

Terrorism Investigation in Pakistan: Perceptions and Realities of Frontline Police

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Abstract

This paper analyses the constraints faced by frontline police in Pakistan when undertaking investigations into terrorism cases. The complexity of this issue is further compounded by a serious lack of empirical research on terrorism investigations and its management in Pakistan. Hence, this study used a purposive sample based on research interviews with police officials in the province of Khyber Pakhtunkhwa (KP) in Pakistan where a significant number of terrorist cases occur. The results of this study present an extremely depressing picture about the multiplicity of serious constraints faced by police at the forefront in the war on terrorism in Pakistan.

Keywords

Terrorism, Investigation, Constraints, Khyber Pakhtunkhwa (KP), Police, Prosecution, Prevention, Research.

Introduction

Despite the fact that Pakistan joined the war on terror in 2001 and earned a name for herself as the frontline state against terrorism and extremism, she couldn't develop a meaningful and effective counter-terrorism policy at the national level. Pakistan's policy-makers terribly failed to create a consensus on a national strategy. Police have become the prime targets as far as the militant activities are concerned. The counter-terrorism measures of the police remain in-effective. The abysmally poor performance of the police in preventing and investigating the terrorist incidents is a hot topic for the media and public in Pakistan. In spite of this media spotlight the investigation of terrorism is a relatively ignored and neglected area by researchers as well as the law enforcement officials in Pakistan. Therefore, the focus of this paper is to establish for the first time a type of research baseline about the major constraints and management flaws involved in the investigation of terrorism cases, particularly in the KPK province of Pakistan.

Literature Review

Finding relevant literature on terrorism with reference to Pakistan is a difficult task. Despite the availability of enormous literature on terrorism, the actual investigation of terrorism cases is a missing link in literature. Bensinger (2010) argues that the challenge of terrorism in a free society strains the delicate balance between security and individual civil liberties. He describes the structure of law-enforcement in post 9/11 Germany and various multilateral and unilateral initiatives

taken by Germany in the war against terror. It can be inferred from his paper that the German law-enforcement has taken very effective preemptive measures to stop terrorists from materializing their plans. However, Bensinger did not mention anything about investigation of terrorism. The same is true for much of the international research on terrorism.

In a previously published article, the author himself acknowledges the fact that there was a little contribution towards investigation management by researchers (Fasihuddin, 2010). Along with constraints in data, he identifies various constraints in investigation in terrorist cases in Pakistan. The on-scene constraints identified were; public anger, dis-orderliness, commotions, media race for early coverage and too many cameras at the crime scene. The most surprising point that the author raised was the effect of the new police reforms on investigation in Pakistan. Under the new police law, Police Order 2002, the police wings were separated into prevention and investigation. The author laments that these reforms brought the worst day for police investigation. It was pointed out that the police officers avoid being placed in investigation wing. They try to secure posting in the prevention wing. Most of the problems the author identifies are not something which cannot be tackled with.

O'Connor (2010) stresses the real challenge of terrorism lies in its political nature. To him, terrorists are the offenders who see themselves as celebrities. They want media attention drawn to their case, and in particular, to the justice of their cause. Simultaneously, they want attention drawn to injustices inflicted upon them by authorities. O'Connor concludes that these factors along with many others make up the real challenge of terrorism investigation. Although very thorough and focused, O'Connor's paper focuses almost entirely on proactive, preemptive investigation measures (in the US), e.g. record checks and interviewing, terrorism database and watch list, foreign intelligence surveillance, and the role of classified information procedure. However, as mentioned earlier, the real trouble for law enforcement in Pakistan is in the area of reactive investigations.

O'Connell (2008) uses a 'Chess Master's Game' metaphor to suggest police need to be strategic and tactical in their approach towards terrorism cases. He emphasizes the need for police to know that “*an act of terrorism, e.g. a bomb blast or a suicide attack, is simply an opening gambit by a relatively unsophisticated opponent, or one with a continuing and escalating array of moves by particularly competent and dangerous adversary.*” He concludes that only by thinking in a Chess Master's Game way, can the police properly categorize threat levels and properly align and utilize their resources against terrorists. The acts of terrorism in Pakistan are a continuing series of moves by the competent and dangerous terrorists. The law enforcement, however, seems to ignore this fact and search for the potential roots in

a group of crude opponents. Further, there have been random measures taken to counter terrorism in Pakistan. The measures taken by law enforcement agencies do not seem to have been adopted in any of Chess Master's Game way; in other words, no strategic policy to counter terrorism. It should be kept in mind that plenty of the literature available on terrorism is mostly journalistic and political in nature, and rarely empirical and based on true case files. Police and intelligence record is usually not easily available.

It cannot be emphasized enough that most of the complex processes involved in radicalization and motivation of the terrorists are beyond the reach of any police work and other law-enforcement agencies. Rather conclusions are based on educated guesses, public perceptions, police files of arrested terrorists or suspects and, at times, leakages from or surveillance of militant organizations and their workers. Academics too have very limited approach to the official record and again the complex processes of prevention, investigation, intelligence-gathering and prosecution of terrorist cases, especially of the high-profile incidents where a variety of military and civil law-enforcement agencies are involved. This is perhaps the only reason why we don't have a good deal of literature on policing, investigation and prosecution of terrorism incidents, like we have about drugs, sexual abuses, human-trafficking or murder. It is because of this lack of knowledge and inaccessibility to the inside information that books and other material on terrorism contain more political, psychological, religious and economic discussions on terrorism, counter-terrorism and war on terror than on the real issue of policing terrorism. For example, Guiora, N. Amos in his books, *Global Perspectives on Counterterrorism* (2007) and *Fundamentals of Counterterrorism* (2008) hardly provides any real policing challenges in dealing with terrorism. The Turkish Institute of Police Studies (TIPS) in collaboration with the Turkish National Police (TNP) and NATO jointly held conferences on this subject and produced copious literature in many volumes, based on the selected papers and published by IOS Press in 2007 but again we don't find a good article on inside policing difficulties and the practical strategies of law-enforcement agencies how to overcome such difficulties (See, for example, NATO Science for Peace and Security Series Vol. 19, 20, 21 and 22).

The literature produced by the Turkish Institute for Security and Democracy (TISD) after the 2nd Istanbul Conference on Democracy and Global Security, however, contains some good insight. In his article, 'The Role of Police Work, Economic Development, and Political Development in Countering Terrorism', Prof. Duma (2009) rightly points out that deterrence and disruption are as important in counterterrorism, as they are in countering other forms of violent crime and criminal conspiracy. However, deterrence is unfortunately more difficult to achieve with

terrorists than with criminals, since terrorists are so often driven by dedication to a cause for which they stand ready to sacrifice their own lives. This clearly shows that in many cases prevention strategies fail for countering terrorism and investigation strategies become more important to trace and disrupt the terrorist organizations and their tactical and strategic units. Prof. Duma (2009) also rightly observes that the police are not, and in general, cannot be held responsible for addressing the underlying causes of crime. Prevention strategies generally focus on the underlying causes and facilitating factors, so again we see the importance of investigation of the terrorist cases which otherwise is a neglected area in criminological literature.

Naushad A. K. (2009) in his article on 'Suicide Bombing in the NWFP: The Need for Research and Information Collection on Human Bombers' identifies a few constraints of prevention and investigation from a police point of view, but due to scarcity of information, justifiably calls for more research in this area. However, research in the subject of suicide-bombing or terrorist attacks is, as stated above, not any easy undertaking due to the reservations, secrecy, sensitivity and limited availability of authentic information to the academics. This paper has tried to identify such grey-areas wherein a police investigator is confronted with the difficulties of dealing with terrorism incidents and which ultimately give rise to prosecution failure. Hence, public frustration, dissatisfaction, police incompetence arise along with mutual accusations amongst the various wings of the criminal justice system for being improper, non-committed, non-professional and disinterested.

In summary, this brief literature review found that in Pakistan the investigation of terrorism is a relatively ignored and neglected area by researchers as well as the law-enforcement officials. Researchers are interested in the causes and consequences of terrorism while the law-enforcement agencies seem to be interested in preventive measures, quick fixes, hot pursuits and instant-coffee reactions. This gap in research and practice justifies the need for a further research into terrorism investigation.

Methodology

For the purpose of this research, interviews were conducted with senior police officials of the Province of KP. A total of ten (10) in-depth interviews were conducted, for two hours each. A structured interview guide was prepared. The officials were asked open ended questions related to police investigation management. Interviews were conducted with senior serving and retired police officers, especially those officers who have served in the conflict zones or have been attacked by the terrorists and have survived the attacks or who are responsible for collecting, compiling and analyzing the police crime data. Moreover, the official

record was studied and examined in senior police offices which are otherwise not published. The writer, being a senior police officer, availed the opportunity to look into some files of immense importance for this write-up. Further, the writer's personal experience and observation as a senior police officer have also been included.

Incidents of Terrorism in KP Province

The data on terrorism incidents obtained from the police department of KP* is given in Table 1 below. As evident from Table 1, the number of terrorist cases registered in KP has significantly decreased in the year 2010. There were 727 cases registered in the province in 2009, and 252 in 2010, i.e. a decrease of more than 60% from 2009. The total number of fatalities reported in 2009 were 1,020, which included the highest number of civilians 742, 107 personnel of army troops, 22 personnel of Frontier Constabulary (FC) and 149 policemen. In 2010 the number of fatalities has decreased considerably. The total number of persons killed was 524, which included 412 civilians, 37 army troops, 12 personnel of FC and 63 policemen. It means that the civilian population is the highest victim of terrorism incidents.

Table 1: Details of Terrorist Activities: Explosions, Missile Attacks, Firing, Suicidal Attacks and Blast at CDs/Barber Shops etc
(For the years 2009 and 2010)

| Years | No. of Cases Registered | Person Killed | | | | | Person Injured | | | | |
|--------------|-------------------------|---------------|-----------|------------|-------------|-------------|----------------|-----------|------------|-------------|-------------|
| | | Police | FC* | Army | Civilian | Total | Police | FC | Army | Civilian | Total |
| 2009 | 727 | 149 | 22 | 107 | 742 | 1020 | 360 | 70 | 236 | 2244 | 2910 |
| 2010 | 252 | 63 | 12 | 37 | 412 | 524 | 197 | 18 | 105 | 1047 | 1367 |
| Total | 979 | 212 | 34 | 144 | 1154 | 1544 | 557 | 88 | 341 | 3291 | 4277 |

Source: SP/Research, Central Police Office, Khyber Pakhtunkhwa, Peshawar, Pakistan

*Frontier Constabulary

*Khyber Pakhtunkhwa previously known as the North-West Frontier Province and various other names, is one of the four provinces of Pakistan, located in the north-west of the country. It borders Afghanistan to the north-west, Gilgit-Baltistan to the north-east, Pakistan administered Kashmir to the east, the Federally Administered Tribal Areas (FATA) to the west and south and Punjab and the Islamabad Capital Territory to the south-east. The majority inhabitants are Pashthuns. For further detail see also, <http://www.khyberpakhtunkhwa.gov.pk/>

There is also a considerable decrease in the number of injured person in 2010. A total of 2,910 were injured in 2009 but fell down to 1,367 in 2010. The total number of people reported injured in 2009 was 2,910, which included the highest number of civilians as 2,244 with 236 army officers, 70 personnel of FC and 360 policemen. Whereas, in 2010 the total number of casualties reported was 1,367, which included 1,047 civilians, 105 army officers, 18 personnel of FC and 197 policemen. Again, the civilians remained the most affected by terrorism incidents.

Whilst this decrease in cases and fatalities is encouraging in the KP region, such statistics provides a glimpse into the dangerousness of the context in which frontline police are required to carry out and manage terrorism investigations.

Results: Findings and Discussion

The findings from the research interviews with police officials into several investigative constraints faced by frontline police in the KP province are presented and discussed in summarized form below.

1. Constraints in Crime Scene Preservation

Crime scene investigation provides the permanent records of the crime and the material that are collected at the scene. It plays a pivotal role in ensuring a successful case file for prosecution. Therefore, protecting and preserving it from contamination facilitates successful prosecution which is dependent upon the physical state of the evidence collected at the scene. The protection of the scene begins with the arrival of the first officer of the law enforcement agencies at the scene and ends when the scene is released from police custody. Careful and thorough investigation is the key to ensure that potential physical evidence is not tainted or destroyed or potential evidences overlooked.

However in Pakistan, when a suicide or other attack occurs, the preservation of crime scene becomes a challenge for the LEAs. All of a sudden, a mad rush of mob towards the crime scene is a usual picture. One of the interviewees said, that "*the first problem we encounter in terrorism incidents, e.g. bomb blast, is the mob of people*". Police are often confronted with public anger, non-cooperation and disorderliness. This public confrontation possesses serious problems for police in the preservation of crime scene. He further pointed out that "*the rush of the people at the crime scene results in the contamination of crime scene and trampling of important evidence*". Moreover, as mentioned by Fasihuddin (2010), the media race for early coverage and too many cameras also hamper the job of LEAs to preserve the scene. Another problem that hinders the preservation of crime scene are the primitive methods to preserve the scene. These factors further create a mess for the police when it comes to knowledge that the police don't have Standard Operating Procedures (SOPs)

for crime scene preservation. As per Police Rules 1934 (Rule No. 29.60, Chapter 29. Volume No. 3),² an investigating officer should have an Investigating Bag with all necessary gadgets, equipments for early preservation of small, trace evidence and collection of items from the scene of crime. One of the interviewees said that “*hardly, I have seen an officer with a bag. It is not officially provided to them*”³. This non-professional attitude speaks volumes of the police incompetence to preserve the scene of crime.

2. Constraints of Witness and Recovery

More significant in investigation management of terrorism cases is the problem of witnesses and recovery. Unfortunately, in our country we don't have any effective programme for witness protection and security. Fear and threat to life makes the witness reluctant to come forward. At times, due to withdrawal from the statements, and due to fear of enmity or retaliation from criminal gangs, the witnesses don't take active part in investigation processes. Often the contradictory ocular statements is another constraint to the benefit of the accused. One interviewee pointed out that “*most of the cases acquitted in the court are due to the witnesses' statements, their contradictions and withdrawal*”⁴. In the areas of military operations, the terrorists are generally apprehended by the military and para-military forces who, at a later stage, are handed over to the police for criminal proceedings against them. The military doesn't take any responsibility for producing evidence in the court and hence the case is susceptible to failure. The fear or indifference on part of the general public leaves no other option except for the police witnesses. “*Unfortunately, the statements given by the accused in front of the police officer under Section 161 of the Criminal Procedure Code 1898, are not admissible in the court of law, and the judiciary gives little importance to police witnesses if they are the sole witnesses in a case.*”⁵ The recoveries so made are thus left only to police attestation.

Table 2. Details of Recoveries of Terrorist Explosives and other Weapons

| ITEM | 2007 | 2008 | 2009 | 2010 | 21 - 07 - 2011 (11 - 07 - 2011) |
|---|------|-------|-------|----------|------------------------------------|
| No. of Cases Registered | 75 | 94 | 116 | 72.00 | 66.000 |
| Explosive Material (in Kgs) | 122 | 52366 | 5898 | 440.70 | 958.662 |
| Explosive Jackets | 20 | 20 | 20 | 5.00 | 4.000 |
| Hand grenades/ Dynamites, Detonators & Anti Tank Mines | 190 | 481 | 14301 | 66999.00 | 26893.000 |
| Rocket Launchers, Bombs, Missiles & Mortar Missile Shells | 220 | 93 | 656 | 261.00 | 25.000 |

| ITEM | 2007 | 2008 | 2009 | 2010 | 21 - 07 - 2011 (11 - 07 - 2011) |
|--------------------------------|------|------|-------|-----------------------|------------------------------------|
| Prima Chord (Explosive Wire) | N/A | N/A | 10857 | 2871.00 (2 Bundle) | 77.000 (15 Bundle) |
| Safety Fuse in Meter | N/A | N/A | 26036 | 5707.00 | 2860.000 |

Source: SP/Research, Central Police Office, Khyber Pakhtunkhwa, Peshawar, Pakistan

Table 2 shows the recovery of explosives, weapons and other items like suicide jackets by the KP Police in 2007—2010, but again, most of these recoveries don't add to the police performance in terms of arrest or conviction of the suspects. Mostly, these recoveries are made without any carrying persons, like from a suspected place or house in a deserted/un-frequented area or from disbanded or left vehicle or any other suspicious consignment. This kind of recoveries are not trusted by the general public as police in this country are usually blamed for fake-recoveries just to show and inflate their un-founded performance. In reality, such recoveries have never deterred the terrorists from carrying out their nefarious activities, and also we have hardly seen any conviction on the basis of these large-scale impressive recoveries as in most cases neither the culprits are arrested nor the memos of recoveries are prepared, signed and verified by the police with the proper legal procedures, hence easy acquittal and no conviction.⁶ Moreover, the police in KP claims the dismantling and disposal of bombs and other explosive materials by the Bomb Disposal Squad (BDS), but again, such good work doesn't lead to any conviction or arrest as, in such disposals, criminal cases are not registered per policy, hence no investigation, no tracing and no prosecution. The KP Police claim 317 disposal in the first half of the year 2011.

3. Multiplicity of Agencies

It is also a major constraint on part of the security forces to determine the area of jurisdiction. In many incidents of terrorism, the initial interrogation is carried out by the Army or Frontier Corps. Then, at the time of the registration of cases, the police are not given access to the original or early pieces of evidence. Mostly, the military, the police and other security agencies are jointly involved in such operations. It becomes difficult to determine that which particular agency would conduct investigation or take the responsibility for possession or enjoy the powers of decision-making on the spot. Army has its own procedure, different from that of the police and paramilitary forces. So, besides the police, there are many more players, as mentioned by Ghani (2010), involved in investigation of terrorism cases, like Levies, Army, Khasadar,

Frontier Corps, and Frontier Constabulary. Every LEAs has its own way on conducting investigation and interrogation. Unfortunately, there has been no coordination amongst the LEAs, which is hampering the job of the police in registration of cases, hence, faulty investigation. The reports of the Joint Investigation Teams (JITs) are also legally debated and don't form part and parcel of the case file for prosecution (Fasihuddin, 2010).

4. Constraints of Forensic Sciences Tools of Investigation

Forensic Science can be defined as criminalist science. Such facilities as DNA tests, finger prints, eye matching, sampling examination in the laboratories, keeping record of national database programme for cross examination of the samples, etc are operational in the investigation processes and quite frequently available in the modern world, but very rarely and poorly seen in Pakistan. Unfortunately, in Pakistan, there is no state of the art forensic science laboratory. The Forensic Science Laboratories (FSL) were not reformed and modernized in the wake of creating new and specialized units in the police under the new Police Order 2002. Furthermore, there is a dearth of equipments and trained staff for the operation of Forensic Science Laboratories. The situation in KP is not different from the rest of the country. The FSL in KP were not modernized and reformed. The FSL infrastructure in KP is not well-furnished. There is a lack of trained staff and modern equipments for forensic science testing. The police in KP do not have ample resources for detective instruments and up gradation and modernization of their Forensic Science Laboratory.⁷

The FSL in KP was established in 1976. In 1978 the total staff of the FSL was 78. It included ministerial, technical and other staff. The available staff examined a total of 2500 cases in 1978. Today, after thirty-four years of its establishment, the FSL has a total of 82 staff members. The available staff examined 52,721 cases in 2010. This means that 643 cases were being examined by each examiner in 2010 and a total of 144 each day. The total cases include all kinds of offenses like narcotics, arms, explosives, rape, vehicle tampering, and so on. It is important to mention that the DNA test, which is mostly carried out in terrorism cases, is out of the boundaries of FSL, KP. The FSL in KP does not examine the DNA tests. For the DNA test, the samples are sent to Islamabad, which takes at least seven (7) days to complete. Further, the cost of DNA test is also very high. At average, a single DNA test costs Rupees (Rs). 30,000 (\$ 345 USD). The total budget of FSL for purchase of chemicals was increased from Rs. 500,000 (\$5,747 USD) to 1,000,000 (\$11,494 USD) in 2010. This is a very meager amount for the purchase of costly chemicals, the price of which is always on the increase. It shows that FSL was given an allocation of Rs. 19 (\$ 0.218 USD) for every single examination at average in 2010.⁸

5. Constraints of Intelligence-Based Investigations

In the western world intelligence is the backbone of this new concept of the Intelligence-Led-Policing (ILD). Much literature is available on the subject now. Unfortunately, the LEAs in Pakistan have not embraced this concept yet. Our intelligence system is mainly in the hands of army. The Special Branch (SB) of the police department is relatively poorly developed and weak, whereas the units of the Central Intelligence Agency (CIA) and the Criminal Intelligence Department (CID) have become defunct after the new police reforms in 2002. Police generally apply the routine techniques of investigation, even for the deadliest cases of terrorist or suicide attacks, where in the absence of CCTV or eyewitnesses, or huge destruction, the evidence is badly destroyed and trampled. The investigating officers (IOs) are not properly trained. These untrained IOs often avoid conducting investigation of terrorism cases. The major reason for avoiding responsibility in this respect is the non availability of resources, and lack of professionalism. Moreover, the police officials fear the potential consequences of dealing with such cases.⁹

Therefore, they fail to devise a plan to bring the criminals to books and do a rational profiling of the potential terrorists, or identify groups at risk in a locality. The Khyber Pakhtunkhwa police also tried to formulate an extensive profiling system, but could not materialize it into a sound computerized system. This profiling system was basically designed for the more than four thousands terrorist/suspects who were arrested during the military operation in Swat in 2008-09. The most interesting part of this profiling system is that it was all based on the interrogation report of the Joint-Interrogation Team, an arrangement of all local civil and military agencies and police. The eight pages comprehensive interrogation report proforma is full of indicators, personal, familial, social, religious and organizational of a terrorist suspect. In addition to finger prints, photo, brief life history, and opinions of the investigator to classify the accused as black, grey or white, there are 120 indicators or questions about the various aspects of an accused's personal or family and organizational attachment, including the unnecessary question and information about a suspects' maternal and paternal grandfather, uncles, brothers, sisters, their children and their mobile phone contact! An officer told on the condition of anonymity that *“this procedure of interrogation and investigation was deliberately made lengthy, time-consuming and full of unnecessary items so as to gain time and avoid responsibility by the senior police officers and investigators”*. To be honest, indeed, nothing came out of

this non-professional and non-institutional attitude. The police leadership must have worked for a state of the art forensic sciences laboratories in the last decade of war on terror, for which they could easily re-allocate their funds or have approached different UN or donor agencies.

However, in the routine police work, the role of the intelligence units in gathering information, making criminal profile of a terrorist and report on any potential threats by local police wings like the Central Intelligence Agency (CIA) and Criminal Intelligence Department (CID) is very important, but no meaningful steps have been taken to make these wings functional and operational for a productive and result-oriented intelligence system. As suggested by Fasihuddin (2010), it needs an academic and intellectual input from senior intelligence analysts and an immediate revitalization of CIA at the district level and the CID under the Investigation wing of the Provincial Police Department with the same role as given in the Police Rules, 1934 (Rules 21.35 for CIA, and Rules 21.25 for CID). New amendments can be made to it in accordance with the circumstances and requirements. This will undoubtedly overcome the intelligence gap of the investigation management of the terrorist cases.¹⁰

6. Constraints of Cost of Investigation

Another daunting problem that slows down the investigation management of terrorism cases is the cost of investigation. The problem in the cost of investigation that confronts the police is lack of resources with the investigation team for carrying out the smooth processes of investigation. The cost of investigation in the KP for the year 2007-08 was 25 million rupees (about \$ 280,898 USD) and in 2008-09 it was 19.85 million rupees (about \$ 223,033 USD). For the year 2010 it was 20 million rupees (\$ 229,885 USD)¹¹. As mentioned in Table I the total registered crimes for the year 2010 were 136,665. By these figures we get less than Rs. 150 (\$ 1.7 USD) for each case in Khyber Pakhtunkhwa. This poor financial back-up of investigation speaks for itself. The cost of investigation includes support to the investigator and the accused in daily traveling, communications and food allowance, etc. But this is the simple assessment of all cases are available funds. The real thing is that the cost of investigation is distributed according to the Standing Order No. 3/2007 of the Provincial Police Officer which shows different rates for cost of investigation in different crimes.

In the opinion of the writer as being a senior police officer, the criteria for the cost of investigation should be re-defined and the maximum allocation should be made for cultivating informants. The phenomenon of breeding trust - worthy informers in targeted organizations and criminal gangs is of paramount

importance to local police. Unfortunately, the police in Pakistan don't receive any special funds for this purpose. The investigators often make such provisions from their pocket money (to some ill-gotten!) or oblige the informer with other local services like a school boy admission, easy gas or electricity connection, etc. The only available Secret Service (SS) Funds are not generally distributed by the police headquarters to the lower offices. It is not equitably distributed and even the exact amount of this money is generally not known to the outside of the department. Actually, almost the total police budget is spent (88%) on establishment like salaries and allowances and only 12% is left to qualitative expenditures which is a very meager amount and nothing can be reasonably allocated to information-buying. The official record of KP Police shows an allocation of SS Funds as 5.500 million rupees (about \$ 61,797.75 USD) for 2007-08 Financial Year and 3.008 million rupees (about \$ 33,797.75 USD) for 2008-09, for the whole KP Province. Even if this amount is utilized wisely and carefully, it can bring a good deal of credible information.

Though, it is an open secret that most of our local police stations still heavily depend on local informers, information by notables and tips by media-men and local intelligence agencies, yet no one takes the risk of giving information on any terrorist or militant organization. The reason is very clear. People are afraid of the retaliation and repercussion after it is known that from whom this information was purchased. "Don't you see that every now and then, a man is beheaded in the tribal areas by Taliban and his dead body is thrown in a field or market with a letter that such is fate of a spy of America", said a police officer.¹² This is why people avoid to be informers for the police in cases to terrorism offences as no one knows when the identity of the informer is disclosed and his days start numbering.

7. Constraints of Crime-Terror Continuum Identification

Makarenko (2003) has developed a hypothesis of 'crime-terror continuum' (CTC), which explains the relationship of the 'crime-terror nexus' in the contemporary security environment. It is called a '*continuum*' because it may be used to trace past, current and the potential future evolution of organized crime and/or terrorism. It also alludes to the fact that a single group can slide up and down the scale depending on the environment in which it operates. The most instable and threatening point along the CTC is the fulcrum point, where criminal and political motivations simultaneously converge and are displayed in the actions of a single group (Makarenko, 2003). Though the 'Convergence Thesis' is a good linear transformation hypothesis of political organizations turning into criminal/terrorist groups, the difficulties of identifying such

groups and predicting the exact time of such transformation and its precipitating factors are always a challenge to the security people who are required to be a step ahead of such triggering processes.

The terrorists live in symbiosis and in a state of interdependent equilibrium with other organized crime gangs. They rely on each other's capabilities, technical know-how, experiences, training, motivation, contacts and resources. The support of drug mafia and poppy-growers to the ruling Taliban in Afghanistan before 9/11 is still resonating in the western academic and official circles. Same is the case in Pakistan where people involved in white-collar crimes, car-snatching, serial killing, vehicle theft, drugs pushing, kidnapping, chronic non-payment of taxes, arms dealing, smuggling of non-custom paid vehicles, etc have identified themselves with the invisible Taliban groups in various parts of tribal and settled areas. Similarly, certain hardened criminals of settled districts have joined various Taliban groups for the purpose of shelter, economic benefit and group synergism. Some strongly religiously intoxicated groups of Taliban don't approve of these notorious gangsters and criminals but due to the ongoing war on terror they have welcomed them out of exigencies and as a matter of convenience.¹³

8. Constraints in Prosecution, Case Building and Conviction

Prosecutors are covered under section 492 of the Criminal Procedure Code (CrPC) which provides that the provincial government may appoint "generally or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors".¹⁴ Until recently, the prosecution services in all the provinces were under the Home Department and were administered by the police.¹⁵ There was a separate prosecution branch of the police consisting of law graduates in the ranks of Deputy Superintendents of Police, Inspectors and Sub-Inspectors. This was considered, however, to be a major reason for poor prosecution and delay in the resolution of court cases. During the 1980s, a first attempt was made to transfer administrative control of prosecution powers from the police to law departments.¹⁶ The ongoing vacillation between the Home Departments and the Law Departments on this question continued until prosecution services were permanently placed under the administrative control of the Law Departments with the promulgation of the Police Order, 2002. At present, all the provinces have laws for separate prosecution services and the respective provincial prosecution services are at nascent stages of development.¹⁷ The prosecutorial services in KP were introduced through the North-West Frontier Province Prosecution Services (Constitution, Function and Powers) Act, 2005.

The problems of prosecution and case building are manifold. The prosecutor office is severely understaffed. Due to which there is large number of previously pending cases. It is evident that the distribution of cases is not only skewed but also creates problems of corruption, injustice and delay in provision of justice. Justice delayed is justice denied. The appointment of prosecutor is also a grey area; politician, bureaucrats and big lawyers heavily influence the recruitment process (Mirza, 2010). Furthermore, there is no defined infrastructure of prosecution in KP. There is no coordination between police and prosecution which results in weak prosecution that leads to the release of terror suspects. Moreover, the case building process is not conducted on modern lines. The poor record maintained by the Investigation Officer (IOs) and the ineffective case file record system and lack of sanctity of police record further adds complexities to the investigation of terrorism cases.

Generally conviction rates by the prosecution have been abysmally low, but it must be emphasized here that the prosecutor places before the court all the evidence in his or her possession, whether in favor of or against the accused. According to newspaper reports, the overall conviction rate in terrorist cases stood at 5% (Amin, 2011). However, the official conviction rate, as provided by the Central Police Office, KP, is 14%. This is a clear contradiction. When asked, the officials of Central Police Office pointed out the usage of different formulae which render different conviction rate (a statistical discrepancy)!

In an official briefing on internal security situation, a military officer reportedly said that 695 suspected militants out of the 1443 who were detained had been bailed out, mostly by appellate courts, while 48 others were acquitted by anti-terrorism courts. The same meeting noted that the only conviction delivered so far by an anti-terrorism court was when a militant, Noorani Gull, was handed down a sentence of 120 years in jail (Amin, 2011). The disconnect between the police and the prosecution is a depressing and detrimental aspect of the overall investigation management of crimes, especially of terrorism incidents. Despite the new law of prosecution in 2005 and its separation from the police, the prosecution is not fully developed in terms of human and physical resources.

9. Constraints of Area of Jurisdiction and Territorial Responsibility

The trickiest aspect of the investigation is the territorial responsibility of the LEAs in Pakistan. Most of the terrorists' safe-havens and outfits are in the Federally Administered Tribal Area (FATA) where the police have no jurisdiction of their own. In case of an incident, if a terrorist is suspected to have his origin in the tribal area, it is next to impossible for the police to enter into the tribal belt for any arrest or collection of evidence. The extremely damaged civil administration in the FATA due to the ongoing serious military operations and

US Drones Attacks, and due to the grave in-coordination amongst other law-enforcing agencies in the tribal belt, the police have no access to any group or gang for the purpose of criminal intelligence and investigation. This difficulty of the area of jurisdiction and territorial responsibility gives rise to serious impediments for police investigation of crimes in general and of terrorism in particular. Except Kurram Agency, all other tribal agencies are contiguous with the settled/urban districts. The borders of the settled districts and tribal belt are to be guarded, protected and patrolled by the Frontier Constabulary (FC), a force of more than 20, 000, raised mainly from the known tribes and administered by the officers of the Police Service of Pakistan (PSP). FC was established in 1913 by the then British colonial rulers in un-divided India. However, most of this force is now engaged in assisting the local police in the urban areas like Karachi, Islamabad, Peshawar, etc. The usual and designated duties of the FC faded out with the passage of time, so the internal borders are now poorly policed and controlled.

10. Constraints of Human Resources in Investigation Wing of Police

After the new police law, the Police Order 2002, the police in Pakistan have become badly compartmentalized and divided into separate so-called specialized units. However, as stated earlier, the policemen prefer to opt for prevention than to stay in investigation for cumbersome processes, recoveries and case-building. They generally use influence of various kinds in order to run away from the under-resourced investigation wing. Moreover, the division of police into prevention and investigation is not fairly equal or substantially proportional. For example, in the Province of KP, the total police strength is 76,582 which is divided into a slot of preventive officials as 72,283 and the investigators as 4298. It means that 94% staff is in prevention and 6% makes the investigation wing. On the other hand, the total registered crimes in the Province are 136,665 which include all kinds of cases against property and person and for an effective investigation we have 31 cases for one investigator. It is to be mentioned that under the law, Section 172 Criminal Procedure Code 1898, an investigation officer is required to submit his progress in the form of a Case Diary, called *Zimni* on daily basis and if he omits the investigation of a case for quite sometime, he has to give reasons for his delay and time break in the investigation processes. One can imagine how badly these investigators are overburdened with the routine work of investigation. Moreover, we have no specialized police for investigating the cases of terrorism like suicide bombing and blast of explosive-laden vehicles, and the same are investigated by the regular and lethargic investigation staff. Interestingly, all the staff of the investigation wing are not authorized to conduct investigations. Only Assistant Sub-Inspector (ASI) and above officers are legally authorized. Lower-staff are generally an auxiliary and helping hands.¹⁸

11. Constraints in Investigation of Suicide Bombing

Suicide bombing is the worst of all terrorist attacks. Even 9/11 attacks were suicide attacks. Police never saw such deadly weapon with potentially of immensely large devastation and targeted killings. Similarly, never suicide bombing was used by any terrorist organization after the recent US-Afghan war on terror. Moreover, the religious motivation behind armed resistance remained a clear sign in all monotheistic religions, but the suicide bombing phenomenon is only seen in the radicalized Muslim militants. The number of suicide attacks in the overall terrorist incidents may be smaller but in terms of physical and psychological damage, its impact is far than anything. The investigation of the suicide bombing is the most difficult as the police deterrence is of no effect to the perpetrator. In addition, little is left to investigate as only a DNA testing of the suicide killer is of little importance as we don't have a national data-base for such testing and the tribal ethnicity or family background speak very little of the overall motivational and radicalization processes and training of the bomber, as police have no jurisdiction in the remote tribal areas or Afghanistan. It is generally said that suicide bombings are made as a response to the Pak-Army military operations and the US-Drone attacks in the tribal areas, however, mostly police are targeted in the urban areas who have nothing to do with the military operations or Drone-Attacks in the tribal belt, so it makes us confused about the whole phenomenon of the suicide bombing.

Moreover, the would-be suicide bombers are rarely convicted due to other investigation constraints as mentioned in this paper. At times, media make frontline stories of the arrest of a would-be suicide bomber, e.g; of a 9-year girl who was purchased by someone for a suicide attack (Khan, Tuesday, June 21, 2011).¹⁹ However, due to retraction from statement, the case was spoiled and the whole story became suspicious (Khan, Wednesday, June 22, 2011).²⁰ At times, the issue of suicide bombing becomes political when Pakistan blames Afghanistan a safe-place for indoctrination, and on the other hand reports from Afghanistan claim that suicide bombers are usually prepared by and sold to the Haqqani Group of Taliban for 40-80 lac rupees.²¹ However, such statements need to be verified from the case files and other authentic resources. All these factors make the investigation of suicide bombing the difficult aspect of police investigation.

12. Legal Constraints in Investigation of Terrorism Cases

After the arrest of an accused, the local police are bound to produce the accused before a Magistrate of competent authority in 24 hours. This is a legal obligation under Section 61 of the Criminal Procedure Code, 1898. The police

then demands custody of the accused for investigation, recovery, collection and recording of evidence and confession. The usual limit of police custody for other crimes is up to 14 days, which, however, are not granted in full or in parts by the courts. The courts usually grant the police 2-3 days custody at a stretch and rarely extends it if the police fail to argue strongly enough for grant of more custody. On the contrary, the terrorist/suspects arrested under the Anti-Terrorism Act (ATA) of 1997 are granted more days of police custody but again not exceeding seven (7) days. According to the Anti-terrorism (Amendment) Ordinance VI of 2002, dated 31 Jan, 2002, the person detained for investigation may be kept in police custody (Remand, under Section 21E) for a maximum period of 15 days, which is extendable to 30 days in case of further request by the police but to the satisfaction of the court. Under Section 11EEE (Amendment Ordinance (CXXV of 2002), dated 15th November, 2002), the government can arrest and detain a suspect for certain period but not exceeding a total period of 12 months.

Some of the amendments were done in the ATA, 1997 through an ordinance, but due to non-issuance of the same again or ratifying the same by the parliament, the amendments lapsed and the ATA, 1997 remains the same as unchanged.

However, the debate goes on in Pakistan that the anti-terror law needs serious amendments like giving free hand to the police for siege and search, arrest without warrant, an unlimited or quite long authority of police custody, police recorded statements be admissible in the court of law as evidence, and making room for production of military officials as witnesses in the competent court. Justice Maqbool Baqar of Sindh High Court, while presenting a paper at a seminar on criminal justice dispensation, prosecution and investigation of All Pakistan Judicial Academies Summit, suggested that "Anti-Terrorism Act should be amended to limit its application to purely terrorist and sectarian offences, and other heinous offences cases should be assigned to different ATCs (Khurshid, 2011)." According to a press report (Yasin, 2011), the Prime Minister while chairing the Defence Committee on May 25th, 2011 decided to authorize the security defence and law-enforcement agencies (LEAs) to use all means necessary to eliminate terrorists and militants.²² Such political statements, are, however, need to be substantiated by proper orders or changes in laws. However, such enormous police powers in other countries have also been seriously criticized by human rights activists and civil society. No doubt, power corrupts and absolute power corrupt absolutely. At times, people forget and ignore the severity of the stringent laws in countering terrorism at the initial phases of responding to the serious blasts and utter destruction, but soon after

the wave of terror subsides and the injuries recede into background, people start feeling annoyed and violated on these strict implementation of unusual laws. Literature on this subject of violation of public rights and privacy and anti-terror laws is becoming more and more. This is one of the major constraints in dealing with terrorism cases as, from a police perspective, the investigator must be covered legally for his/her job in tracing and establishing a case of terrorist incident.

13. Constraints of Shifting Responsibilities

Another serious constraint is the mutual bizarre shape of accusations of the wings of criminal justice system in Pakistan. Everyone wants to pass on the bucket to the other as to avoid public indignation for not bringing terrorists to the court of law and convict them properly. A series of statements in the press are seen from different wings to malign the other for shortcomings, laxity and incompetence, even being accomplice. It is in this backdrop of mutual accusations that the higher judiciary took notice and a few meetings have been held now to thrash out the differences amongst the various parts of the criminal justice system.

For any prosecution department to be successful and submit cases with best evidence before the courts, good relationship with the police is crucial. If the prosecution department and the police department are at loggerheads, or are working without any coordination, then the cases churned out will be like the cases in Pakistan that lack sufficient evidence and thus result in the acquittal of dangerous terrorists who had been arrested with great difficulties (Mirza, 2010). The press reports in this context are not without interest for the reader. Two different press coverages are hereby reproduced which throw ample light on the intrinsic and complex constraints of investigation management of terrorism cases in Pakistan

A meeting of Criminal Justice Committee was held under the chairmanship of Dr. Faqir Hussain, the Registrar, Supreme Court of Pakistan. The meeting discussed the issues related to non-submission of *challan* (Final Report), litigation, non-production of under-trial prisoners and other issues ancillary to administration of criminal justice system. The meeting also considered various issues and problems which cause delay in completion of investigation and submission of *challan* before the court of law, including lack of Forensic Science Laboratories and modern techniques in crime detection. The Provincial Prosecutors Generals informed that there is a shortage of prosecutors which causes delays in finalization of cases. On the other hand, investigation officers are lacking required qualifications and skills; therefore, acquittal rate is high which is affecting the image of the justice sector institutions in general and judiciary in particular (*The News*, May 16, 2011).

The overall conviction rate in terrorist case stood at five percent. The situation became so alarming that officials from KP and senior military officials held a meeting to find out ways to overcome the problem. The government officials cite several cases where, they believe, the courts refused to accept the prosecution evidence and freed dangerous terrorists. Neither the judiciary nor the executive is satisfied with the existing anti-terrorism laws and the performance of anti-terrorism courts. Prime Minister Yousf Raza Gilani recently admitted in the National Assembly that anti-terrorism laws needed to be tightened, as he was concerned that terrorists apprehended by the LEAs had been bailed out and were again indulging in terrorist activities (Amin, 2011).

In further response from the Chief Justice of Pakistan, Justice Iftikhar Muhammad Choudhry, while speaking to a conference of All Pakistan Judicial Academies Summit in Karachi on June 26, 2011, he remarked, "the investigation agencies and police play a vital role in the dispensation of justice, particularly in the criminal matters, and any lacunae on the part of investigation agency badly damages the prosecution case so that there is dire need to improve the quality of investigation by educating the investigators with the current laws and equipping them with necessary paraphernalia". The Honourable Chief Justice of Pakistan while lamenting the ineffective role of the new police law, the Police Order 2002, the lack of coordination amongst the various stakeholders of the criminal justice system at the lower level and the resultantly low conviction rate, said that "greater responsibility is put on the shoulders of those who have to participate in the process of administration of justice, and any error or flaw and laxity make the judge accountable in this world and the world hereafter" (Khurshid, 2011).

14. Constraints in Investigating Financing Terrorism

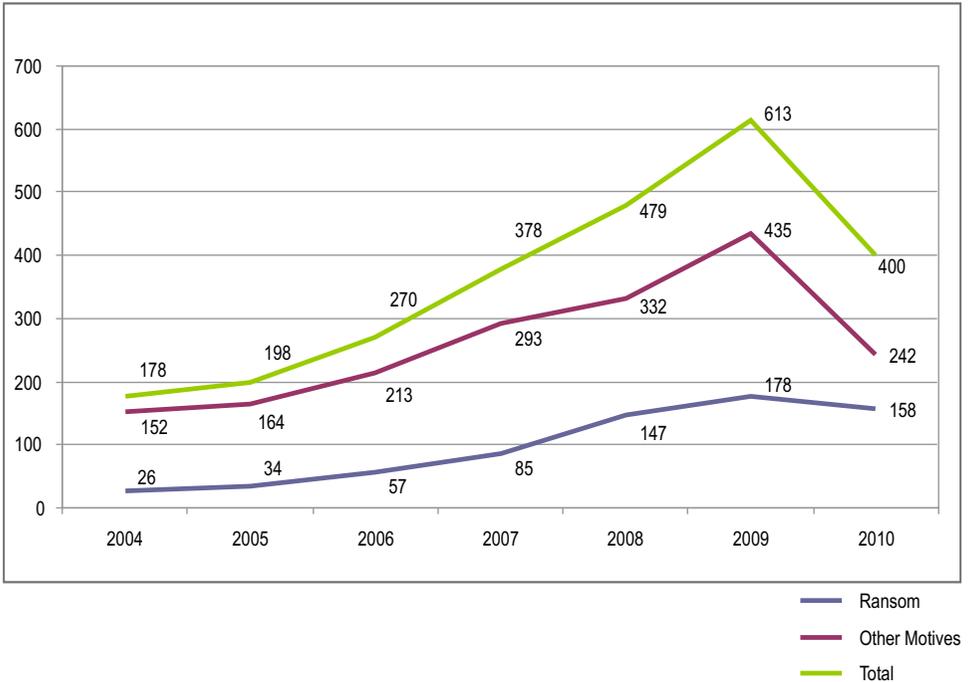
"Terrorist financing is very different today. Five years ago, we had large movement of funds which went through the international financial system. Now we are just talking about four friends who raise £1,000 to stage an attack. The unit cost of terrorist financing has crashed to the floor. They [terrorists] don't need another 9/11. They can do a small thing and create the same hysteria (Oxley, March 8, 2006)." This analysis is also true for Pakistan where tracing the complex cascade of financing terrorism doesn't fall in the jurisdiction of the local police and the terrorists don't need big attacks as they do larger attacks occasionally and small-scale attacks regularly.

There are five kinds of financing a terrorist organization; one is the charity, alms and donations to the local Taliban groups or banned organizations by individuals, families or small trade groups, especially the transporters. But this is generally done out of religious commitment and Islamic feelings for the local

groups. This kind of financing support can't be traced as it is not generally made through cheques, banks-transfer or on receipts. Legally, charity and donations to someone is not a crime. The second kind of financial support is the generation of resources through illegal activities by terrorist groups like poppy-cultivation, drugs and arms smuggling and kidnapping of important personalities for ransom (Khan & Sajid, 2010). This aspect is too much trumpeted by the western writers and media as a major financial support for local and Afghan Taliban, but in reality little empirical research can substantiate and validate this observation. The increase in kidnapping in KP during serious Taliban insurgency in 2007-2009 as shown in the following graph (Figure I) is generally attributed to this observation. But, on the contrary, the police investigation files can't establish this observation. The opposite view is that since police were badly attacked and got engaged in the fight against terrorism, so they had little time for routine policing and their attention got diverted to the more serious and active fight than normal investigation and prevention measures in local community.

The third kind of financing terrorism is the generation of resources as a fee for their services to local community like solving their disputes or recovery of their outstanding loans. This is one of the widely known methods of resource generation by the local Taliban as they believe in speedy justice and quick dispensation, and people are tired of lengthy litigations for years in the civil courts particularly. This is also one of the major reasons of the Taliban's initial popularity in an area. This service delivery of Taliban can be compared to the mediation services of the developed societies like Singapore and Malaysia. However, again police can't investigate such cases as on the one hand police have no jurisdiction in most of the civil disputes, neither they can take cognizance of such matters nor people report their personal civil matters to them, and on the other hand local Taliban solve and decide such issues in the nearby tribal areas where, as earlier stated, police have no jurisdiction.

Figure I: Kidnapping in Khyber Pakhtunkhwa (2004-2010)



Source: Office of the Superintendent Police (Research), Central Police Office, Khyber Pakhtunkhwa, Pakistan.

The fourth kind of financing terrorism is generating resources through looting and plundering of natural resources. For example, in Swat during 2006-08, i.e; during the high scale insurgency of Taliban, costly forests were destroyed, trees were cut and mines of precious stones were looted. Despite their outrageous looting of natural resources, no official statistics are available on the actual cost to the public property, which by no means will be less than millions of dollars. In his article, 'The Political Economy of Taliban Terror in Swat', Tom Burghardt (2009) quoted an Abu Dhabi-based newspaper, The National, April 3, 2009, that *militants are funding a campaign of violence with profits made from the illegal mining of emeralds and felling of timber in the volatile valley of Swat in northern Pakistan* (Burghardt, 2009).²³ He added that after looting the collective wealth of Swat's citizens, the gems "are then smuggled to Jaipur, India, before being transported to Bangkok, Switzerland and Israel (Burghardt, 2009)." It implies that the threads of financing terror are spread throughout the world.

The last kind of financing terrorism is the major portion of the economy of terrorism. The State Bank of Pakistan sends bundles of details of Suspicious Transactions (ST) observed in different country banks to the Federal Investigation Agency (FIA) for discreet probe as from where and why such huge transactions have been made in such accounts in the local banks. The banks normally do not cooperate with the FIA as they need more and more deposits, and are least bothered to trace the origin and reasons for such transactions. Unfortunately, the Anti-Money Laundering Act was enacted in 2010 which is a recent law and under the law the FIA can take action only if the suspicious transaction is shown as “the proceeds of crime” (Naseer, 2010). The FIA has the jurisdiction on such matters, but unfortunately, the staff of the FIA has no training, resources, and at times, courage to investigate these matters. These suspicious transactions are generally made in fake names and the accounts are usually closed after the transactions are made. We have yet to see registration of such criminal cases under this law and conviction made. It is too early to predict such things. The FIA is secretive and reserved to share the information of these suspicious transactions with anyone outside the Agency.

Table 3 : Details of Suspicious Transactions in Pakistan - From 2009 to 30th May, 2011

| Zone | 2009 | 2010 | 2011 | Total | % age |
|--------------|-------------|-------------|-------------|--------------|--------------|
| Quetta | 4 | 5 | 0 | 9 | 6% |
| Islamabad | 2 | 5 | 2 | 9 | 6% |
| KPK | 5 | 20 | 7 | 32 | 20% |
| Punjab | 7 | 22 | 10 | 39 | 24% |
| Karachi | 21 | 31 | 22 | 74 | 45% |
| Total | 39 | 83 | 41 | 163 | 100% |

Source: Economic Crime Wing, FIA, FIA-Headquarters, Islamabad, Pakistan.

However, the writer got the data of Suspicious Transaction from the FIA Headquarter, Economic Crime wing, Islamabad, which were received to the Wing from the State Bank of Pakistan. Table IV shows the total number of enquiries up-till May 30th 2011. It is pertinent to mention that the major number of enquiries pertain to Karachi zone followed by the Province of Punjab. The number of enquiries has considerably increased in 2010, which is probably the result of the new anti-money-laundering law of 2010.²⁴ However, little is to the credit of the FIA for turning these enquiries into criminal cases and conviction. It is after a successful investigation that we may be able to link these suspicious transactions of financing the terrorist groups. It is also not clear from this wholesome data that how much money was involved, however, the writer as en-ex Director of FIA, KP zone personally knows that some of these enquiries involve multi-millions of dollars as suspicious transactions.

Conclusion

Investigation of terrorism remained a missing link in counter terrorism studies and policies. Investigation is the prime activity for the strategic move in the hands of the law-enforcement agencies. Hesitation or non-availability of the witnesses, poor prosecution and in-effective case building, and lack of capacity and knowledge to investigate terrorism cases are but a few of the major constraints in terrorism cases. The policy makers need to give equal importance to the investigation and prosecution of terrorism. Effective and result-oriented investigation can discourage further acts of terrorism. It is extremely rare to find out a good empirical research study on investigation of terrorism in Pakistan. This research is the first of its kind in Pakistan. The research for this paper adopted an interview method to find out about the multiplicity of constraints facing frontline police investigating terrorism cases in Pakistan. There is a need for more in-depth and empirical studies in this area.

In the final analysis, the author agrees with the assessment quoted below by Duma (2009) that countering terrorism is both a short-term and long-term problem in which frontline police play their part.

“There are much more effective ways to respond to terrorism, and even more important, to prevent it. In the short run, high quality intelligence gathering and police work are the most critical elements of a successful strategy. But in the long run, encouraging economic and political development is the single most effective counter-terrorism approach, because it is the only one that directly addresses the marginalization, frustration and humiliation of peoples that breeds terrorism, as well as many other forms of violence and inhumanity.”

- ¹Interview with Zohrab Gul, Retired Deputy Superintendent of Police, Swat, KP, Pakistan.
- ²For details, please see Police Rules 1934 edited by Ray Zahid Hussain. Lahore: Khyber Law Publishers.
- ³Interview with Zohrab Gul, Retired Deputy Superintendent of Police, Swat, KP, Pakistan.
- ⁴Interview with Barakatullah, LLB, LLM, Advocate of High Court Peshawar, KP, Pakistan.
- ⁵Interview with Barakatullah, LLB, LLM, Advocate of High Court Peshawar, KP, Pakistan
- ⁶Interview with Rahim Shah Khan, Deputy Superintendent of Police, Peshawar, KP, Pakistan.
- ⁷Interview with Ayub Khan, Superintendent of Police and In-charge of Forensic Science Laboratory, Peshawar, KP, Pakistan.
- ⁸Ibid
- ⁹Interview with Naushad Ali Khan, Superintendent of Police, Research, Peshawar, KP, Pakistan.
- ¹⁰Interview with Syed Akhtar Ali Shah, Additional Inspector General of Police, Special Branch, KP. Mr. Shah has served as Deputy-Inspector General of Police in Swat and Mardan and has survived two suicide attacks on him.
- ¹¹Central Police Office, Kyber Pakhtunkhwa, Pakistan.
- ¹²Interview with Zohrab Gul, Retired Deputy Superintendent of Police, Swat, KP, Pakistan.
- ¹³For details see Fasihuddin. (2008). Identification of Potential Terrorism-The Problem and Implications for Law-Enforcement. *International Journal of Criminal Justice Sciences* (IJCJS). July – December Vol. 3 (2): 84–109.
- ¹⁴'Public Prosecutor', means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor and any person conducting a prosecution on behalf of the State in any High Court in the exercise of its original criminal jurisdiction. He is bound to assist the Court with his fairly considered view and the Court is entitled to have the benefit of the fair exercise of his function. AIR 1957 S.C. 389.
- ¹⁵An Asian Development Bank soft loan to Pakistan is de facto primarily responsible for the Access to Justice Program, in which the state is engaged "in improving justice delivery, strengthening public oversight over the police, and establishing specialized and independent prosecution services? In this we see the Police Act 1861 being replaced by the Police Order 2002 and new laws to constitute and

provide for the functions of independent prosecution services in Pakistan, thus, divorcing prosecution from the investigative arm of the police. Arguably, more valid grounds can be cited for the creation of an independent prosecution service in Pakistan, being article 175(3) of the constitution, which mandates that “the judiciary shall be separated progressively from the executive within three years from the commencing day? Thereafter, there was the appeal decided in Govt. of Sindh v. Sharaf Faridi (PLD 1994 SC 105)

¹⁶In Sindh, for instance, it was done in 1986; see Zahid, Nasir and Wasim, Akmal, *The province of Sindh as a case study on the prosecution service*: <http://www.article2.org/mainfile.php/0704/333/> as on 12 July, 2010.

¹⁷The laws providing for independent prosecution services are The Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2009, The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006, The North-West Frontier Province Prosecution Service (Constitution, Functions and Powers) Act, 2005, The Balochistan Prosecution Service (Constitution, Functions And Powers) Act, 2003.

¹⁸Interview with Iddrees Khan, Deputy Inspector General of Police (Investigation) Peshawar, KPK, Pakistan.

¹⁹Khan A. J. (Tuesday, June 21, 2011). Nine-year-old would-be girl bomber arrested. In *The News International*. Retrieved July 12, 2011 from <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=6875&Cat=13>

²⁰Khan A. J. (Wednesday, June 22, 2011). Mystery continues to shroud arrest. In *The News International*. Retrieved July 12, 2011 from <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=53882&Cat=7&dt=6/22/2011>

²¹Reuters. (July 4, 2011). Terror market: TTP sold suicide bomber to Afghan militants. In *Express Tribune*. Retrieved July 21, 2011 from <http://tribune.com.pk/story/201828/insurgents-bought-suicide-bomber-from-pakistan-taliban-afghan-spy-agency/>

²²Yasin, A. (May 26, 2011). LEAs Authorised to Use All Means Against Terrorists. In the daily *The News International*. Islamabad, Pakistan.

²³Burghardt, T. (April 8, 2009). The Political Economy of Taliban Terror in Swat Valley. In *Global Research*. Retrieved July 21, 2011 from <http://www.globalresearch.ca/index.php?context=va&aid=13117>

²⁴Interview with Qazi Hameed, Assistant Director, FIA Headquarters, Islamabad, Pakistan.

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