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9/11 Commission Report Recommendations

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Testimony Before the House International Relations Committee

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(As prepared for delivery)

Mr. Chairman, Distinguished Members of the Committee, thank you for the opportunity to testify today on the recommendations of the 9/11 Commission.

Today's hearing contributes to the ongoing and essential national debate on how we might improve the sustained, steadfast, and systematic application of all key elements of national power -- diplomatic, financial, law enforcement, intelligence, and military -- to the most important challenge of our time: the task of defending our country against future acts of terrorism. I welcome the opportunity to speak to several of the recommendations of the 9/11 Commission. I would like briefly to address our actions:

- To deny terrorists sanctuary around the world;
- To develop a comprehensive coalition strategy against terrorism through multilateral mechanisms;
- To prevent the proliferation and terrorist acquisition of weapons of mass destruction; and
- To develop a common approach toward the detention and humane treatment of captured terrorists.

Multilateral Counterterrorism Strategy

As implied in Chapter 12 of the 9/11 Commission's report, "What to Do? A Global Strategy," and as President Bush

has stressed on numerous occasions, the global threat requires a global strategy and a global response -- and this is exactly what we have been providing, both bilaterally with our partners, and by aggressively mobilizing the United Nations and other international organizations to fight terrorism in every corner of the globe.

Multilateral counterterrorism (CT) efforts start at the United Nations. UN Security Council Resolution 1373, adopted with strong U.S. leadership shortly after 9/11, places binding obligations on all UN member states to:

- Prevent and suppress terrorist financing by criminalizing financing, planning, preparing or perpetrating terrorist acts;
- Prohibit nationals from making funds or economic resources available to terrorists;
- Freeze funds and financial assets of terrorists and related entities;
- Refrain from supporting terrorist entities, take necessary steps to prevent commission of terrorist acts, and prevent use of territory for terrorist acts;
- Deny safe haven and prevent movement of terrorists across borders;
- Exchange operational information and enter into agreements to prevent and suppress terrorism, including ratifying the 12 CT conventions;
- Ensure refugee/asylum laws prevent abuse by terrorists; and
- Prohibit active and passive assistance to terrorists.

UNSCR 1373 also created the Counterterrorism Committee (CTC) to monitor implementation of its obligations, and to maintain countries' will to continue the struggle. CTC has received universal support, with all 191 UN members reporting on steps taken to implement UNSCR 1373. With our support, CTC is moving beyond receiving self-assessments of compliance to conducting on-the-ground assessments where appropriate. Such visits can help stimulate compliance by pinpointing assistance needs in states with capacity requirements.

Regional and functional organizations are also critical to building a seamless global CT web. Functional organizations like the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO) can set international CT standards and best practices. Regional groups such as Organization of American States' Inter-American Committee Against Terrorism (CICTE) and Asia-Pacific Economic Cooperation's CT Task Force can encourage their member states to adopt these standards and best practices, and help in their implementation. An example of how the United States is working with such organizations to improve CT efforts involves four different multilateral groups, each doing what it does best:

The G-8 developed a set of standards and best practices as part of the Secure and Facilitated International Travel Initiative (SAFTI) to improve the security of travel documents, including the use of biometrics.

- ICAO reviewed these standards and best practices and agreed to adopt them as international standards.
- The Organization for Security Cooperation in Europe (OSCE) agreed in a Ministerial decision last December to a U.S.-initiated proposal for all 55 OSCE member states to adopt and implement the ICAO standards and best practices.
- The G-8 Counterterrorism Action Group (CTAG) focused part of its last meeting on bringing donor attention to document security assistance needs in the OSCE region and beyond.

Since 9/11, we have been working with our close partners in the European Union (EU) to combat the threat of terrorism. At the recent U.S.-EU Summit, we renewed our commitment to further develop our cooperation against terrorism and agreed to work together: to deepen the international consensus and enhance international efforts to combat terrorism; to prevent access by terrorists to financial and other economic resources; to develop measures to maximize our capacities to detect, investigate and prosecute terrorists and prevent terrorist attacks; to protect the security of international transport and ensure effective systems of border control; to develop further our capabilities to deal with the consequences of a terrorist attack; to diminish the underlying conditions that terrorists can seize to recruit and exploit to their advantage; and to target our external relations actions towards priority developing countries where CT capacity or commitment to combating terrorism needs to be enhanced.

This is the type of multilateral CT effort and cooperation that the United States seeks to promote, a goal clearly shared by our G-8 partners. During the U.S. G-8 Presidency, our primary CT focus has been to improve the security of travel. At the June G-8 Summit, the President and his G-8 counterparts adopted the Secure and Facilitated International Travel Initiative (SAFTI), which includes 28 forward-leaning projects in multiple areas of travel security:

- **Enhancing travel document security and interoperability:** We have done much in this area, but SAFTI seeks added improvement.
- **Information exchange:** Information flow between nations is crucial to stopping terrorists before they can act. We will improve the exchange of travel document validation data, visa watch list data, advanced passenger information, and lost and stolen passport data.
- **Security cooperation:** We will work together to build our shared capacity to: analyze the security risk of passengers, crew, and cargo in advance of travel; ensure that all states have proper airline and airport inspections and enforcement regimes; and implement air, ground, and port countermeasures, including the training and use of air marshals.
- **MANPADS threat reduction:** We are tackling the threat of man-portable air defense systems (MANPADS) on two fronts: by stopping the proliferation of such weapons and by helping security forces to defeat the threat where non-proliferation efforts fail.

G-8 actions in these areas will serve as a first step in further bolstering the security of travel. As with G-8 document security standards, the next steps will be to export completed standards and practices to other organizations for broader adoption, and then to help those lacking the means to implement them.

Helping states meet their CT obligations has been CTAG's *raison d'être* since it was set up in 2003 to serve as a forum for donors of CT assistance. Through CTAG we are acting around the world:

- To enhance the USG's \$100 million East Africa Counterterrorism Initiative, the USG asked other CTAG donors to contribute and coordinate assistance to maximize its impact.
- In Southeast Asia, CTAG is working with the Thai government to crack down on document fraud, a major problem that has enabled terrorists to seek sanctuary in the region using false documents, and with the Philippines and Indonesia to provide effective means to eliminate entrenched terrorists.
- CTAG has worked with Financial Action Task Force to bring anti-terrorist financing assistance to priority countries based on specific needs assessments.
- In concert with APEC and the IMO, CTAG is working to improve port and maritime security in critical Southeast Asian shipping lanes.

CTAG will continue to address specific regional issues in the future, especially when they represent a significant security risk, but will focus more attention for now on global implementation of standards and practices, such as those associated with SAFTI.

To facilitate the exchange of information with our partners, we have -- through the G-8 -- established a mechanism for providing real-time information on lost and stolen passports through Interpol. The G-8 also agreed to develop, where possible, mechanisms for real-time data exchange for validation of travel documents, visa watch lists and advance passenger screening. While such international arrangements require complex negotiations, discussions now under way with Australia on a proposed Regional Movement Alert List provide a potential model for progress.

With sustained will and commitment, we will work with and through multilateral organizations to fight terrorism around the world. If we can replicate the model of the G-8, ICAO, OSCE, and CTAG efforts on document security in other areas and in other groups, we will go a long way toward creating the seamless global CT web we want and need.

Denying Terrorists Sanctuary

The 9/11 Commission identified six regions of concern as current or future terrorist safe havens. I will briefly address our actions in these and other regions to deny terrorists refuge, time, and opportunity to plan further attacks.

South Asia

The United States participates with Pakistan and Afghanistan on the recently-formed Tripartite Commission, a problem-solving forum for discussing border and security-related issues. This mechanism allows for better coordination between the three nations and has significantly improved relations in the Pakistan-Afghanistan border region identified by the 9/11 Commission.

Pakistan - Pakistan continues to be one of the United States' most important partners in the Global War on Terrorism (GWOT). To date, hundreds of al-Qaida or Taliban remnants have been successfully apprehended with the cooperation of Pakistani authorities. Among some of the great successes in the GWOT were the apprehensions of Khalid Shaykh Muhammad, the mastermind of the 9/11 attacks, and Walid Bin Attash, a prime suspect in the attack on the USS Cole in October 2002. Just recently, Ahmed Khalfan Ghailani along with several family members and confederates was apprehended by Pakistani forces. Since the fall of 2003, the Government of Pakistan (GOP) has stepped up its CT activities, most notably in the mountainous Federally Administered Tribal Areas. As of March 2004, over 70 individuals have been arrested. The GOP resumed operations in June, which are continuing to this day, despite taking casualties. In parallel with military action, Pakistan has enhanced its legal, political, and public relations efforts against al-Qaida and the Taliban. As of March 2004, the GOP has listed and offered rewards for over 70 terrorists.

The U.S. Government has initiated significant cooperative programs that are increasing GOP CT capabilities and building important ties between the U.S. and Pakistani CT communities. These programs include long-term capacity-building efforts in border security, criminal investigations, and counterterrorism finance.

Afghanistan - The removal of the Taliban regime from Afghanistan stripped al-Qaida of its primary sanctuary and support, and shut down long-standing terrorist training camps. Unable to find easy sanctuary in Afghanistan and elsewhere, the al-Qaida leadership must now devote much more time and energy to evading capture or worse.

The U.S. Government is working closely with Japan and the United Nations Assistance Mission to Afghanistan, which jointly lead the nationwide disarmament, demobilization, and reintegration (DDR) of militias in Afghanistan. Current plans call for DDR of all militias by June 2005. The USG continues to support security sector reform in Afghanistan by training and equipping the Afghan National Army (ANA). Currently over 10,000 ANA forces are deployed to different provinces in support of central government efforts to stabilize the provinces and Coalition efforts in Operation Enduring Freedom.

The U.S. Agency for International Development (USAID), in coordination with the Afghan government, is supporting the development of institutions at the national, provincial, and district levels. These include building roads, schools, and clinics; supporting government ministries and local courthouses. These reconstruction efforts pay an added benefit as we seek to eliminate terrorist sanctuary in Afghanistan.

Arabian Peninsula and Horn of Africa

The U.S. Government is working closely with its partners on the Arabian Peninsula to ensure that the area cannot be used as a safe haven or base of operations for terrorist activities. The stakes are high, as al-Qaida and other terrorist operatives threaten these governments and their citizens, as well as U.S. citizens and facilities in the region. We are engaged with the governments on the peninsula to bolster their CT capacities and support their efforts to combat terror. This includes support for border security, law enforcement training, intelligence support, training and advice to combat terrorist financing, and in the case of Yemen, economic development support.

Yemen - The U.S. Government restarted a Foreign Military Financing program in 2002 to support the CT mission of the Yemeni military. The Yemeni government is also working with us to enhance their border security and export control measures. We have been working with Yemen since 2001 to implement a terrorist watch listing capability and to date have installed computerized systems at two dozen Yemeni ports of entry.

In 2003, improvements in Yemen's internal security situation enabled USAID to reestablish a mission in Sanaa. Our development assistance in Yemen targets health, education, agriculture, economic growth, and democracy and governance in five remote and very poor rural governorates most at-risk of generating political, social, and economic instability. The development program is designed support the partnership between the governments of Yemen and the United States to improve security in the region by working together to improve the lives of the Yemeni people.

Saudi Arabia - Since the May 2003 attacks in Riyadh, the Saudi government has arrested more than 600 terrorist suspects, and has conducted more than 60 raids throughout the country, yielding tons of explosives, large caches of arms and ammunition, and valuable insights into the plans and capabilities of the Saudi al-Qaida network. This effort has come at a cost, as Saudi security forces have lost approximately 30 men in CT operations.

We have had solid cooperation on intelligence sharing and case development through our Joint Task Force on Terrorist Financing. The Saudis have already instituted a variety of new laws and regulations that have the potential to fundamentally alter their banking and charity systems.

Horn of Africa, Somalia and Kenya - To counter the threat posed by al-Qaida in the Horn of Africa, State is cooperating with numerous partners, including the Department of Defense and host governments, to suppress the activities of terrorists in the region, to arrest and bring to justice those who have attacked us, and to diminish the conditions in those societies that provide terrorist sympathizers with refuge and support. Much of this latter cooperation takes place in the context of President Bush's \$100 million East Africa Counterterrorism Initiative. In late 2002, the Defense Department established the Combined Joint Task Force - Horn of Africa (CJTF-HOA), which participates in CT efforts in the Horn of Africa region. CJTF-HOA is part of the U.S. Central Command and functions in the context of Operation Enduring Freedom.

Southeast Asia

Southeast Asia is a major front in the global war on terrorism, and continues to be an attractive theater of operations for regional terrorist groups such as Jemaah Islamiyah (JI). The governments in Southeast Asia have been reliable partners in the war on terrorism, but they face tremendous challenges to dealing with the terrorist threat. We are making progress by working with many of the governments in the region to provide assistance and prevent them from becoming terrorist sanctuaries. We have a robust Anti-Terrorism Training Assistance (ATA) program throughout the region, and we are seeing results.

In the Philippines, we have seen success as the Philippine National Police have thwarted plots in Manila and arrested suspected members of JI and the Abu Sayyaf Group. In Indonesia, we implemented an \$8 million program to train and equip a specialized CT unit within the Indonesian National Police. In Thailand and the Philippines, we are also working to implement terrorist watch listing capabilities at key points of entry.

Because terrorism in Southeast Asia is a regional problem, we also work with other capable partners in a regional context to maximize the amount of CT assistance we can provide. Through the G8's Counter Terrorism Action Group process described earlier, our embassies coordinate CT assistance programs with other embassies in each capital to avoid duplication of effort.

North Africa and the Sahel

In North Africa and the Sahel, the primary threat is not from al-Qaida against the United States., but from a local radical Islamist group, the Salafist Group for Call and Combat (GSPC), which has been attempting to overthrow the government in Algeria and impose an Islamist regime. Through the Pan-Sahel Initiative, an \$8.4 million program, we have sought to better equip the nations of the area by providing training and equipment to improve their border security and deny the use of their sovereign territory to terrorists and criminals. Algeria, together with our partner nations of Chad, Niger, Mali, and Mauritania have demonstrated their seriousness by attacking, pursuing, and degrading the GSPC's capabilities over the last nine months.

Central and Eastern Europe

Terrorist activity and the presence of terrorist support networks in Europe is a source of concern. Efforts to combat this threat are complicated by the fact that some countries have legal impediments to taking firm judicial action against suspected terrorists, often stemming from asylum laws that afford loopholes, inadequate CT legislation, or standards of evidence that lack flexibility in permitting law enforcement authorities to rely on classified-source information in holding terrorist suspects. Ease of travel within Schengen visa countries could also make Western Europe attractive to terrorists. In the countries of Central and Eastern Europe, although immigrant communities are smaller, the ability to monitor and control possibly suspect activities and travel is often less than in more developed Western European states.

To address these potential weaknesses, we continue to work closely with European partners to strengthen CT legislation and to help less capable states improve their abilities to restrict terrorists' freedom of action, block assets, and address social conditions that contribute to the spread of terrorism. The contributions of European countries in sharing intelligence, arresting members of terrorist cells, and interdicting terrorist financing and logistics have been and continue to be vital elements in the GWOT.

To supplement fixed border screening measures, the Department of State has joined other Federal agencies in taking a proactive approach to tracking and intercepting terrorists as they cross international borders. Our Terrorist Interdiction Program curbs terrorists' freedom of movement by providing recipient nations with computerized border control systems for their ports of entry. State has assigned Special Agents from the Bureau of Diplomatic Security to assist host country law enforcement authorities in their investigations of suspect travel facilitators - alien smuggling rings, document forgers and corrupt travel agencies. State is also a member of the Human Trafficking and Smuggling Center, an inter-agency unit that shares information and coordinates actions to combat alien smuggling and trafficking, including that linked to terrorism.

Preventing Proliferation of Weapons of Mass Destruction to Terrorists

The Commission Report addresses the nexus between terrorism and weapons of mass destruction (WMD) proliferation.

We strongly support the Commission's recommendations to prevent terrorists from acquiring WMD, their delivery systems, and related materials. The Commission Report highlights two key nonproliferation efforts, the Proliferation Security Initiative (PSI) and the Cooperative Threat Reduction (CTR) Program. The Administration is actively working on both efforts in ways that respond to the Commission's recommendations.

The PSI has established a global web of counterproliferation partnerships; more than 60 countries worldwide support PSI and are becoming involved in PSI activities. We are continuing to broaden support for PSI and to expand its work to identify where proliferation facilitators operate and how we can shut them down and bring them to justice. We will do this through enhanced cooperation of law enforcement, military, and intelligence agencies of PSI partners around the world.

CTR is also making great strides in reducing prospects that terrorists will acquire WMD or related materials. CTR programs and other important U.S. efforts are expanding beyond the FSU. We are moving to lock up nuclear and radioactive material and improve export and border controls worldwide and also to ensure that smugglers of WMD-related materials are prosecuted. Agencies are collaborating to eliminate WMD programs and to redirect scientists in Libya and Iraq. At the G8 Summit in Sea Island, we welcomed seven new countries into the G8 Global Partnership, for a total of 21 countries plus the EU. We are working together to ensure WMD-related materials are not available to terrorists or those that sponsor or supply them. The Partnership has made substantial progress on its goal of funding up to \$20 billion in non-proliferation projects by 2012.

Common Approach Toward the Detention and Humane Treatment of Captured Terrorists

Immediately following the attacks on 9/11, the international community recognized that we were in an armed conflict and we were justified in responding militarily. The Security Council recognized our inherent right of individual and collective self-defense, and members of NATO, the Rio Treaty and ANZUS invoked treaty clauses regarding collective self-defense. We strive for this same unity of purpose and international commitment when it comes to the detention of enemy combatants during the course of this armed conflict. Clearly the capture and detention of enemy combatants is inherent in any armed conflict and justified for the duration of hostilities. There remains, however, significant international disagreement that the legal framework for the continued detention of al-Qaeda detainees as enemy combatants should be the law of war, apart from the law enforcement framework that may also be utilized. Most governments will not, for example, accept transfer of detainees for continued detention under the laws of war and have thus far only been willing to accept responsibility for detention for purposes of criminal investigation and prosecution. With respect to the legal framework for the treatment of detainees, we are studying with interest the recommendation of the 9/11 Commission that "the United States should engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists."

Legislative Solutions

I would like to thank Committee members for their sustained support of an amendment to reform the law on designating Foreign Terrorist Organizations. This provision represents the type of legislation that will allow my staff and their counterparts in other Departments to direct their efforts more productively against terrorists and their supporters.

In closing, I would like to assure the Committee members and the public that wide-ranging efforts are already underway to actively deny terrorists safe haven anywhere in the world. With the support of Congress, many programs mentioned today are vigorously engaging this crucial recommendation, and I am confident that today's hearing will provide

additional stimulus to enhance and expand our capabilities.

Thank you again for the opportunity to appear before the Committee. I would be happy to take your questions.

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