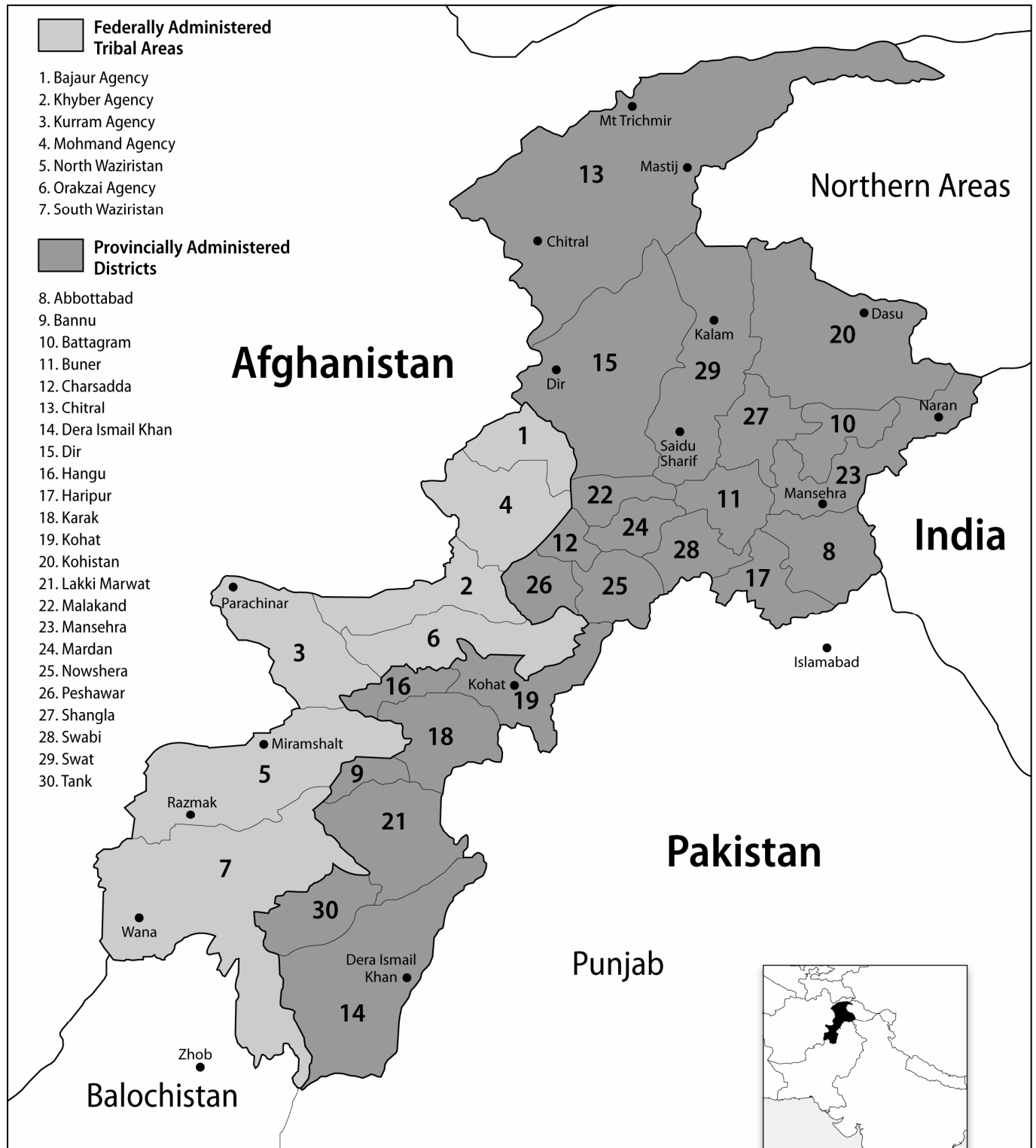
APPENDIX A

MAP OF PAKISTAN



APPENDIX B

MAP OF NWFP AND FATA



APPENDIX C

GLOSSARY

ANP	Awami National Party, the main secular Pashtun nationalist party in the NWFP, which currently heads the provincial NWFP government.
CID	Criminal Investigation Department, the top provincial investigation agency.
CPLC	Citizen Police Liaison Committee
FATA	Federally Administered Tribal Areas, comprising seven administrative districts, or agencies, bordering on south-eastern Afghanistan.
FIA	Federal Investigation Agency
Hazara	A predominantly Shia ethnic group from central Afghanistan, many of whom have fled religious persecution in Afghanistan since the nineteenth century. Hazaras have a significant presence in Balochistan's provincial capital, Quetta.
Hizbul Mujahidin	One of the first Kashmiri jihadi groups, affiliated with the Jamaat-i-Islami.
HRCPP	Human Rights Commission of Pakistan
HUJI	Harkatul Jihadul Islami, a Punjab-based jihadi organisation.
IB	Intelligence Bureau, the main civilian intelligence agency.
ISI	Inter-Services Intelligence Directorate, the military's main intelligence body.
IJT	Islami Jamiat-e-Talaba, the Jamaat-i-Islami's student wing.
JD	Jamaat-ud-Dawa, the renamed Lashkar-e-Tayyaba (LeT), a militant Ahle Hadith group responsible, most recently, for the November 2008 terrorist attack in Mumbai, India. Ostensibly the LeT's charity wing, the JD also runs madrasas, educational institutions up to the university level, medical camps and other social services. JD was banned after the Mumbai attack, and its headquarters in Muridke, Punjab, have been occupied by the Punjab government.
JI	Jamaat-i-Islami, the vanguard of modernist political Islam and the most organised and politically active religious party.
Jaish-e-Mohammed	A Deobandi jihadi group headed by Masood Azhar, an offshoot of Harkatul Mujahideen (HUM) and Harkatul Ansar, whose manpower comes from Sipah-e-Sahaba cadres and JUI madrasas. Originally operating in Kashmir, the Jaish-e-Mohammed is implicated in terrorism across Pakistan, and international terrorist attacks.
JUI	Jamiat Ulema-e-Islam is the main Sunni-Deobandi political party and successor in Pakistan to the Jamiatul Ulema-e-Hind in pre-partition India. The party is divided into three factions, denoted by the initials of their leaders: JUI-Samiul Haq (JUI-S), JUI-Fazlur Rahman (F), and JUI-Ajmal Qadri (Q). The three factions control most Pakistani madrasas. The JUI madrasas were also the main supply line of Afghan jihadis in the 1980s.
Lashkar-e-Islami	A Deobandi extremist group based in FATA's Khyber Agency.
LeT	Lashkar-e-Tayyaba, an avowedly militant Ahle Hadith group based in Muridke, Punjab, and focused on jihad in Kashmir. The LeT runs training camps in Punjab and Pakistan-administered Kashmir, mainly in areas along the Line of Control.
LJ	Lashkar-e-Jhangvi, an offshoot of the Sipah-e-Sahaba Pakistan and more militant in its actions against the Shias. LJ has strong links to al-Qaeda, the Taliban and training camps in FATA and inside Afghanistan. It has been implicated in major terrorist attacks across Pakistan, and has also bred many smaller terrorist factions.
MMA	Muttahida Majlis-e-Amal, an alliance of six major religio-political parties dominated by the JUI-F and JI. During Pervez Musharraf's military regime, it formed the NWFP provincial government and was the major partner in the pro-Musharraf ruling coalition in Balochistan.
MQM	Muttahida Qaumi Movement, a party representing mohajirs, with its main power base in Sindh's urban centres, including Hyderabad and Karachi.

PML	Pakistan Muslim League, the founder party of Pakistan, originally called the All India Muslim League. Many politicians claim to be leaders of the “real” Muslim League in Pakistan and have their own factions. Former Prime Minister Nawaz Sharif heads the Muslim League's largest grouping, known as PML(N). PML (Quaid-i-Azam group), a pro-Musharraf party, formed the central government during military rule from 2002-2007.
PPP	The Pakistan Peoples Party, founded by Zulfikar Ali Bhutto in 1967 with a socialist, egalitarian agenda. Since Benazir Bhutto’s assassination in December 2007, the party is headed by her widower, President Asif Ali Zardari, and currently heads the central government.
SSP	Sipah-e-Sahaba Pakistan, a Deobandi militant organisation, which pioneered organised sectarian militancy in the country.
TNFJ	Tehrik-e-Nifaz-e-Fiqh-e-Jaafaria, a militant Shia group based in FATA’s Kurram Agency, formed during the 1980s in response to Sunni militant attacks on Kurram’s Shia Turi clan.
TNSM	Tehrik-e-Nifaz-e-Shariat-e-Mohammadi , a Swat-based Sunni radical group, responsible for sending thousands of fighters to help the Taliban after U.S.-led attacks on Afghanistan in October 2001.
TTP	Tehrik-i-Taliban Pakistan, a loose alliance of Pakistani Taliban groups and movements crusading for the implementation of Sharia law mainly in the tribal areas of NWFP, setting up private courts and prisons in areas under their influence.
Turi	A mostly Shia tribe, and the dominant clan in Kurram Agency’s administrative centre, Parachinar.