

Appendix D

US Programs and Policy

Antiterrorism Assistance Program

Congress authorized the Antiterrorism Assistance (ATA) Program in 1983 as part of a major initiative against international terrorism. Since that time, ATA has provided training for more than 36,000 students from 142 countries. The ATA Program provides training and related assistance to law enforcement and security services of selected friendly foreign governments. Assistance to the qualified countries focuses on the following objectives:

- Enhancing the antiterrorism skills of friendly countries by providing training and equipment to deter and counter the threats of terrorism.
- Strengthening the bilateral ties of the United States with friendly, foreign governments by offering concrete assistance in areas of mutual concern.
- Increasing respect for human rights by sharing with civilian authorities modern, humane, and effective antiterrorism techniques.

ATA courses are developed and customized in response to terrorism trends and patterns. The training can be categorized into four functional areas: Crisis Prevention, Crisis Management, Crisis Resolution, and Investigation. Countries needing assistance are identified on the basis of the threat or actual level of terrorist activity they face.

Antiterrorism assistance and training may be conducted either in-country or within the United States. This arrangement provides flexibility to maximize the effectiveness of the program for countries of strategic importance in the global war on terrorism.

ATA programs may take the form of advisory assistance, such as police administration and management of police departments, how to train police instructors or develop a police academy, and modern interview and investigative techniques. This approach enables the program to provide a narrow focus to solutions for country-specific problems that are not resolved in the classroom-training environment. Equipment or explosive-detection trained dogs may also be included in the assistance package.

The ability of the United States to assist friendly governments to master the detection and prevention of terrorist activities will clearly enhance the mutual security of all the participating nations. Detecting and eliminating terrorist cells at the root before their violence can cross borders and oceans will ensure a safer world for all nations.

ATA continues its efforts to familiarize ambassadors, regional security officers, and other US officials with the program offerings. The success of these efforts is evidenced by the fact that every frontline nation has requested antiterrorist assistance in some form. US diplomats report that the ability of the United States to offer immediate, specific, and intensive training, along with technical tools and equipment, has succeeded in breaking down barriers and building trust.

ATA is responding to the growing demand for training and services not only by expanding course selection but also by pursuing development of the Center for Antiterrorism and Security Training. ATA is already offering training at a variety of venues, to include other government agencies and state and local facilities—both within and outside the Washington, DC, metropolitan area.

Building Counterterrorism Capacity

The Antiterrorism Assistance Program is a cooperative effort at the Department of State, which offers training and assistance to foreign law enforcement officials whose home countries are currently engaged in the war on terrorism. Employing policy guidance from the Coordinator for Counterterrorism, the Bureau of Diplomatic Security's Office of Antiterrorism Assistance implements and manages the program's operations. Well-trained and well-equipped foreign law enforcement officials are a key part of America's first line of defense against terrorism. This program expands the skills and abilities of foreign law enforcement officials through training courses designed to enhance their counterterrorism operational and tactical capability. Foreign law enforcement officials are trained in a wide variety of investigative, protection, and crisis response disciplines.

Over the past year recipients of this training around the world have successfully put their skills to use in capturing terrorists, investigating crime scenes, and rescuing hostages kidnapped by terrorists.

For example, in Indonesia throughout 2003, experienced Indonesian police officers received training in both investigative and response techniques to enhance their capabilities to combat terrorism. In July, 30 Indonesian National Police (INP) officers completed an intense 15-week counterterrorism investigation course sponsored by ATA. In October, 24 officers graduated from the Crisis Response (SWAT) course and 15 from the Explosive Incident Countermeasures course.

During the investigative course, instructors honed the analytical skills of the Indonesian police emphasizing the importance of forensic evidence in finding and stopping terrorists. The Indonesian officer-students enrolled in the three classes attended a state-of-the-art training school approximately 30 miles south of Jakarta, which is equipped with an ATA-funded "shoot house" for simulating hostage situations, a number of ranges and other facilities.

Graduates of these courses became the core members of the first national-level Indonesian National Police (INP) counterterrorism special detachment. This group was designated as "Special Detachment 88 Anti-Terror." The number "88," culturally a double lucky number in Indonesia, also represents a phonetic approximation of "ATA".

Equipped with these skills and working with other Indonesian police officials, Special Detachment 88 members have relentlessly investigated Jemaah Islamiya (JI) cells, conducted successful raids, and arrested key JI operatives.

Immediately after their graduation from the investigative course, the Indonesian police officers were called to investigate a bombing at the Indonesian Parliament. Due to their effective investigation, Special Detachment 88 members, along with others, were able to arrest two key bombing suspects a month later.

Special Detachment 88 members were also the first investigative responders to the scene of the Jakarta J.W. Marriott Hotel bombing on August 5th. Indonesian police, including Special Detachment members, nabbed key bombing suspects and alleged JI members in a resort town in Indonesia on October 28th. The suspects included Tohir, purported JI field commander and Ismail, the alleged buyer of the vehicle used in the bombing.

The Indonesia police continue to receive an array of ATA-sponsored training and equipment to better support them in fighting the scourge of terrorism at home and advance the progress of the global war on terrorism.

Also, in Colombia, this past August, U.S. and Colombian officials inaugurated an anti-kidnapping program in Facatativa, Colombia in conjunction with ATA sponsored anti-kidnapping training. Colombia's then- Minister of Defense, Marta Lucia Ramirez Rincon, together with U.S. Ambassador to Colombia William Wood and

Building Counterterrorism Capacity *(continued)*

Coordinator for Counterterrorism Cofer Black participated in the opening of the program, which seeks to support Colombia's anti-kidnapping police and military units, known as GAULAs (Unified Action Groups for Personal Liberty), by providing them with specialized tactical training and equipment.

Colombia has the world's highest kidnapping rate. The country's three terrorist organizations (the FARC, ELN, and AUC) are responsible for more than half of the 12,000 kidnappings since 1996. The GAULAs were created to combat the growing threat of terrorist-related kidnappings. The three-pronged U.S.-sponsored anti-kidnapping assistance program was designed to strengthen Colombia's capability to deal with this threat by training and equipping the GAULA units; assisting in the formation of an interagency anti-kidnapping joint task force; and creating an integrated data automation system to consolidate, track, and analyze relevant information.

Recently, ATA trained GAULA units have successfully located and rescued three hostages and captured their terrorist kidnappers. On November 20th, GAULA units rescued Manuel Tequia Gonzales, a 61 year old owner of a transport company in Colombia, after 41 days in captivity. The hostage takers, one 54 year old male and one 32 year old female, were also captured during the rescue operation. The kidnappers, armed with a 38 revolver and two hand grenades at the time of their capture, were attached to the 53rd FARC front. With the skills acquired through ATA training, the GAULA units completed the entire rescue operation in 45 seconds with no injuries.

The same evening another GAULA unit rescued Grace Fener de Giraldo, a 61 year old housewife who had been in captivity for 12 days. Two females, each 23 years old, and one male, 20, all connected to the 51st FARC front, were holding Giraldo. The forces successfully rescued her, without any injury, in 12 seconds.

At midnight, two days later, GAULA forces rescued Edgar Enrique Rodriguez Revelo, a 23-year-old medical student. During his 17 days in captivity, ELN kidnappers drugged Revelo to keep him subdued. His successful rescue operation lasted 30 seconds.

All of the rescue attempts, captured on video, showed well-trained, highly-skilled GAULAs, confident in their entry techniques and rescue capabilities.

Despite the early success of the GAULAs, terrorists continue to abduct civilians on a regular basis in Colombia. Currently 1468 Colombians and three Americans, captured in February, continue to be held by terrorist groups. Training and assistance, like that provided by ATA, will make the Colombian police forces better equipped, more efficient, and ultimately more successful in locating and rescuing hostages and capturing terrorists.

ATA training enhances the skills and abilities of those who are truly on the front lines in the war on terrorism around the world. International law enforcement officials, armed with effective skills and abilities, are the necessary foot soldiers crucial to bringing terrorists to justice.

Rewards for Justice Program

The Rewards for Justice Program is one of the most valuable US Government assets in the fight against international terrorism. Established by the 1984 Act To Combat International Terrorism—Public Law 98-533—the Program is administered by the US Department of State's Bureau of Diplomatic Security.

Under the Program, The Secretary of State may offer rewards of up to \$5 million for information that prevents or favorably resolves acts of international terrorism against US persons or property worldwide. Rewards may also be paid for information leading to the arrest or conviction of terrorists attempting, committing, and conspiring to commit—or aiding and abetting in the commission of—such acts.

The USA Patriot Act of 2001 authorizes the Secretary to offer or pay rewards of greater than \$5 million if he determines that a greater amount is necessary to combat terrorism or to defend the United States against terrorist acts. Secretary Powell has authorized a reward of up to \$25 million for the information leading to the capture of Usama Bin Ladin and other key al-Qaida leaders.

In November 2002, the State and Treasury Departments announced a \$5 million rewards program that will pay for information leading to the disruption of any terrorism financing operation.

Diplomatic Security has fully supported the efforts of the private business sector and citizens to establish a Rewards for Justice fund, a nongovernmental, nonprofit 501 C (3) charitable organization administered by a group of private US citizens. One hundred percent of all donated funds will be used to supplement reward payments only. Diplomatic Security has forged a strong relationship with the private business and US citizen representatives of the Rewards for Justice Fund. Diplomatic Security has embarked on a much closer relationship with the US public and private businesses? in the US Government's continuing efforts to bring those individuals responsible for the planning of the September 11 attacks to justice and to prevent future international terrorist attacks against the United States at home or abroad.

Since its inception, the Rewards for Justice Program has been very effective. In the past seven years, the Secretary of State has authorized payments for more than \$52 million to 33 people who provided credible information that put terrorists behind bars or prevented acts of international terrorism worldwide. The program played a significant role in the arrest of international terrorist Ramzi Yousef, who was convicted in the 1993 bombing of the World Trade Center and most recently in the efforts to locate Uday and Qusay Hussein.

International Terrorism: US Hostages and US Government Policy

The US Government will make no concessions to individuals or groups holding official or private US citizens hostage. The United States will use every appropriate resource to gain the safe return of US citizens who are held hostage. At the same time, it is US Government policy to deny hostage takers the benefits of ransom, prisoner releases, policy changes, or other acts of concession.

Basic Premises

It is internationally accepted that governments are responsible for the safety and welfare of persons within the borders of their nations. Aware of both the hostage threat and public security shortcomings in many parts of the world, the United States has developed enhanced physical and personal security programs for US personnel and established cooperative arrangements with the US private sector. It has also established bilateral assistance programs and close intelligence and law enforcement relationships with many nations to prevent hostage-taking incidents or resolve them in a manner that will deny the perpetrators benefits from their actions. The United States also seeks effective judicial prosecution and punishment for hostage takers victimizing the US Government or its citizens and will use all legal methods to these ends,

including extradition. US policy and goals are clear, and the US Government actively pursues them alone and in cooperation with other governments.

US Government Responsibilities When Private US Citizens Are Taken Hostage

On the basis of past experience, the US Government concluded that making concessions that benefit hostage takers in exchange for the release of hostages increased the danger that others will be taken hostage. US Government policy is, therefore, to deny hostage takers the benefits of ransom, prisoner releases, policy changes, or other acts of concession. At the same time, the US Government will make every effort—including contact with representatives of the captors—to obtain the release of hostages without making concessions to the hostage takers.

Consequently, the United States strongly urges US companies and private citizens not to accede to hostage-taker demands. It believes that good security practices, relatively modest security expenditures, and continual close cooperation with Embassy and local authorities can lower the risk to US citizens living in high-threat environments.

The US Government is concerned for the welfare of its citizens but cannot support requests that host governments violate their own laws or abdicate their normal enforcement responsibilities.

If the employing organization or company works closely with local authorities and follows US policy, US Foreign Service posts can be involved actively in efforts to bring the incident to a safe conclusion. This includes providing reasonable administrative services and, if desired by local authorities and the US entity, full participation in strategy sessions. Requests for US Government technical assistance or expertise will be considered on a case-by-case basis. The full extent of US Government participation must await an analysis of each specific set of circumstances.

The host government and the US private organizations or citizen must understand that if they wish to follow a hostage-resolution path different from that of US Government policy, they do so without US Government approval. In the event a hostage-taking incident is resolved through concessions, US policy remains steadfastly to pursue investigation leading to the apprehension and prosecution of hostage takers who victimize US citizens.

Legal Caution

Under current US law, 18 USC 1203 (Act for the Prevention and Punishment of the Crime of Hostage-Taking, enacted October 1984 in implementation of the UN convention on hostage taking), seizure of a US citizen as a hostage anywhere in the world is a crime, as is any hostage-taking action in which the US Government is a target or the hostage taker is a US national. Such acts are, therefore, subject to investigation by the Federal Bureau of Investigation and to prosecution by US authorities. Actions by private persons or entities that have the effect of aiding or abetting the hostage taking, concealing knowledge of it from the authorities, or obstructing its investigation may themselves be in violation of US law.

US Terrorism Lists: Prevention, Punishment, and Pressure

The US Government has established four primary counterterrorism lists to serve as tools in the fight against terrorism: The State Sponsors of Terrorism, Foreign Terrorist Organizations (FTO), Executive Order 13224, and the Terrorist Exclusion List (TEL). Each list has its individual mechanisms, but they all serve to prevent terrorism, punish terrorists and their supporters, and pressure changes in the behavior of designated states and groups.

Because these lists are a means to fight terrorism rather than an end in themselves, they are not designed or intended to be immutable. The US Government encourages states and organizations to take the necessary actions to get out of the terrorism

business. The bar for a state or group being removed from a terrorism list is and must be high—it must end all involvement in any facet of terrorism, including passive support, and satisfy all US Government counterterrorism concerns.

State Sponsors of Terrorism

The Secretary of State is authorized to designate a government as a state sponsor of terrorism if that government “has repeatedly provided support for acts of international terrorism.” United States law requires the imposition of various sanctions on a state so designated. A number of US laws and sanctions affect countries whose governments have been designated as state sponsors of terrorism. The four main categories of sanctions include a ban on arms-related exports and sales; restrictions on exports of dual use items; prohibitions on official US Government economic assistance (except humanitarian assistance), including a requirement that the US Government oppose multilateral bank assistance; and imposition of miscellaneous trade and other restrictions, including a prohibition on imports and liability in US courts for officials of that country that engage in terrorist activity. Inclusion on the State Sponsors of Terrorism list also targets a country for other sanctions laws that penalize persons and countries engaging in certain trade with state sponsors. Currently, there are seven countries on the list: Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria. (Although Iraq remains a designated state sponsor, sanctions against Iraq have been suspended. Iraq can be removed from the list once it has a government in place that pledges not to support acts of terrorism.)

Foreign Terrorist Organizations

The Secretary of State is authorized to designate as foreign terrorist organizations (FTOs) groups that conduct terrorism and threaten the interests of the United States. Designation allows the US Government to block designees’ assets in US financial institutions, criminalize witting provision of material support to designated groups, and block visas for members of FTOs without having to show that the individual was involved in specific terrorist activities. FTO designation also sends a strong signal that any group that engages in terrorism—regardless of its purported goals—will be condemned and penalized for its actions. (The list of FTOs can be found in Appendix B.)

Executive Order 13224: Terrorist Financing

President Bush signed Executive Order 13224 on 23 September 2001, giving the US Government a strong tool for eliminating the financial supporters and networks of terrorism. EO 13224 enables the US Government to block designees’ assets in any financial institution in the United States or held by any US person. It also expands government authority to permit the designation of individuals and organizations that provide support or financial or other services to, or associate with, designated terrorists. EO 13224 designations have allowed the USG, as well as Coalition partners acting in concert, to block tens of millions of dollars intended to bankroll the murderous activities of al-Qaida and other terrorist groups.

Patriot USA Act: Terrorist Exclusion List

On 26 October 2001, President Bush signed into law a comprehensive counterterrorism bill (Public Law 107-56, also known as USA PATRIOT). The new law strengthened enforcement tools and made improvements to the last major terrorism bill, the Antiterrorism and Effective Death Penalty Act of 1996. The USA Patriot Act also created a Terrorist Exclusion List (TEL) with immigration consequences for groups named therein. Designation on the TEL allows the US Government to exclude or deport aliens who provide material assistance to, or solicit it for, designated organizations, giving the Department of State and US law enforcement agencies a critical tool for bolstering homeland security.

**Terrorist Exclusion
List Designees:
5 December 2001**

The TEL designees are as follows:

- al-Ittihad al-Islami (AIAI)
- al-Wafa al-Igatha al-Islamia
- 'Asbat al-Ansar
- Darkazanli Company
- Salafist Group for Preaching (Call) and Combat (GSPC)
- Islamic Army of Aden
- Libyan Islamic Fighting Group
- Maktab al-Khidamat
- al-Hamati Sweets Bakeries
- al-Nur Honey Center
- al-Rashid Trust
- al-Shifa Honey Press for Industry and Commerce
- Jaish-e-Mohammed
- Jamiat al-Ta'awun al-Islamiyya
- Alex Boncayao Brigade (ABB)
- Army for the Liberation of Rwanda (ALIR)—a.k.a. Interahamwe, Former Armed Forces (EX-FAR)
- First of October Antifascist Resistance Group (GRAPO)—a.k.a. Grupo de Resistencia Anti-Fascista Premero de Octubre
- Lashkar-e-Tayyiba (LT)—a.k.a. Army of the Righteous
- Continuity Irish Republican Army (CIRA)—a.k.a. Continuity Army Council
- Orange Volunteers (OV)
- Red Hand Defenders (RHD)
- New People's Army (NPA)
- People Against Gangsterism and Drugs (PAGAD)
- Revolutionary United Front (RUF)
- al-Ma'unah

- Jayshullah
- Black Star
- Anarchist Faction for Overthrow
- Red Brigades-Combatant Communist Party (BR-PCC)
- Revolutionary Proletarian Nucleus
- Turkish Hizballah
- Jerusalem Warriors
- Islamic Renewal and Reform Organization
- The Pentagon Gang
- Japanese Red Army (JRA)
- Jamiat ul-Mujahidin (JUM)
- Harakat ul-Jihad-I-Islami (HUJI)
- Allied Democratic Forces (ADF)
- Lord's Resistance Army (LRA)

Designated on 6 November 2002

- Al Taqwa Trade, Property and Industry Company Ltd.
- Bank Al Taqwa Ltd.
- Nada Management Organization
- Youssef M. Nada & Co. Gesellschaft M.B.H.
- Ummah Tameer E-Nau (UTN)
- Loyalist Volunteer Force (LVF)
- Ulster Defense Association
- Afghan Support Committee
- Revival of Islamic Heritage Society (Pakistan and Afghanistan offices—Kuwait office not designated)