

STATEMENT OF CASE TO DESIGNATE THE INDIAN MUJAHIDEEN AS A TERRORIST ENTITY

PURPOSE

1. The purpose of this paper is to set out the case demonstrating the Indian Mujahideen ("IM") meets the statutory criteria for designation as a terrorist entity within New Zealand pursuant to the Terrorism Suppression Act 2002 ("TSA").
2. The paper concludes that the IM meets the criteria for designation as a terrorist entity under the TSA.

STRUCTURE OF THIS PAPER

3. This paper sets out background information about the IM covering various aspects of the organisation including its objectives, tactics, weapons and structure, before detailing three case studies of attacks which meet the definition of a terrorist act under the TSA.
4. The discussion preceding the case studies provides background about the IM which helps inform the analysis of the specific attacks in the case studies below. The attacks detailed in the three case studies represent attacks attributed to and claimed by the IM. It is these three case studies that have been analysed as meeting the definition of a "terrorist act" under s 5 of the TSA, and which provide the basis for the paper's conclusion that the IM meets the legal criteria for designation as a terrorist entity under the TSA.

STATUTORY CRITERIA FOR THIS DESIGNATION UNDER THE TSA

5. The Prime Minister has the power under the TSA to designate individuals or groups as terrorist entities. Section 22 provides that the Prime Minister may designate an entity as a terrorist entity if the Prime Minister believes on reasonable grounds that the entity has knowingly carried out, or has knowingly participated in the carrying out of, one or more terrorist acts.
6. A "terrorist act" is defined in s 5 of the TSA. A number of different acts fall within this definition. The s 5 criteria relevant to this paper are those which deem an act to be a "terrorist act" if that act:
 - 6.1. Is intended to cause the death of, or serious bodily injury to, one or more persons;
and
 - 6.2. Is carried out for the purpose of advancing an ideological, political, or religious cause;
and
 - 6.3. Is intended to induce terror in a civilian population; and
 - 6.4. Is not an act that occurs in a situation of armed conflict and is, at the time and in the place that it occurs, in accordance with rules of international law applicable to the conflict.

CREDIBILITY OF SOURCES

7. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These are: International Institute for Strategic Studies (IISS); Royal United Services Institute (RUSI); South Asian Terrorism Portal (SATP); Jane's Terrorism & Security Monitor; Jamestown Foundation's Terrorism Monitor; Reuters; the BBC and The New York Times. This paper also utilises a report titled "Students Islamic Movement of India and the Indian Mujahideen: An Assessment", by C. Christine Fair, an Assistant Professor in the Security Studies Program in the Edmund A.

Walsh School of Foreign Service, Georgetown University and a report titled "Lashkar-I-Taiba: The Fallacy of Subservient Proxies and the Future of Islamist Terrorism in India", by Ryan Clark of the Strategic Studies Institute (SSI), U.S Army War College.

BACKGROUND

Establishment of the Indian Mujahideen

8. The IM is an Islamist extremist group, likely established around 2005. It first appeared in reports in November 2007.¹ At this time, the previously unheard of group sent an email to the Indian media, claiming responsibility for simultaneous bomb attacks that had targeted lawyers and courts across three cities in the Indian state of Uttar Pradesh.²
9. In its email, the IM engaged in protest opposing "violence against Muslims" and mentioned, as motivation for its attacks, the destruction of the Babri Masjid Mosque in 1992 and the anti-Muslim riots in Gujarat in 2002.³ The demolition of Babri Masjid Mosque in Ayodhya, Uttar Pradesh on 6 December 1992 by Hindu mobs led to anti-Hindu riots across Northern India, followed by anti-Muslim riots in Mumbai, leaving more than 2000 dead, mainly Muslims.⁴ The anti-Muslim rioting in Gujarat in 2002 followed a fire on a train that was carrying Hindu activists on 27 February 2002, killing 59 people. Muslim youths were blamed for petrol-bombing the train. In retaliation, Hindu mobs killed 1000 people, mostly Muslims throughout March and April 2002.⁵ Some of India's minority Muslim population perceived that the mainly Hindu government and police force either supported Hindu groups in these riots or did nothing to prevent them.⁶
10. Historically, attacks within India by Islamic extremist groups have, for the most part, been confined to the part of Kashmir held by India, directed by Pakistan based terrorist groups.⁷ However, since the early 1990s, and following the events described above, India has seen a steep increase in attacks by Indian based "jihadist" terrorist groups.⁸

11. Since first emerging in 2007, the IM has shown itself to be a distinct, stand alone group. It is likely the IM has grown from a group of radical individuals who broke away from the Students Islamic Movement of India (SIMI),⁹ following its ban by the Indian government in 2001.¹⁰ This is supported by the shared ideology of both groups, recent arrests of IM operatives who were previously known to be SIMI members,¹¹ and the demands of the IM in its email statements for Indian authorities to release SIMI cadres.¹²
12. Some reports suggest the IM is a cooperative effort between several terrorist groups (including SIMI, Lashkar e Tayyiba (LeT),¹³ and Harakat-ul-Jihad-ul-Islami (HuJI)¹⁴) to form an Indian based extremist group, used purely for attacks within India.¹⁵ The IM has strong ties to other extremist groups,¹⁶ particularly LeT and SIMI, facilitated by the inclusion of many former members of those groups into IM. Despite these strong facilitation alliances, this does not challenge the conclusion that the IM retains its own decision making structure.
13. The IM was banned by the Indian government on 4 June 2010.¹⁷

Organisation and structure of the Indian Mujahideen

14. The IM draws its members from Muslim Indians in all parts of India who are brought together by a common ideology. Members have a mixture of backgrounds, but are typically young, educated, technologically literate and ideologically driven.¹⁸ Leaders tend to come from professional backgrounds (especially the IT sector).¹⁹
15. While the exact structure of the IM is difficult to assess, it is clear that the group has a top leadership who issue orders, plan attacks, decide on targets and continue to actively recruit new members.²⁰ There is general acceptance that the leader and co-founder of the IM is Abdul Subham Usman Qureshi, previously known to authorities as a member of SIMI.²¹ The IM's other co-founder Mohammed Sadiq Israr Ahmed Sheikh,²² was arrested in September 2008. He was also a former SIMI member.²³ There are a number of other identified IM leaders who remain at large and are believed to be operating from outside India, possibly in Pakistan or Bangladesh.²⁴
16. Some reports suggest that the IM has a complicated organisational structure, including separate groups for carrying out attacks, recruitment (including recruitment of children) and fundraising. These reports suggest the IM has four 'brigades' which are responsible for planning and executing certain types of attacks including targeting 'high-value' civilians and organising suicide attacks as well as a media wing which is responsible for dispatching email and print communications.²⁵ These reports estimate membership to be at least 60,000, though this is difficult to verify.²⁶
17. Other reports say that the IM has established a number of 'sleeper' cells across India.²⁷ The exact numbers that make up these cells are unknown but are said to be operationally ready, resident in India and capable of carrying out attacks on orders from the leadership.²⁸

Ideology and Objectives of the Indian Mujahideen

18. The IM's ideology is readily discernable as they have sent a number of lengthy emails to the Indian media immediately prior to or following attacks.²⁹ In these emails, the IM claims responsibility and sets out the group's motivation for particular attacks. These

emails make it clear that the IM is driven by revenge for Gujarat and Babri (see paragraph 9 above) and that it seeks redress for violence against Indian Muslims.³⁰

19. The IM's objectives also extend beyond revenge. The group seeks to undermine the current Indian government through damaging India's economy and international perception. It has also threatened to attack Britons and Americans in India.³¹ It rejects Hinduism, secularism, democracy and nationalism and advocates the spreading of Islam throughout India by waging violent jihad against non-Muslims.³²

Weapons, tactics and capability of the Indian Mujahideen

20. Since its first attack in November 2007 the IM has consistently used improvised explosive devices ("IEDs"). This is consistent with reports that the IM's training is largely focussed on bomb making.³³ All attacks either attributed to or claimed by the IM since this time have the following operational similarities;

- i) they involved multiple IEDs contained in small boxes or bags;
- ii) all devices were hidden and detonated by timer;
- iii) all devices contained shrapnel such as ball bearings;
- iv) they were carried out in busy, urban areas known to be frequented by civilians (and tourists in some cases);
- v) attacks were immediately preceded by or followed with an email to media organisations claiming responsibility and setting out reasons for the attack.

21. The emails sent by the IM either before or after attacks do not give details of particular areas targeted. Nor are they sent in time to enable authorities to evacuate areas prior to an explosion. They merely provide reasons for the attacks and claim responsibility.³⁴
22. Although the IM was operationally inactive throughout 2009, this is likely a result of the focus on the group by India's security agencies following its 2008 attacks which led to a large number of IM operatives being arrested.³⁵ However, following the 26 November 2008 Mumbai attacks, this focus shifted to LeT and other Pakistan based terrorist groups, which may have created an opportunity for the IM to rebuild and refocus.³⁶ This is consistent with recent reports that India's intelligence agencies issued an alert in January 2010 relating to possible attacks planned by the IM.³⁷
23. It is widely reported that many of the IM's core leaders have not been arrested and are likely to be operating from outside of India, possibly from Pakistan or Bangladesh.³⁸ With the leadership still intact, the main drivers behind the IM still exist. The arrest of Salman Ahmed, described as a "key operative of the IM", on 6 March 2010 is reported to have provided some insight into future attacks planned by the IM.³⁹ Other recent reports suggest the IM may in the future be looking to carry out different styles of attacks including the use of suicide bombs,⁴⁰ kidnapping of key political leaders, hijacking aircraft⁴¹ and the use of vehicle borne IEDs.⁴² The IM's links with LeT gives it the ability, through shared training, to expand its tactics.⁴³

CASE STUDIES

Bombing of market places and temples, Jaipur city, India - 13 May 2008

The facts

24. On 13 May 2008, at least seven bombs were detonated in busy market places and Hindu temples across Jaipur city, Western India, a popular tourist destination.⁴⁴ The bombs were detonated by timer and many were strapped to bicycles. The attack killed at least 60 people and injured more than 100.⁴⁵
25. Immediately prior to the attacks, the IM sent an email to a media organisation attaching a video of a bicycle that was said to have been used in one of the attacks so as to authenticate the email.⁴⁶ The email message expressed anger against "infidel" Hindus, said the IM aimed to destroy India's economic and social structure, threatened Britons and Americans, and warned of further attacks against other important tourist places.⁴⁷

The act meets the TSA criteria for designation

26. The bombing of markets and Hindu temples in Jaipur city falls within the definition of a "terrorist act" under s 5 of the TSA.
27. The detonation of several bombs, large enough to cause significant damage, hidden in various places in busy market places and temples shows a clear intention to cause the death, or serious bodily injury, of the people in those places (s 5(3)(a) TSA). The fact that

the email alerting authorities to the bombs was sent so close to the time of detonation and that the bombs were already pre-set by a timer shows the IM bombers did not intend to prevent the impact of the blasts. The targeting of several market places and temples throughout a city also shows an intention to terrorise the civilian population (s 5(2)(a) TSA). The IM's claim of responsibility and explanation that the blasts were carried out as an expression of the group's anger towards "infidel Hindus" and to destroy India's economic and social structure shows that the attack was carried out for the purpose of advancing the IM's religious/political cause (s 5(2) TSA).

Bomb attacks, Ahmadabad - 26 July 2008

The facts

28. On 26 July 2008, at least 16 bomb blasts occurred within one hour in largely crowded urban areas across Ahmadabad, Western India.⁴⁸ The majority of these attacks targeted busy markets in the city, which is described as the commercial capital of the Indian state of Gujarat. Two of the bombs were delayed, targeting two hospitals⁴⁹ where the injured were taken.⁵⁰ Several reports indicate the bombs targeting the hospitals had gas cylinders attached to maximise the impact.⁵¹
29. The attacks killed at least 40 people and injured over 100.⁵² The bombs, hidden in boxes and on bicycles contained shrapnel including ball-bearings⁵³ and were reported to have been detonated by timers.⁵⁴
30. An email titled "The rise of Jihad, Revenge of Gujarat", in reference to the 2002 anti-Muslim riots, was sent to media minutes before the first bombs and warned that people would soon "feel the terror of death" in the name of "Allah".⁵⁵ In this email the IM claimed responsibility for the attacks, specifically asked other terrorist groups not to claim responsibility, and warned of further indiscriminate attacks.⁵⁶

The act meets the TSA criteria for designation

31. The successive bombings in Ahmadabad are consistent with the definition of a terrorist act under s 5 of the TSA.
32. The detonation of several bombs in urban areas through Ahmadabad, two of which were delayed, the targeting of hospitals where victims were taken, and the use of such explosives and shrapnel, shows a clear intention to cause the death, or serious bodily injury, of the people in these areas (s 5(3)(a) TSA). Again, the fact that the email alerting authorities to the impending blasts was sent so close to the pre-set time of the detonations shows the IM bombers did not intend to prevent the impact of the blasts. The targeting of crowded urban areas and the hospitals where victims of the first blasts were taken, also shows an intention to terrorise the civilian population (s 5(2)(a) TSA). The IM's claim that it carried out the attacks "in the name of Allah" and as part of its revenge for the anti-Muslim riots in Gujarat shows that these blasts were carried out for the purpose of advancing the IM's religious/political cause (s 5(2) TSA).

Bomb attacks New Delhi - 13 September 2008

The facts

33. On 13 September 2008, five bomb blasts occurred across New Delhi. These bombs, detonated by timer,⁵⁷ were hidden in busy market places and other crowded urban areas

such as parks and subway stations.⁵⁸ Reports attribute at least 18 civilian deaths and more than 50 people injured as a result of these attacks.⁵⁹

34. In an email to media sent prior to the explosions, the IM claimed responsibility for these attacks. This email cited atrocities against Muslims and referred to the demolition of the Babri Masjid Mosque in 1992 as justification for the attacks.⁶⁰
35. Two IM operatives, Salman Ahmad and Mohammed Shahzad have been arrested and charged in relation to their involvement in these attacks. They are awaiting trial.⁶¹

The act meets the TSA criteria for designation

36. The multiple bombings across New Delhi markets and other urban areas are consistent with the definition of a terrorist act under s 5 of the TSA.
37. The detonation of multiple bombs large enough to cause significant damage, in different urban areas throughout New Delhi shows a clear intention to cause the death, or serious bodily injury, of the people in these areas (s 5(3)(a) TSA). The email sent prior to the attacks did not allow time or give sufficient information for the authorities to take any action. The use of a timer shows that the IM bombers did not intend to prevent the impact of the blasts. The targeting of different, crowded, urban areas across the city, including markets, parks and subway stations also shows an intention to terrorise the civilian population (s 5(2)(a) TSA). The IM's claim of responsibility for the bombings and its justification of the attack by reference to past violence against Muslims shows that these blasts were carried out for the purpose of advancing the IM's religious/political cause (s 5(2) TSA).

LAW OF ARMED CONFLICT

The law of armed conflict exemption

38. Section 5(4) of the TSA provides that an act is not a terrorist act if "it occurs in a situation of armed conflict and is, at the time and in the place that it occurs, in accordance with the rules of international law applicable to the conflict." For this exemption to apply both conditions must be met.
39. The law of armed conflict (LOAC) makes a key distinction between armed conflict and other internal disturbances or tensions such as riots and isolated and sporadic acts of violence.⁶² The three attacks detailed in the case studies represent reasonably isolated acts of violence in India. Neither those attacks, nor other terrorist or violent attacks occurring in India around the same time amount to a sufficient level of violence to meet the armed conflict threshold. As there was no armed conflict, the exemption in s 5(4) cannot apply to any of the three attacks.
40. Even if there was an armed conflict within India, all three attacks deliberately targeted civilians and therefore breached the LOAC principle of distinction. That principle states that attacks on enemy combatants and military targets are lawful, whereas attacks on the civilian population, civilian objects and people rendered *bors de combat* are not.⁶³ For this reason also, the exemption in s 5(4) cannot apply to any of the three attacks.

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- i. Jamestown "India's Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen" Jamestown Terrorism Monitor Volume: 7 Issue: 4, dated 3 March 2009, last accessed 3 May 2010. http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=34577;
- ii. CSM "India faced with home-grown terrorism" dated 26 September 2008, last accessed 4 May 2010. <http://www.csmonitor.com/layout/set/print/content/view/print/235031>;
- iii. CTC Sentinel "Riyaz Bhatkal and the Origins of the Indian Mujahidin" by Praveen Swami; CTC Sentinel Vol 3; Issue 5 dated May 2010, last accessed 1 June 2010; see <http://www.ctc.usma.edu/sentinel/CTCSentinel-Vol3Iss5.pdf>

² The attacks occurred in the cities of Varanasi, Faizabad and Lucknow. IM described these attacks as 'Islamic Raids' and justified them as revenge against lawyers who had allegedly assaulted terrorist suspects. IM further justified the attacks, alleging that lawyers had refused to take cases involving other alleged terrorists.

See:

- i. Reuters "Indian Mujahideen Islamic militant group" dated 13 September 2008, last accessed 28 May 2010 <http://www.alertnet.org/thenews/newsdesk/LD514149.htm>;
 - ii. RUSI "India faces a resurgent Indian Mujahideen" dated March 2010, last accessed 26 April 2010. <http://www.rusi.org/analysis/commentary/ref:C4BACAEFC202EF/>;
 - iii. See above note 1, point i; Jamestown "India's Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen"
- ³ IISS "Islamic extremism in India - Rise of home-grown terrorism" dated 3 April 2009, last accessed 17 May 2010 <http://www.iiss.org/publications/strategic-comments/past-issues/volume-15-2009/volume-15-issue-3/islamic-extremism-in-india/>
- ⁴ See above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism"
- ⁵ See above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism"
- ⁶ India's Muslim community of around 160 million (or around 14% of the total population of India), is a minority in what is largely a Hindu population (around 80% of the total population of India).
See:
- i. above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism" and;
 - ii. CIA Factbook - India, last updated 19 May 2010, last accessed 2 June 2010 <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>
- ⁷ Groups such as Lashkar e Tayyiba (LeT) and Harakat-ul-Jihad-ul-Islami (HuJI)
- ⁸ 12 March 1993, bombings in Mumbai killed at least 257 people in apparent revenge for the Babri Mosque demolition. Deendar Anjuman, al-Umma, SIMI and IM, all Indian based jihadi terror groups, have each carried out attacks in India since the late 1990's. These attacks have been responsible for over 400 deaths and over 1500 injuries. See above note 3 IISS "Islamic extremism in India - Rise of home-grown terrorism"
- ⁹ SIMI first formed in 1977 and has been banned by the Indian authorities since 2001.
- ¹⁰ This ban has since been extended, the most recently in February 2010 when it was extended for a further two years. See: South Asian Terrorism Portal (SATP), "India 2010 Timeline" <http://www.satp.org/satporgtp/countries/india/timeline/index.html>
- ¹¹ See South Asian Terrorism Portal (SATP) "Students Islamic Movement of India (SIMI)" last accessed 3 May 2010 <http://www.satp.org/satporgtp/countries/india/terroristoutfits/simi.htm>
- ¹² See above note 1, point i; Jamestown "India's Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen."
- ¹³ Lashkar e Taiba or LeT; listed by the UNSC1267 over its links to Al Qaeda.
- ¹⁴ Harkat-ul-Jihad-al Islami or HUJI; designated as a Terrorist Organisation by the United States and the United Kingdom
- ¹⁵ See:
- i. above note 2, point ii; RUSI "India faces a resurgent Indian Mujahideen";
 - ii. Jamestown "Hybrid, Homegrown and Transnational: The Indian Mujahideen and the Islamist Terror Matrix" Jamestown Terrorism Monitor Volume: 8 Issue: 3 dated 21 January 2010, last accessed 20 April 2010; http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=35938&tx_ttnews%5BbackPid%5D=7&cHash=c60cd4026c
 - iii. "Lashkar-I-Taiba: The Fallacy of Subservient Proxies and the Future of Islamist Terrorism in India", by Ryan Clark of the Strategic Studies Institute (SSI), U.S Army War College <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=973>
- ¹⁶ Such as LeT; reports indicate that IM cadres are receiving training at the same facilities used by LeT.
See:
- i. above note 10; South Asian Terrorism Portal (SATP), "India 2010 Timeline"
 - ii. above note 2, point ii; RUSI "India faces a resurgent Indian Mujahideen"
 - iii. above note 15, point ii; Jamestown "Hybrid, Homegrown and Transnational: The Indian Mujahideen and the Islamist Terror Matrix";
 - iv. The Economic Times "IM has 'hostels' in Gulf, Nepal & Bangladesh too" dated 11 March 2010, last accessed 5 May 2010. <http://economictimes.indiatimes.com/news/politics/nation/IM-has-hostels-in-Gulf-Nepal-Bangladesh-too/articleshow/5670127.cms>
- ¹⁷ See:
- i. The Deccan Herald "Indian Mujahideen declared as terrorist outfit" dated 4 June 2010, last accessed 17 June 2010 <http://www.deccanherald.com/content/73373/indian-mujahideen-declared-terrorist-outfit.html>
 - ii. The Daily Times "New Delhi bans Indian Mujahideen" dated 5 June 2010, last accessed 17 June 2010 http://www.dailytimes.com.pk/default.asp?page=2010%5C06%5C05%5Cstory_5-6-2010_pg7_11
 - iii. The Hindu "IM declared terror outfit" dated 4 June 2010, last accessed 17 June 2010 <http://beta.thehindu.com/news/national/article446591.ece>
- ¹⁸ See above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism".
- ¹⁹ See:
- i. above note 1, point i; Jamestown "India's Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen";

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- ii. The National Bureau of Asian Research - C. Christine Fair "The Students Islamic Movement of India and the Indian Mujahideen: An Assessment" published in Asia Policy, Number 9 (January 2010): <http://asiapolicy.nbr.org>
- ²⁰ See above note 2, point ii; RUSI "India faces a resurgent Indian Mujahideen"
- ²¹ See above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism"
- ²² See above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism"
- ²³ See:
- i. above note 11 South Asian Terrorism Portal (SATP) "Students Islamic Movement of India (SIMI)"
 - ii. above note 1, point iii; CTC Sentinel "Riyaz Bhatkal and the Origins of the Indian Mujahidin".
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- i. Other reports accept that the group has a leadership and imply that it has a number of safe houses in Gulf countries, Nepal and Bangladesh which are currently used by the leadership as well as recruits who travel from India to Pakistan for training; see above note 2, point ii; RUSI "India faces a resurgent Indian Mujahideen"; and above note 16; point iv; The Economic Times "IM has 'hostels' in Gulf, Nepal & Bangladesh too"; and above note 10; South Asian Terrorism Portal (SATP), "India 2010 Timeline"
 - ii. Leaders who are reported to be operating from outside of India include Riyaz Bhatkal, Iqbal Bhatkal, Muhammad Khalid, Amir Reza and Ariz Khan. See; above note 2, point ii; RUSI "India faces a resurgent Indian Mujahideen"; and above note 1, point i; Jamestown "India's Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen".
- ²⁵ See:
- i. above note 1, point i; Jamestown "India's Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen";
 - ii. above note 19, point ii; The National Bureau of Asian Research - C. Christine Fair "The Students Islamic Movement of India and the Indian Mujahideen: An Assessment"
- ²⁶ See:
- i. above note 19, point ii; The National Bureau of Asian Research - C. Christine Fair "The Students Islamic Movement of India and the Indian Mujahideen: An Assessment"
 - ii. India Today "The new terror" by Uday Mahurkar dated 18 September 2008, last accessed 2 June 2010 <http://indiatoday.intoday.in/site/Story/15621/IN%20THIS%20ISSUE/The+new+terror.html>.
- ²⁷ See:
- i. above note 16, point iv; The Economic Times "IM has 'hostels' in Gulf, Nepal & Bangladesh too"
 - ii. above note 15, point ii; Jamestown "Hybrid, Homegrown and Transnational: The Indian Mujahideen and the Islamist Terror Matrix"
- ²⁸ See:
- i. above note 15, point ii; Jamestown "Hybrid, Homegrown and Transnational: The Indian Mujahideen and the Islamist Terror Matrix";
 - ii. above note 10; South Asian Terrorism Portal (SATP), "India 2010 Timeline"
- ²⁹ See the three case studies detailed in paragraphs 24 to 37 above. All these attacks were preceded by emails from the IM.
- ³⁰ See above note 1, point i; Jamestown "India's Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen"
- ³¹ See above note 3, IISS "Islamic extremism in India - Rise of home-grown terrorism"
- ³² See:
- i. above note 19, point ii; The National Bureau of Asian Research - C. Christine Fair "The Students Islamic Movement of India and the Indian Mujahideen: An Assessment";
 - ii. above note 1, point i; Jamestown "India's Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen"
- ³³ See above note 16, point iv; The Economic Times "IM has 'hostels' in Gulf, Nepal & Bangladesh too"
- ³⁴ For example, the email sent by the IM prior to the 26 July 2008 attacks in Ahmadabad simply says "Await 5 minutes for the Revenge of Gujarat", it does not provide detail of where the bombs are. The IM go on to set out a list of grievances, and claims responsibility for the attacks "The Indian Mujahideen hereby claims sole responsibility for the Gujarat serial blasts, planned and executed by Indians only and it is our request to Lashkar-e-Toiba and other organizations, for the sake of Allah, not to claim the responsibility for these attacks."
- See:
- i. Outlook India "The Rise of Jihad, Revenge of Gujarat" dated 27 July 2008; last accessed 28 May 2010 <http://www.outlookindia.com/article.aspx?238039>
- ³⁵ See:
- i. above note 15, point ii; Jamestown "Hybrid, Homegrown and Transnational: The Indian Mujahideen and the Islamist Terror Matrix";
 - ii. above note 2, point ii; RUSI "India faces a resurgent Indian Mujahideen";
 - iii. above note 15, point iii; "Lashkar-I-Taiba: The Fallacy of Subservient Proxies and the Future of Islamist Terrorism in India"
- ³⁶ See above note 2, point ii; RUSI "India faces a resurgent Indian Mujahideen"
- ³⁷ See:

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- i. above note 10; South Asian Terrorism Portal (SATP), "India 2010 Timeline";
 - ii. above note 15, point ii; Jamestown "Hybrid, Homegrown and Transnational: The Indian Mujahideen and the Islamist Terror Matrix"
- ³⁸ See above note 1, point i; Jamestown "India's Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen"
- ³⁹ See:
- i. above note 2, point ii; RUSI "India faces a resurgent Indian Mujahideen";
 - ii. above note 10; South Asian Terrorism Portal (SATP), "India 2010 Timeline".
- ⁴⁰ See above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism"
- ⁴¹ See:
- i. above note 10; South Asian Terrorism Portal (SATP), "India 2010 Timeline";
 - ii. above note 15, point ii; Jamestown "Hybrid, Homegrown and Transnational: The Indian Mujahideen and the Islamist Terror Matrix"
- ⁴² See:
- i. India today "Indian Mujahideen planning 9/11-type attack" dated 6 January 2010, last accessed 25 May 2010 <http://indiatoday.intoday.in/site/Story/78012/India>;
 - ii. above note 15, point ii; Jamestown "Hybrid, Homegrown and Transnational: The Indian Mujahideen and the Islamist Terror Matrix"
- ⁴³ Janes reports that LeT has a "highly developed rigorous training programme which is divided into a number of distinct phases". These phases include, but are not limited to, weapons, military tactics (mounting assaults and ambushes), guerrilla warfare, navigation, wilderness survival, intelligence collection, agent handling, sabotage, surveillance and a month long advanced explosives course. See: Janes report Lashkar-e-Tayyiba (LeT) dated 28 May 2010, last accessed 2 June 2010.
http://www8.janes.com/Search/documentView.do?docId=/content1/janesdata/binder/jwit/jwit0493.htm@current&pageSelected=allJanes&backPath=http://search.janes.com/Search&Prod_Name=jwit&keyword=
- ⁴⁴ See:
- i. Reuters "Timeline: Major India attacks since 03" dated 27 November 2008, last accessed 2 June 2010 <http://tvnz.co.nz/world-news/timeline-major-india-attacks-since-03-2335374>;
 - ii. Counterterrorism blog: "Indian Mujahideen: Jihadi Threat Continues" by Animesh Roul, dated 13 January 2010, last accessed 3 June 2010, see: http://counterterrorismblog.org/2010/01/print/indian_mujahideen_home_grown_j.php;
 - iii. above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism";
 - iv. NY Times "Explosions at 5 sites in India's capital kill 18" dated 15 September 2008, last accessed 2 June 2010 <http://www.nytimes.com/2008/09/15/world/asia/15iht-14indiaweb.16143722.html>;
 - v. CS Monitor "Bombings may threaten India-Pakistan relations" dated 28 July 2008, last accessed 2 June 2010 <http://www.csmonitor.com/layout/set/print/content/view/print/231946>;
 - vi. above note 1, point i; Jamestown "India's Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen";
 - vii. The Guardian "Indian Mujahideen claims responsibility for Jaipur blasts" dated 15 May 2008, last accessed 13 April 2010 <http://www.guardian.co.uk/world/2008/may/15/india>
- ⁴⁵ See:
- i. "India travel advice" UK, last updated 21 May 2010, current as at 2 June 2010 <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/asia-oceania/india>;
 - ii. Australia, current as at 3 June 2010 <http://www.smarttraveller.gov.au/zw/cgi/view/advice/india>;
 - iii. New Zealand last updated 1 May 2010, last accessed 3 June 2010 <http://www.safetravel.govt.nz/destinations/india.shtml>.
 - iv. above note 44, point ii; Counterterrorism blog: "Indian Mujahideen: Jihadi Threat Continues";
 - v. above note 44, point i; Reuters "Timeline: Major India attacks since 03",
 - vi. NY Times "Curfew in Indian City Jaipur after blasts kill dozens" dated 14 May 2008, last accessed 3 June 2010, see: <http://www.nytimes.com/2008/05/14/world/asia/14iht-india.1.12874323.html>;
 - vii. above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism"
- ⁴⁶ See:
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 - ii. UK Border Agency, Home Office "Country of origin Information Report - India" dated 4 January 2010, last accessed 1 June 2010, see: <http://rds.homeoffice.gov.uk/rds/pdfs10/india-040110.doc>
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 - ii. above note 46, point ii; UK Border Agency, Home Office "Country of origin Information Report - India";
 - iii. above note 45, point vi; NY Times "Curfew in Indian City Jaipur after blasts kill dozens";
 - iv. CS Monitor; dated 16 May 2008, last accessed 3 June 2010. <http://www.csmonitor.com/layout/set/print/content/view/print/227707>
- ⁴⁸ See:
- i. above note 44, point i; Reuters "Timeline: Major India attacks since 03"

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 - iii. above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism";
 - iv. above note 44, point iv; NY Times "Explosions at 5 sites in India's capital kill 18";
 - v. above note 1, point ii; CS Monitor "Bombings may threaten India-Pakistan relations";
 - vi. above note 1, point i; Jamestown "India's Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen"
- ⁴⁹ L G Hospital and Civil Hospital, Ahmedabad were the targets of these attacks.
- ⁵⁰ Reuters "India on alert after two days of bombings kill 46" dated 27 July 2008, last accessed 1 June 2010 <http://www.reuters.com/article/idUSSP225114>
- ⁵¹ See above note 50; Reuters "India on alert after two days of bombings kill 46"
- ⁵² See:
- i. above note 44, point i; Reuters "Timeline: Major India attacks since 03";
 - ii. above note 44, point ii; Counterterrorism blog: "Indian Mujahideen: Jihadi Threat Continues";
 - iii. above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism";
 - iv. above note 44, point iv; NY Times "Explosions at 5 sites in India's capital kill 18";
 - v. above note 1, point ii; CS Monitor "Bombings may threaten India-Pakistan relations"
- ⁵³ See:
- i. BBC "In pictures: Ahmedabad blast" dated 27 July 2008, last accessed 25 May 2010, http://news.bbc.co.uk/2/hi/in_pictures/7527147.stm;
 - ii. BBC "India on Alert as bombers sought" dated 27 July 2008, last accessed 1 June 2010, see <http://news.bbc.co.uk/2/hi/7527419.stm>
- ⁵⁴ See:
- i. Reuters "India on alert after two days of bombings kill 46" dated 27 July 2008, last accessed 1 June 2010 <http://www.reuters.com/article/idUSSP225114>;
 - ii. above note 53, point ii; BBC "India on alert as bombers sought"
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- i. Reuters "FACTBOX - Indian Mujahideen says it carried out bomb attacks", dated 28 July 2008, last accessed 6 May 2010, see: <http://in.reuters.com/articlePrint?articleId=INIndia-34708320080728>;
 - ii. above note 34, Outlook India "The Rise of Jihad, Revenge of Gujarat"
- ⁵⁶ See:
- i. above note 34, Outlook India "The Rise of Jihad, Revenge of Gujarat";
 - ii. The Hindu "Indian Mujahideen claims responsibility" dated 27 July 2008, last accessed 17 June 2010, see: <http://www.thehindu.com/2008/07/27/stories/2008072759280100.htm>
- ⁵⁷ The Hindu "20 killed as 5 bombs rock Delhi" dated 14 September 2008, last accessed 2 June 2010 <http://www.hindu.com/2008/09/14/stories/2008091457120100.htm>
- ⁵⁸ See:
- i. above note 44, point i; Reuters "Timeline: Major India attacks since 03";
 - ii. above note 44, point ii; Counterterrorism blog: "Indian Mujahideen: Jihadi Threat Continues";
 - iii. above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism";
 - iv. above note 44, point iv; NY Times "Explosions at 5 sites in India's capital kill 18";
 - v. above note 11, SATP; "Students Islamic Movement of India (SIMI)";
 - vi. above note 1, point i; Jamestown "India's Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen"
- ⁵⁹ See:
- i. above note 44, point i; Reuters "Timeline: Major India attacks since 03";
 - ii. above note 44, point ii; Counterterrorism blog: "Indian Mujahideen: Jihadi Threat Continues";
 - iii. above note 3; IISS "Islamic extremism in India - Rise of home-grown terrorism";
 - iv. above note 11, SATP; "Students Islamic Movement of India (SIMI)".
- ⁶⁰ See note 26, point ii; India Today "The new terror"
- ⁶¹ SATP "Charge sheet filed against Indian Mujahideen terrorists in September 13, 2008 Delhi serial bomb blast case" dated 18 May 2010, last accessed 4 June 2010, see: http://www.satp.org/satporgtp/detailed_news.asp?date1=5/18/2010&id=18#18
- ⁶² Article 2 of Additional Protocol II 1977 which applies to non-international armed conflicts states "this protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts."
- ⁶³ The relevant LOAC would be that relating to non-international armed conflicts: Common Article 3 to the Geneva Conventions 1949 and also customary international humanitarian law. India is a signatory of the four Geneva Conventions. The principle of distinction is found in Common Article 3 to the Geneva Conventions and is also recognised as customary international humanitarian law (see the International Committee of the Red Cross (ICRC) International Humanitarian Law Study Rule 6 which says civilians are protected against attack, unless and for such time as they take a direct part in hostilities, and Rule 7 which says the parties to the conflict must at all times distinguish between civilian objects and military objectives. Attacks may only be directed against military objectives. Attacks must not be directed against civilian objects.) A person is *hors de combat* if he or she is wounded, sick or shipwrecked or captured by the opposing force.
