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Yahya Abu al-Hammam: France Eliminates Leading Saharan Jihadist

Andrew McGregor

French commandos tore through the desert north of Timbuktu on February 21, in hot pursuit of a leading jihadist who had been detected as part of a three-car convoy by a Reaper surveillance drone. As the commandos caught up, the militants opened fire. Five French helicopters moved in and quickly destroyed the convoy, killing 11, including the main target, Algerian Yahya Abu al-Hammam (a.k.a. Djamel Okacha), a top al-Qaeda financier and strategist (*Jeune Afrique*/AFP, February 22; Defense.gouv.fr, February 22).

Al-Hammam was the second-in-command of Jama'at Nusrat al-Islam wa'l-Muslimin (JNIM), al-Qaeda's Sahel/Sahara affiliate. There are reports that al-Hammam may have been ill and decided to seek medical treatment elsewhere (*Malijet*, February 23). According to a Malian

security source, Abu al-Hammam had been tracked for three months through his telephone (AFP, February 22). Al-Hammam was the third JNIM leader to be killed within a year as French forces work to decapitate the JNIM leadership in the hopes of destroying the Salafi-Jihadist movement in the Sahara/Sahel region.

The announcement of al-Hammam's death came only hours before French Prime Minister Edouard Philippe arrived in Mali, where French troops have been fighting militants and terrorists since 2013. An upbeat Philippe told a gathering of French, Malian, British, and Estonian troops that they had “managed to destroy [the jihadists’] means of combat, to intercept their logistical flows, to dry up their resources... every day our enemies suffer significant losses...” (*Ouest-France*, February 24).

Born on May 9, 1978, in the Reghaïa commune of Algiers province, al-Hammam began his career in 1998 as a militant with the Algerian *Groupe Islamique Armé* (GIA – Armed Islamic

Group) and later, after 18 months of imprisonment, the *Groupe salafiste pour la prédication et le combat* (GSPC – Salafist Group for Preaching and Combat).

Al-Hammam arrived in northern Mali in 2004 with the controversial GSPC commander ‘Abd al-Razzak al-Para ([Malijet](#), February 23). From bases there, al-Hammam left an explosive trail through Mauritania, where, under the direction of Mokhtar Belmokhtar and Abu Hamid ‘Abd al-Zaïd, he and his fellow militants exploited Mauritanian military weakness in a series of deadly attacks that killed dozens of Mauritanian troops between 2005 and 2008 ([Malijet](#), February 23). In 2009 he was a suspect in organizing both the murder of American missionary Christopher Leggett and a suicide attack on the French embassy in Nouakchott, the Mauritanian capital.

In 2009, as commander of the Katiba al-Furqan, al-Hammam ordered the assassination of Mali’s intelligence chief in northern Mali, the Timbuktu-based Colonel Lamana Ould Bou, a Bérabiche Arab. Though the killing was a setback for security forces, it reportedly provoked a disagreement between al-Hammam and his former sponsor, Mokhtar Belmokhtar, who had spent years cultivating relationships with the Bérabiche of northern Mali ([Malijet](#), August 13, 2014).

From 2009, al-Hammam became heavily involved with kidnappings, particularly those of Western tourists or workers.

Al-Hammam led AQIM gunmen into Timbuktu in April 2012 as part of the Islamist uprising and occupation of northern Mali. As governor, he

oversaw a rigidly strict Shari’a regime that destroyed much of the city’s Islamic heritage and applied corporal and capital punishments to its people for offenses against their interpretation of Islam. He was rewarded in October 2012 when AQIM leader ‘Abd al-Malik Droukdel (a.k.a. Abu Mus’ab ‘Abd al-Wadud) appointed al-Hammam the new *amir* of AQIM’s Saharan affiliate in October 2012. (Agence Nouakchott d’Information, October 4, 2012; [Le Monde](#), February 22). Unlike many of his fellow militants, al-Hammam survived the 2013 French-led Operation Serval that dispersed the Islamists and assumed ‘Abd al-Hamid Abu Zaïd’s command when the latter was killed by a Franco-Chadian patrol in February 2013.

Remaining aloof from the rival Islamic State group, al-Hammam appeared in the March 2017 video that announced the establishment of the al-Qaeda-affiliated JNIM alliance of four Sahara/Sahel jihadist groups under veteran Tuareg militant Iyad ag Ghali (al-Akhbar [Nouakchott], January 10, 2016, [MaliActu](#), March 2, 2017).

Al-Hammam last appeared in a November 8, 2018 video, in which he sat alongside ag Ghali as Amadou Kufa, the Fulani leader of the *Force de libération du Macina* (FLM – Macina Liberation Front), and called on his fellow Fulani to “make jihad” wherever they are ([Le Monde/AFP](#), November 9, 2018). Two weeks later Koufa died in the Wagadou Forest after being mortally wounded by a French attack. With al-Hammam now gone as well, the priority of French forces will be the elimination of JNIM leader Iyad ag Ghali. Al-Hammam could be succeeded by Abd al-Rahman Talha al-Libi, the current

commander of the Katiba al-Furqan, though there are rumors that Talha may have been one of those killed in the attack on al-Hammam's convoy ([Malijet](#), February 23).

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The Elusive Uyghur Insurgent Commander Haunting China in Afghanistan—Haji Furqan

Franz J. Marty

Uyghur Islamist extremists propagating a separatist jihad against the Chinese state have concerned the Chinese government since long before recent reports of mass internment of Uyghurs in the Xinjiang Uyghur Autonomous Region in the far west of China ([South China Morning Post](#), February 26; [Permanent Mission of the People's Republic of China to the UN](#), November 29, 2001). [1] And although sober assessments reveal that the few Uyghur fighters who have taken refuge in parts of Afghanistan's remote northeastern province of Badakhshan do *not* pose a significant threat to China, sources indicate that China is actively looking for information on their elusive commander, Haji Furqan ([Afghanistan Analyst Network](#), March 19, 2018).

Haji Furqan – Commander of Foreign Fighters

Local Badakhshi, Chinese, and UN sources agree that Uyghur extremists as well as other foreign fighters in Afghan Badakhshan (estimates range from 160 to 400 fighters, among them 50 to 100 Uyghurs) are led by a man called Haji Furqan, likely a *nom de guerre*. [2]

Furqan is a very elusive figure, as he—like other foreign fighters in Badakhshan—reportedly seldom interacts with local residents, except for the local Afghan Taliban commanders with whom he allegedly coordinates closely on

insurgent operations. These include in particular the Taliban's shadow governor for Badakhshan, Qari Fasehuddin, and Mawlawi Amanuddin, who is described as Fasehuddin's deputy and is allegedly responsible for the Taliban's military affairs as well as coordination with foreign fighters in Badakhshan. [3]

Haji Furqan and his foreign fighters are apparently embedded with the local Afghan Taliban; there is no indication of a separate Uyghur group. [4] While U.S. Central Command has asserted its forces bombed training facilities in Afghan Badakhshan in February 2018 that were allegedly used by the Eastern Turkistan Islamic Movement, a purported Uyghur terrorist organization, such claims are contradicted by detailed information from various sources on the ground in Badakhshan (U.S. Forces – Afghanistan, February 8, 2018; Afghanistan Analyst Network, March 19, 2018).

Haji Furqan – Personal Background

Several sources indicated that Furqan arrived in Afghan Badakhshan in 2014 or 2015, allegedly from Pakistani Chitral. [5] It is unclear where he was before—or where he originally hails from.

Almost all sources state that Furqan is a Uyghur from Xinjiang. [6] However, a UN source noted that their reports suggest Furqan hails from Kazakhstan, but may have a Uyghur background (Kazakhstan, which borders Xinjiang, also has a minority Uyghur population). [7] A local man, who had spent time among the Taliban in Badakhshan and has met Furqan himself before he defected to the Afghan Local Police, recounted that Furqan had

never stated his origin and that he would, when asked, incorrectly assert that he is from the Khostak valley in Badakhshan's district of Jurm (the Khostak valley has long been under complete insurgent control and is—aside from the neighboring district of Warduj—reportedly the main nest for foreign fighters in Afghan Badakhshan). [8] Another UN source stated locals sometimes claim that Furqan is a Tajik; however, this is apparently a misidentification, as the source explained that locals would assert this simply based on the fact that Furqan reportedly speaks fluent Persian (the native language of Tajiks). Furqan also speaks fluent Pashto and Urdu, according to the same source. [9]

Since his arrival in Afghan Badakhshan, Furqan reportedly resides in the district of Warduj, which has been under full Taliban control since October 2015. Local sources, including the defector that saw Furqan himself, assert that Furqan is often moving inside Warduj. [10] A UN source also indicated that he is always accompanied by 10 to 15 foreign fighters acting as bodyguards. [11] Furqan sometimes reportedly visits the Khostak valley and possibly other areas in the immediate vicinity of Warduj, such as the Taliban-held district of Yamgon. Local sources claimed that Furqan had never left Badakhshan since his arrival; given that their information on Furqan is limited, this cannot be stated with certainty. [12]

This author managed to obtain exclusively the clear photograph below, purportedly of Furqan. The photograph was confirmed by a Badakhshi who briefly saw Furqan himself in Warduj during a ceasefire in mid-June 2018, as well as by other local sources who allegedly have seen other

photos of Furqan that are not available but were shown to them by other locals, including the Taliban. [13] It also roughly corresponds to a low-quality photograph that, according to the defector who has seen Furqan, depicts the latter, as well as to stills from a propaganda video that allegedly show Furqan, but in which his face is blurred. [14] [15] It also matches the description of Furqan given by the defector and a UN source. According to those descriptions, Furqan has a light complexion and rather Caucasian features, and reportedly always wears a *pakool* (a round, rolled-up felt hat). [16] [17] Hence, there is a high confidence that the photograph below is indeed a photograph of Furqan. [18]



Haji Furqan – A Threat?

Local Badakhshi sources agreed that Furqan has not undertaken any significant activities since his arrival in Badakhshan. He and his foreign fighters are reportedly taking part in local Taliban operations. But while those foreign fighters purportedly played a crucial role in the Taliban's takeover of Badakhshan's districts of Warduj (October 2015) and Yamgon (November

2015), the threat posed by them and Furqan has to be qualified. [19]

While the fall and subsequent holding of Warduj and Yamgon were huge successes for the Taliban in Badakhshan, they were not a tidal change, with the Taliban not having expanded their territory from those districts since then. For example, the front between Warduj and the neighboring district of Bahorak has been—with a very few exceptions—more or less static and rather quiet since the fall of Warduj. And a few Taliban attacks on Zebak, another district neighboring Warduj, were always swiftly repelled. [20] With respect to the Uyghur fighters in Afghan Badakhshan (including Furqan), an independent assessment concluded that “Uyghur combat power is not a decisive factor on the battlefield” and that they do not pose any cross-border threat—in particular not for the utterly remote Afghan–Chinese border. In fact, as far as could be determined, there has not been a single confirmed attack conducted or planned by a Uyghur group in or from Afghanistan, or any sign that the Uyghurs in Badakhshan are able to change that. This corroborates assessments according to which Uyghur fighters are arguably hiding out in Badakhshan and not using it as a platform to launch attacks in China or elsewhere (Afghanistan Analyst Network, March 19, 2018).

This also holds true in spite of the fact that local sources attribute exceptional skills and battlefield prowess to foreign fighters, including Furqan, who—in the opinion of a well-informed source from Badakhshan—must have participated in some conflict somewhere (unconfirmed rumors mentioned Iraq and/or Syria), as he is allegedly

well-versed in insurgent warfare. [21] Such allegations are not supported by tangible indications and could, therefore, neither be confirmed nor disproved. In general, there is ample evidence that Afghan sources exaggerate the capabilities of foreign fighters. Such allegations also appear to provide a welcome excuse for Afghan government officials to brush over the shortcomings of government forces.

This said, Furqan has, according to credible sources, brought some other Uyghur extremists to Afghan Badakhshan; the same sources also stated that Uyghur fighters are training Afghan insurgents there. [22] However, in view of the above, neither their number nor the effect of their training seem to have had a significant impact. [23]

Despite this, China is—according to a local source on the ground in Badakhshan and another well-placed source—actively seeking photographs and exact up-to-date locations of Furqan, as well as information on his intentions and affiliates. [24]

Hence, it seems that China's paranoia about Uyghur extremists in Afghan Badakhshan in general and Furqan in particular will persist.

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Notes

[1] Speaking a Turkic language and being predominantly Sunni Muslims, Uyghurs are ethnically, linguistically and culturally different from other Chinese.

[2] Author's interviews, several dates during 2018. The presence of some Uyghur extremists in Badakhshan was further confirmed by a propaganda video dated December 2017 that was partly shot in Badakhshan's districts of Jurm and Warduj (a copy of the video is in the author's possession).

[3] Author's interviews, several dates during 2018.

[4] Author's interviews, several dates during 2018.

[5] Author's interviews, several dates during 2018.

[6] Author's interviews, several dates during 2018.

[7] E-mail to author, February 17, 2018.

[8] Author's interview, Qalotak, Bahorak district, Badakhshan province, August 25, 2018.

[9] E-mail to author, November 8, 2018.

[10] Author's interviews, several dates during 2018.

[11] E-mail to author, November 8, 2018.

[12] Author's interviews, several dates during 2018.

[13] Author's interview, October 30, 2018.

[14] Author's interview, Qalotak, Bahorak district, Badakhshan province, August 25, 2018.

[15] E-mail to author, September 23, 2018.

[16] Author's interview, Qalotak, Bahorak district, Badakhshan province, August 25, 2018.

[17] E-mail to author, November 8, 2018.

[18] This author has also obtained photographs of other men that were said to be Furqan; however, the sources that allegedly saw Furqan themselves explicitly denied that these were photographs of Furqan (author's interviews, August 25 and October 30, 2018).

[19] Author's interviews, several dates during 2018.

[20] Author's interviews, several dates during 2018.

[21] Author's interviews, several dates during 2018.

[22] Author's interviews, several dates during 2018.

[23] Author's interviews, several dates in 2018.

[24] Author's interviews, several dates during 2018.

Evading Scrutiny, Spreading Mayhem: How Jaish-e-Muhammad Chief Maulana Masood Azhar is Crafting Chaos in Kashmir

Animesh Roul

Maulana Masood Azhar, the founding leader of Jaish-e-Muhammad (Army of Muhammad—JeM), a Pakistan-based terrorist group blamed for violence against India over the past two decades—including the latest vehicle-borne improvised explosive device (VBIED) attack in Jammu and Kashmir (J&K) targeting a security convoy. On February 14, 42 paramilitary force personnel were killed on the Srinagar-Jammu highway near the town of Awantipora, Pulwama district when a Jaish-e-Muhammad fidayeen (suicide attacker) Adil Ahmed Dar (a.k.a Waqas Commando) ambushed the security convoy with an explosives-laden vehicle ([The Tribune](#), February 15). The latest event led India to carry out air strikes targeting JeM's terror training camps in Balakot (Khyber-Pakhtunkhwa province), Chakothi, and Muzaffarabad (Pakistan-Administered Kashmir) on February 26 ([Times of India](#), February 26).

Evidently, India blames JeM's founding leader Masood Azhar and his core commanders based in Pakistan, including Abdul Rauf Asghar and Yusuf Azhar (a.k.a Ustad Ghauri), for masterminding the Pulwama suicide attack. Both Yusuf Azhar and Abdul Rauf are relatives of Azhar and played active roles in the December 1999 Indian Airlines hijacking crisis that ended with the safe passage of the imprisoned JeM

chief. [1] India has submitted a dossier to Pakistan on February 27 with specific details of JeM's involvement in the Pulwama attack and the presence of the group's leadership and flourishing terror-training camps in Pakistan ([India Today](#), February 27). Amid the rising tension between the two neighboring countries, the Punjab provincial government in Pakistan has taken control of the Jaish-e-Mohammad run mosque, Jama-e-Masjid Subhanallah and a seminary, Madressatul Sabir in Bahawalpur ([Dawn](#) [Karachi] February 22). However, Pakistan Foreign Minister Shah Mahmood Qureshi asked India for credible evidence of Azhar's involvement in the Pulwama suicide attack while admitting to his presence in Pakistan ([The Indian Express](#), March 1).

Born and raised in Bahawalpur in Punjab province, Pakistan, Masood Azhar founded JeM in late January 2000 in Karachi with the broad objectives of overthrowing Indian "occupation" of Kashmir; merging Kashmir with Pakistan; and the expulsion of U.S. troops from Afghanistan.

After splitting from the parent terrorist groups of Harkat-ul-Ansar (HuA) and Harkat-ul-Mujahideen (HuM), Azhar and JeM unleashed a wave of terror attacks in J&K and beyond. The group became infamous for introducing foreign fighters and fidayeen attacks into the Kashmir conflict. They were responsible for the April 2000 suicide attack in the Badamibag Army Cantonment; the October 2001 attack on the J&K Assembly in Srinagar; and the December 2001 attack on the Indian Parliament in the national capital of New Delhi.

Azhar—who along with Abdul Jabber was accused of plotting assassination attempts on Pakistani President Pervez Musharraf in December 2003 and in January 2004—maintained a low profile for several years in Pakistan. Since the group was banned in 2002 in Pakistan, Masood Azhar and his jihadist coterie attempted to reinvigorate their militant campaigns (recruitment, fund raisings, etc) by renaming the group Khuddam-ul-Islam (KuI), Tehrik ul-Furqaan (TuF), al-Rahmat Trust (ART)—to name a few—as educational and religious charity centers ([Terrorism Monitor](#), November 11, 2011). The latest offshoot of JeM is “al-Murabitoon” which is engaged in organizing Islamic discourse and debate competitions in schools and colleges in Pakistan. JeM leaders distributed prizes for the winners, including swords bearing the name of Masood Azhar as the “Ameer of Mujahideens” ([Zee News](#), January 4, 2018). The many incarnations of JeM were obviously aimed at evading national and international scrutiny in order to raise funds and recruits for jihad in Afghanistan and Kashmir.

After years of being mostly confined to his hometown of Bahawalpur where the headquarters of JeM is located, Azhar's voice again reverberated with the call for jihad in Kashmir in February 2014. In an address to a Kashmir rally in Muzzafarabad (Pakistan-Administered Kashmir) Azhar reportedly said that “there are 313 fidayeen in this gathering and if a call is given the number will go up to 3,000.” ([India Today](#), February 19, 2014). Days before this public address in early 2014, Azhar and JeM's core commanders formed a suicide squad, the “Afzal Guru Squad,” named after the

Parliament attacker Muhammad Afzal Guru ([The Tribune](#), October 7, 2017). Several attacks in Kashmir thereafter were blamed on the squad, which was led by a close confidante of Masood Azhar, Mufti Waqas, who recruited local youths for jihad in Kashmir. Masood Azhar also sent his nephews to Kashmir to work with these local recruits. Talha Rasheed, one of his nephews, died in an armed encounter at the Kandi Aglar village of Pulwama district in November 2017. A U.S.-made gun was recovered following the shootout, and is suspected to have been procured from Afghanistan ([Kashmir Dispatch](#), November 7, 2017).

Azhar's JeM is also credited with introducing sniper attacks in J&K. Another nephew of Azhar, identified as Usman Haider, was the deputy chief of this sniper squad, and was killed on October 30, 2018 ([Indian Express](#), October 31, 2018). It is evident now that the latest Pulwama suicide attack was carried out to avenge the deaths of Masood Azhar's nephews ([Mumbai Mirror](#), February 17).

While each and every militant formation in Kashmir, including Lashkar-e Taiba (LeT) and Hizbul Mujahideen (HM), continue their efforts to remain relevant in the crowded insurgent field of Kashmir, JeM has carved out a niche for itself by introducing daring tactics to stay ahead of the curve. With intermittent violence to keep the flag of jihad high in Kashmir, Azhar, along with his close family members and field commanders, has directed JeM militants to carry out a series of violent and audacious terror attacks. Similar to the recent Pulwama suicide bombing, JeM in 2016 carried two violent strikes targeting security

forces that made international headlines and almost brought two nuclear powered neighbors to the brink of war—the January 2 Pathankot, Punjab, air base attack that resulted in the deaths of seven security force personnel and the September 18, Uri, Kashmir, attack in which nearly 18 security personnel were killed ([News18.com](#), January 2, 2016; [WION News](#), September 18, 2016). In the aftermaths of these attacks, Pakistan authorities briefly detained Masood Azhar, his brother Mufti Abdul Rauf along with other close aides. However, these detentions in the guise of interrogations remain largely symbolic.

Since 2007, it appeared that JeM's direct operational rein has been resting on Azhar's relatives such as Abdul Rauf Asghar and Yusuf Azhar, whereas Azhar remains JeM's spiritual head and mostly relegated to propaganda, fundraising, and indoctrination of recruits ([Times of India](#), April 22, 2007). Apparently, Azhar, while keeping a low profile, actively engages in revitalizing JeM and encouraging the rise of a new generation of militants. Due to his intellectual sympathies, especially in matters of jihad and Islam, he has long been closely associated with the Afghanistan Taliban and al-Qaeda. Though not physically fit for any battlefield actions, Azhar spreads and maintains immense clout through his speeches and sermons at mosques and at Kashmiri fundraising rallies. He remains strong and effective as a firebrand speaker and eloquent writer on Islam and jihad through publications such as al-Qalam (in Urdu) and Rangnoor (English).

Through his outreach, Azhar makes it clear that he has sacrificed his own relatives for the cause in

Kashmir. This narrative has been used to incite youths to take up arms against India. His writings are full of anti-Hindu and anti-Semitic hatred as he attempts to justify violence against the enemies of the Muslims, “the Jews and the Polytheists,” by citing the Quran. Masood Azhar, who has been writing under the pseudonym Sa’adi, blames Indian Prime Minister Narendra Modi and Uttar Pradesh Chief Minister Yogi Adityanath for the increasing atrocities against Muslims in India ([Rangnoor](#), July 20, 2017). He threatened both the right-wing leaders of India with consequence while criticizing present Pakistan governments. “O Modi, O Yogi the Muslim blood is very precious. Extirpation of the Muslims is impossible. If only one real Muslim ruler comes in Pakistan, you can be taught a lesson in three to four days” ([Rangnoor](#), July 20, 2017). In one of his writings he urged Indian Muslims to avenge all atrocities by sacrificing their life and to increase their passion for jihad. He also advises not to depend upon traditional weaponry for waging jihad. He wrote, “there is no need of any bomb, bullet shot, gunpowder, gun, rocket launcher or training; People launch big operations with the help of cars, electricity, petrol, fertilizers, grains of sand and pesticides” ([Rangnoor](#), September 2017).

In the aftermath of the Pathankot terror events in early 2016, a Pakistani commentator compared Azhar with Ratko Mladić, the former Bosnian Serb warlord and convicted war criminal, suggesting that the Pakistan government should stop protecting militant leaders on its own soil and hand them over to India as a friendly gesture in exchange for better bilateral ties. [2]. However, multiple attempts by

India to get custody of Azhar or to designate him as a global terrorist in the past were thwarted by Pakistan and China, respectively. The government of Pakistan often tags India’s attempt to ban Masood Azhar at the UN as a “politically motivated proposal aimed at covering its (India’s) own subversive activities in Pakistan” ([Daily Times](#), January 2, 2017). Intriguingly, amid heightened tensions between India and Pakistan in the aftermath of the February 14 Pulwama suicide event, there has been a renewed clamor again around the world to designate Azhar as a global terrorist under the United Nations Security Council.

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Notes

[1] Animesh Roul, “The Jihadi Demagogue: A Profile of Maulana Masood Azhar of Pakistan”, *Militant Leadership Monitor*, Vol 4 (3), September 2013.

[2] Dr Haider Shah, “Can Azhar be Pakistan’s Mladic?”, *Daily Times*, January 16, 2016, <https://dailytimes.com.pk/95914/can-azhar-be-pakistans-mladic/>

Mohammad Fazl: Military Commander-turned-Taliban-Negotiator

Sudha Ramachandran

In October 2018, the Taliban announced that Mullah Mohammad Fazl, Khairullah Khairkhwa, Abdul Haq Wasiq, Norullah Noori, and Mohammad Nabi would be among its representatives at upcoming talks with the United States. The five, who were imprisoned at the U.S. military detention facility at Guantanamo, Cuba for over 14 years—they are often referred to in Western media as the ‘Taliban Five’ or the ‘Guantanamo Five’—held important posts in the Taliban regime. Of them, Fazl is the most controversial. Among the “most important and feared commanders” in the Taliban government, he has been accused of serious violations of the laws of armed conflict ([Afghanistan Analysts Network](#), March 9, 2012). Human rights activists and Afghan civilians have been calling for his trial for war crimes. So, what is an alleged war criminal doing at talks aimed at politically settling the decades-old Afghan civil war? And importantly, what does he bring to the negotiating table?

Background

Born in 1967, Fazl is Pashtun by ethnicity and belongs to the Kakar tribe. He is from Tirinkot in Afghanistan’s Uruzgan province. Following the Soviet invasion of Afghanistan, Fazl and his mother fled the country and lived in refugee camps in Pakistan for several years. He received religious training for six years at the Rabinyah

Madrassa in Quetta. Then in 1995, he crossed back into Afghanistan where he joined the Taliban in Kandahar as a fighter. [1]

Fazl was not among the founding generation of the Taliban, but he joined the group early. On account of his fighting skills, he rose through the ranks to become the Deputy Minister of Defense in the Taliban government and in 2001, the Taliban Chief of Army Staff ([Afghanistan Analysts Network](#), March 9, 2012). He was a “close associate” of the Taliban’s founder-chief Mullah Mohammed Omar and helped him set up the Taliban government ([United Nations Security Council](#)). At Guantanamo, Fazl’s interrogators established that he had ties with several militant Islamist groups, including al-Qaeda—he reportedly admitted to being at al-Qaeda’s al-Farouq training camp near Kandahar—but also others, such as the Islamic Movement of Uzbekistan, and Hezb-e-Islami Gulbuddin. [2]

War Crimes Allegations

Fazl has been accused of committing war crimes in the 1990s. He had command responsibilities in major incidents in Afghanistan during which rules of armed conflict were violated. [3] According to an Afghanistan Justice Project (AJP) Report, Fazl was among the senior field commanders in the Taliban offensive on the Shamali plain in 1999, when Taliban forces carried out summary executions of both civilians and surrendered Northern Alliance combatants and the “wanton destruction” of entire villages. Houses were razed to the ground and vineyards and irrigation systems were systematically destroyed. Some 300,000 people were forced to

flee for safety. According to an eyewitness cited in the AJP report, Fazl was “in the field” and “supervising the wanton destruction of civilian infrastructure.” Besides, he was army chief in 2001, during the Taliban’s brutal offensives in and around Yakaolang in the Bamiyan province to crush resistance to Taliban rule. Hundreds of civilians were massacred and their villages burned down. During these offensives, Fazl “visited occasionally, including during major operations,” and that he “must have been involved in the planning and supervision of the operation.” [4] He has not been put on trial for his war crimes.

On February 23, 2001, Fazl’s name was included on the United Nations Security Council’s sanctions list, and remains on it ([United Nations Security Council](#)).

Guantanamo and After

Following the U.S. invasion of Afghanistan in November 2001, Fazl surrendered to Northern Alliance Commander General Abdul Rashid Dostum in the northern Kunduz province. He was handed over to U.S. custody in late December and transferred to the Guantanamo facility in January 2002. At Guantanamo, Fazl was assessed as a “high-risk” detainee “likely to pose a threat to the U.S., its interests, and allies.” He was seen to have “high intelligence value.” His conduct while detained at Guantanamo, however, was seen to pose a “low threat from a detention perspective” and his “overall behavior” was seen to be “compliant and rarely hostile to the guard force and staff.” [5] Fazl was at Guantanamo for 14 years and five months. During this period, he is said to have studied and

become more knowledgeable about Islam, according to Afghan journalist Sami Yousafzai. [6]

From 2011 onwards, reports in the media indicated that the U.S. government was considering releasing the Taliban Five. The freeing of “hardened terrorists” was strongly criticized in the United States as many feared that they would return to Afghanistan to join the Taliban insurgency against the Afghan government and U.S. forces ([Washington Post](#), June 1, 2014). They were subsequently released from Guantanamo and handed over to the Qatari government in exchange for the release of U.S. Army soldier Bowe Bergdahl, who was in the Taliban’s custody. On May 31, 2014, Fazl and the rest of the Taliban Five landed in Qatar and have remained there since. They are reported to be living in luxury in Qatar. [7]

New Role

Since arriving in Qatar, the five Taliban leaders from Guantanamo “have been quietly meeting people, both Afghans and internationals,” a Kabul-based political analyst said, adding that while “these meetings don’t seem to be ‘official’ in that they aren’t formally mandated by the Taliban leadership or part of the Doha political office,” neither “are they ‘rogue’ or independent of the movement.” Those who have met them single out Fazl and Khairkhwa as “the most prominent in the group,” their importance stemming from the fact they are from the pre-2001 leadership, were in Guantanamo for a long period of time, and are not in Pakistan and hence have “some independence.” [8]

In October 2018, the Taliban Five joined the Taliban's political office in Qatar. The Taliban announced that they would be among its representatives in the talks with the United States ([Tolo News](#), October 31, 2018). With this, Fazl, who has "never held a civilian post, assumed a political role for the first time in his life," an Afghan official said. [9] Several rounds of talks have taken place in the months since and in January this year, U.S. special envoy to the talks Zalmay Khalilzad announced that a draft framework on an agreement had been reached. Still, these are very early days in a peace process.

Why Fazl?

The inclusion of former Guantanamo detainees and especially the alleged war criminal Fazl in the Taliban delegation has generated much debate. Some see it as a tactical move, aimed at getting the UNSC to lift sanctions on leaders like Fazl, whose movement is restricted on account of sanctions. [10] The Taliban itself says that the former Guantanamo detainees are among its representatives as "their word carries weight with the Taliban leadership and the mujahideen" ([Tolo News](#), October 31, 2018).

Terrorism analyst Abdul Basit points out that Fazl "has the trust and blessings of the Quetta Shura," which "represents the new generation of the Taliban." They look up to Fazl as "a respected, senior leader" and see him, along with Mullah Baradar, as "best suited to defend and represent the Taliban's interests." Fazl's stature within the Taliban makes it likely that "any decision that he, along with other negotiation team members, make" would win the support of the cadres. Importantly, the Taliban would like to

draw on the wisdom and experience of the older leaders. Since they also have ties with former Afghan warlords and other political leaders, they "could act as a bridge" between the Taliban and "wider Afghan society." This will be "useful in creating consensus." [11]

The Taliban's critics describe the inclusion of the Taliban Five and Fazl in particular in its negotiating team as "alarming but not surprising." If the Quetta Shura sees Fazl as best suited to represent the Taliban, "it means that a narrow and brutal interpretation of Islam and *misogynist* barbarism remains the Taliban's ideology." [12]

At the Table

There is some speculation over the impact that over a decade of incarceration at the Guantanamo facility would have had on the Taliban Five. Has the long detention and likely "rewiring" that they may have undergone at Guantanamo softened them to the United States or hardened them to any sort of compromise? Basit rules out a dilution in their outlook or beliefs. "A Talib is a Talib," he says. "He believes in a certain worldview and sticks to it no matter what. Even if his stance is moderated, it is only for buying time or creating political openings and opportunity maximization." [13]

Little is known about what position any of the negotiators are taking at the talks. However, it is possible to say with some certainty that at the negotiations, Fazal is a "hardliner when it comes to protecting the core Taliban interests and a pragmatist when it comes to having to make political compromises to pave way for peace and

end of war.” [14] It does “not bode well for the peace process.” [15]

Fazl as Peacemaker

On the face of it, Fazl is an unlikely peacemaker. He neither has political vision, diplomatic, nor negotiating skills. Still, his seniority, image as a military commander during the Taliban regime, and his proximity to Mullah Omar evokes much respect among Taliban leaders as well as the rank and file. This could win the support of Taliban fighters for any agreement that may be reached in the talks.

Fazl’s participation in the negotiations is understandably unacceptable to Hazaras and other Afghan ethnic groups who suffered directly because of his alleged war crimes. Still, for the peace process to get started and a sustained peace be built, it will be necessary that the process and participation in the peace process is inclusive. Fazl’s participation in the talks, after all, could win the support of hardliners in the Taliban.

Fazl’s participation underscores one of the main contentious issues in peace processes. Should war criminals be made to face trial or would that jeopardize the chances of post-war peacebuilding? Should justice be prioritized? Many, especially Fazl’s victims, would argue that without justice, the peace reached would be a shallow one. Others would say that it is better to have a flawed peace than no peace at all.

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Notes

[1] U.S. Department of Defense document accessed through Wikileaks on Feb 5 at <https://wikileaks.org/gitmo/prisoner/7.html>

[2] Ibid.

[3] Under the laws of armed conflict, command responsibility assigns criminal liability to higher-ranking members of armed forces for war crimes committed by their subordinates if they ordered the latter to commit the crimes, did not prevent them from carrying them out or failed, subsequently, to discipline them.

[4] The Afghanistan Justice Report, “Casting Shadows: War Crimes and Crimes against Humanity: 1978-2001,” Open Society Foundations, 2005, accessed on February 13, https://www.opensocietyfoundations.org/sites/default/files/ajpreport_20050718.pdf

[5] n. 1.

[6] Author’s Interview, Kabul-based Afghan journalist, Sami Yousafzai, February 4.

[7] Ibid.

[8] Author’s Interview, Kabul-based analyst, February 12.

[9] Author’s Interview, Afghan official, Ministry of Foreign Affairs February 16.

[10] Afghan journalist, n. 6.

[11] Author’s Interview, Abdul Basit, associate research fellow at the International Centre for Political Violence and Terrorism Research (ICPVTR) of the S. Rajaratnam School of

International Studies, Nanyang Technological University, Singapore, February 6.

[12] Afghan official, n. 9.

[13] Basit, n.11.

[14] Ibid.

[15] Afghan official, n.9

Settling Scores - The Death of USS *Cole* Attack Accomplice Jamal al-Badawi

Michael Horton

Long-time al-Qaeda operative Jamal al-Badawi was killed in what U.S. military officials called a “precision airstrike” on January 1 in the Yemeni governorate of Marib ([al-Jazeera](#), January 6). Al-Badawi was a key accomplice in the October 2000 al-Qaeda led attack on the USS *Cole* in the Yemeni port of Aden. On January 6, al-Qaeda-linked jihadists released brief eulogies that seemingly confirmed al-Badawi’s death from a drone strike in Marib city, which is under the control of Saudi Arabia and its proxy forces ([Asharq al-Awsat](#), January 5). [1]

Al-Badawi’s death—which the U.S. military has also confirmed—will have little or no impact on al-Qaeda in the Arabian Peninsula’s (AQAP) ability to operate in Yemen. Al-Badawi was a legacy member of AQAP who had long since passed on whatever skills he may have had to new generations of operatives. Al-Badawi’s death by a purported drone strike will be more useful to AQAP for recruitment purposes than any services he might have been able to provide the organization.

The Afghanistan Connection

Little is known about Jamal al-Badawi’s early life beyond the fact that he was born sometime in 1960 or 1963 in al-Bayda, one of Yemen’s most restive and strategic governorates. Al-Bayda is on the border between the formerly independent countries of north Yemen (Yemen Arab

Republic) and south Yemen (the People's Democratic Republic of Yemen). Due to its mountainous topography and proximity to the south, al-Bayda was used as a staging area for north Yemen's covert operations against its enemies in south Yemen. The president of the Yemen Arab Republic (YAR), Ali Abdullah Saleh, and his cousin, General Ali Mohsen al-Ahmar (currently the vice president of Yemen), saw the returning veterans of the wars in Afghanistan as useful proxies in their low-intensity war against their political enemies in the south.

President Saleh tasked General Mushin and the Yemeni security service, the Political Security Bureau (PSB), with recruiting and running first- and second-generation veterans of the wars in Afghanistan. The veterans played a key role in the 1994 war between north and south Yemen. The veterans that formed irregular units were some of the most effective and brutal fighters and led the assault and subsequent looting of Aden, the former capital of south Yemen.

While it is not clear what, if any, role al-Badawi played in the 1994 civil war, it is certain that he spent time in Afghanistan in the 1990s, with his last trip thought to be in 1997-98. There, he met associates of Osama bin Laden, including bin Laden's bodyguard, Walid bin Attash, who is imprisoned at Guantanamo Bay ([al-Jazeera](#), September 10, 2017). Bin Attash was identified as having played a key role in the 1998 bombings of the U.S. embassies in Nairobi and Dar es Salam and in the attack on the USS *Cole*.

Attacking the USS *Cole*

The October 12, 2000 attack on the USS *Cole* was a crude but well-planned operation that killed 17 U.S. servicemen and injured 39 more. The USS *Cole* entered the harbor at Aden for a routine refueling stop. The attack on the USS *Cole* was preceded by a failed attack on the USS *The Sullivans*, which had also stopped at Aden for refueling. This attack on *The Sullivans* failed because the suicide boat was so heavily laden with explosives that it sank before it could reach the ship. Al-Qaeda learned from this failure and employed the same strategy in its subsequent attack on the USS *Cole*. The boat, which al-Badawi helped acquire, was loaded with C4 explosives and driven into the side of the USS *Cole* by two suicide bombers who were both killed in the attack.

Al-Badawi's role in the attack on the USS *Cole* came to light during the FBI-led investigation of the attack. Initially, Yemeni officials cooperated with FBI investigators, but their already minimal cooperation declined further as FBI investigators zeroed in on suspects—including al-Badawi, who was detained by Yemeni officials following the attack. Yemeni officials limited FBI access to al-Badawi and Fahad al-Quso in the months after the attack, saying both men had sworn on the Koran that they had nothing to do with the bombing. However, the lead FBI investigator, Ali Soufan, through a series of non-violent interrogations, pointed out the inconsistencies in al-Badawi's testimony that eventually led al-Badawi to confess that he had indeed planned much of the attack ([Newsweek](#), October 27, 2007).

Al-Badawi's role in the attack was also cited by Walid bin Attash, who was captured in Karachi

in April 2003. Attash, who was subjected to harsh interrogation measures at various black site prisons, provided testimony stating that al-Badawi helped secure the boat used in the attack and also traveled to the Yemeni town of Sa'dah—where there was a major arms market—to purchase the explosives used in the attack.

In April 2003, Al-Badawi escaped along with ten other suspects from the military prison where he was held ([al-Jazeera](#), January 6, 2019). After his recapture in 2004, al-Badawi, who had been sentenced to death by a Yemeni court, had this sentence commuted to a 15-year prison term ([al-Jazeera](#), September 29, 2004). Al-Badawi had been indicted on 50 counts in absentia in a New York court in 2003.

Terrorist and Asset?

In February 2006, al-Badawi and 22 other prisoners, including Nasir al-Wuhayshi (who would become the emir of AQAP) and Qasim al-Raymi (the current emir of AQAP), escaped a Yemeni jail run by the Political Security Bureau (PSB) in Sana'a. The prisoners purportedly managed to dig a 460-foot tunnel unbeknownst to their jailers ([al-Jazeera](#), February 6, 2006). The tunnel led them directly and conveniently to a mosque that was adjacent to the prison.

Yemen has been the site of frequent prison breaks, most of which have occurred at prisons run by the country's security services. The 2006 prison break, in which al-Badawi escaped, was the most significant because a number of the prisoners who were not recaptured went on to play significant roles in AQAP. In 2007, al-Badawi turned himself into Yemeni authorities following protracted negotiations with the

Yemeni government ([Asharq al-Awsat](#), October 17, 2007). After he turned himself into authorities, al-Badawi was freed and allowed to return to his home near Aden after he pledged loyalty to then Yemeni president Ali Abdullah Saleh. Yemeni authorities refused multiple requests to extradite al-Badawi before and after he was released.

Jamal al-Badawi's escapes from prison, his commuted death sentence, and what was finally a de-facto pardon by the country's president—despite ample evidence of his role in the bombing of the *Cole*—all point to his having a close relationship with elements of the Yemeni security services. Former Yemeni President Ali Abdullah Saleh and the current vice president, General Ali Mohsen al-Ahmar (who many Yemenis refer to as Baba al-Qaeda [the father of al-Qaeda]), both saw the usefulness of those men who had trained and fought in Afghanistan. These men, like all good proxies, were deniable and expendable. Yet, in the case of al-Badawi, it seems that he continued to enjoy some degree of protection by the state despite what must have been immense pressure from the U.S. to either imprison or extradite him.

Quiescence

Whatever the nature of the deal made with the Yemeni government, al-Badawi was protected from arrest and extradition until his assassination by a U.S. drone. Following his de-facto pardon in 2007, little is known about what role, if any, al-Badawi played in AQAP. It is likely that he maintained contact with both AQAP operatives and members of the Yemeni security services, who would have monitored his whereabouts.

There is little doubt that al-Badawi was nothing more than a legacy member of al-Qaeda who had little, if anything, to do with AQAP's current operations in Yemen. His death will have no impact on the ability of AQAP to operate in Yemen, but AQAP will—as it always does—capitalize on the death to recruit new low-level operatives and foot soldiers.

Jamal al-Badawi's career points to the complex and shadowy nature of the relationship between Yemeni security services and jihadists. Had al-Badawi been captured alive and questioned by a skilled interrogator like Ali Soufan, his testimony would have undoubtedly contributed greatly to the United States' understanding of how jihadist groups like AQAP may interact with some elements of the state. This information would be of particular interest now, since a disintegrating Yemen is rife with such interactions ([Al-Bawaba](#), August 26, 2018). Jihadists, including members of AQAP, are active along almost all of Yemen's frontlines as various factions backed by Saudi Arabia and the UAE battle Yemen's Houthi rebels ([al-Jazeera](#), November 28, 2018).

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Notes

[1] See: https://ent.siteintelgroup.com/index.php?option=com_acymailing&ctrl=archive&task=view&mailid=12993&key=X3D3CLmy&subid=1472-t9ir9gm3ghmVr7&tmpl=component

[2] See: https://www.aclu.org/sites/default/files/field_document/csrt_transcript_al_nashiri_released_6.13.16_highlighted_for_csrt_upload.pdf

[3] See: <https://foreignpolicy.com/2015/01/21/playing-a-double-game-in-the-fight-against-aqap-yemen-saleh-al-qaeda/>

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