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### **The history of terrorism**

It is important to know where we have been, so we can work out in what direction we are heading. According to historian, George David Rappaport, there are four modern phases of terrorism which have been inflicted upon us.

### **The first phase of terrorism**

The first phase of terrorism commenced around the 1900s. These terrorists could be described as anarchists – people who didn't really have a clear picture of what they wanted to achieve or what they wanted to set up when they tore the government down. They just wanted to kill, maim and conquer. Probably one of the best examples are the anarchists who killed Archduke Ferdinand and caused the First World War.

### **The second phase of terrorism**

The second phase of terrorism came in about the 1940s, 1950s, maybe even the 1960s and 1970s; that is the anti-colonial era. The terrorists were people who wanted to fight the colonial power and dispel them from their country. One could think of a hundred terrorist groups that fit that description in the Asia Pacific region, the Mau-Mau gangs in Kenya and the resistance in Algeria. They all very much employed terrorist tactics to expel a colonial power.

### **The third phase of terrorism**

The third phase of terrorism is described by Rappaport as the 'communistic phase'. This phase occurred about the late 1960s, 70s and perhaps into the 80s. Examples include the Beider-Meinhoff gang, the Red Army brigades in Italy and the Red Army faction in Japan. These terrorists had a reasonable picture of what they wanted to achieve. They wanted a communist state, and they wanted to overturn the capitalist government using terrorism, bombings, murders and similar tactics to inflict their views upon others.

### **The fourth phase of terrorism**

The fourth phase of terrorism, the modern wave, is what we face now: extreme Islamic fundamentalism of a kind which does not tolerate anything that is not quite with them.

### **Evolving threat**

One could find terrorism a lot further back than Rappaport's four modern phases. Back in the time of Jesus Christ, the zealots were deploying terrorist tactics of sorts.

### **Terrorism is an evolving threat.**

Rappaport notes that the causes or the underlying justifications for terrorism up until the 1900 mark were very much religious and that it then became secular and now it is religious again. This highlights that it is important to see terrorism as an evolving thing.

There is a debate going on in academia at the moment about the next phase. What will the next batch of terrorists look like? What is it that we will have to face? Some very notable academics believe that the next terrorists will be extreme environmentalist activists, 'greenies on steroids'.

Nevertheless, it is generally accepted that the current threat that we face in Muslim fundamentalism is not going to go away any time soon.

### **The Internet threat**

One of the biggest issues we face is the Internet. We once thought of the internet as a tool for enlightenment and learning and something that was going to help us all. Years later, it is something used by evil people to do bad things. They do not have to be in the same room, or even the same continent, to communicate with each other and to plot and plan things that are very difficult for others to track down, intercept or listen to.

Bruce Hoffman estimated that in 1996 there were somewhere between four to five hundred *jihād*-related or *Al Qaeda*-inspired web sites which advocated extremism. By about the 2006 mark, they had passed 5,000. That is more than a tenfold increase. That indicates an issue. It is the means for the enemy to communicate enormous amounts of information to large amounts of people and influence them, without ever having to worry about coming face to face with them or the logistics of having to face them.

### **The Australian picture**

Some local issues paint the picture. New South Wales has over 50 percent of Australia's Muslim population and, it around 66% of Australia's Arabic-speaking population. Between 1996 and 2001, the number of Muslims in Australia increased 38%. It is way above the average growth in the population in Australia. They are a very diverse group, from 124 countries. 38% were actually born in Australia, not overseas. 70% of Lebanese-born persons in Australia live in Sydney. This could mean that New South Wales has some communities in its population which could be susceptible to radicalisation and extremist views.

### **From where do people get their views?**

There is a lot of work being done at the moment in relation to looking at where people get their views, and what forms their views. One might think that people normally get their views from the news. There are some anecdotal suggestions, about which the police are keeping an open mind, that somebody who might come from a part of the Middle East might choose to live in an area where their relatives or kinfolk are residing and perhaps get a job with one of their cousins until they get settled in. The net result is that they do not have to mingle too much with Anglo-Saxons or people from other diverse backgrounds within Australia. They become cocooned where they are in that group and do not have to learn much English or integrate extensively. They work and live and socialise in that area.

Interestingly, there is some evidence to suggest that where they get their news may not necessarily be mainstream. They might be reading, for example, locally published Arabic or Sri Lankan newspapers. They might be watching *Al Jazeera* or *Al Aribiya* on satellite television. The police are informed, although they have not yet proved it, that you can actually also get the *Hezbollah* channel on satellite television. The police are considering the fact that portions of the population might not be watching the Channel 7 news or CNN and might not be reading the *Sydney Morning Herald*, but instead are forming views about what is happening in the world from news outlets others might consider slightly off the beaten track. We need to consider the impact that that will have for Australia in the next decade or two, and that is something law enforcement is acutely aware of.

### **Terrorism in the current international context**

September 11 changed significantly how we do business in many ways. The unintended consequence on the West after September 11 is that it invaded Afghanistan and decimated *Al Qaeda* central, or *Al Qaeda* 'classic', and they dispersed to the mountains. The West no longer has a centrally located, readily identifiable enemy which it can hit whenever it wants to.

Previously, after terrorist incidents, such as the embassy bombs in Africa, the US or the West tended to strike where *Al Qaeda* was, which was in Afghanistan at that stage. The West can no longer do that, as it does not now know where *Al Qaeda* is. They have dissipated. The unintended consequence of that is that the West has an enemy it cannot really put its finger on any more and

yet the enemy has the capacity to direct, finance and commission attacks, as well as to inspire, simply by having survived and having outlived the attacks the West launched on them.

Since September 11, a number of things have happened, including the Madrid bombings on 11 March 2004, the 7 July bombings, the 21 July bombings, the failed airline plot, most of which was finalised in court recently, a failed plot against US financial districts, any number of foiled plots in the UK, as well as attacks in Australia's own region: Bali 1 and 2, the embassy bombings in Jakarta, and the foiled attacks on embassies in Singapore.

### ***Al Qa'ida* on the march**

George Bush says that *Al Qa'ida* is on the run. Academics, including Bruce Hoffman, say *Al Qa'ida* is on the march, not on the run. If you consider all the events just mentioned above, does that sound like an organisation on the run, that is scared, that is no longer capable of hurting us? Probably not.

There is an enemy we cannot put our finger on, that is capable of inspiring a whole lot of attacks in different parts of the world, including among populations in the West.

### **Events in the Middle East impact Australia**

Events in the Middle East do have an impact on us in New South Wales. Nearly two years ago, there was a very large conflict between *Hezbollah* in Lebanon and the Israeli state. Around 30,000 people felt strongly enough about it in Sydney to get out of their beds on a Saturday morning and march in a very peaceful and very well-organised manner. This reflects that a large number of people in our city watch this and are very passionate about it and feel very strongly about it. For a long time, law enforcement buried its head in the sand and thought, "Well, that's just those idiots in the Middle East. We don't have to worry about it in Sydney". We do. We have an obligation to be aware of what is going on over there and of what impact it has on us over here.

The second thing that illustrates the connection between what happens in the Middle East and other parts of the world is the issue of the returning fighter. The previous Foreign Minister, Alexander Downer, is on the record as having cancelled approximately 15 Australian passports of people he suspected were going to go overseas to do bad things. There are a lot more who have not been 'declared' or whom we might not be aware of. There is certainly a lot of evidence that people who go to these places and fight these conflicts eventually go somewhere else and use what they have learnt and the contacts and networks they have built to further their causes.

### **The 'Afghan alumni'**

After Afghanistan was invaded by the Soviets in the 1980s, it turned into almost a decade-long conflict. People like Osama bin Laden, his number two, Ayman al-Zawahiri, and his number three Mohammad Atef (now deceased) all cut their teeth, made their credibility, got their 'street cred' in that conflict. They call them the 'Afghan alumni'. They are graduates of the 'University For Terror', for that decade that they fought the Russians in Afghanistan. Iraq is probably the 'University For Terror' in this decade.

### **What happens in the Middle East impacts the West**

If you are in any doubt about the connectivity between what happens in different parts of the world having an impact on the West, consider the Madrid train bombings of 11 March 2004. Dozens of people died and hundreds were injured.

The author was in Iraq at the time and thought, at the time, that it was probably a home-grown self-radicalised cell which had instigated the attacks themselves and simply launched them. It is now very clear that it was very much an *Al Qa'ida*-directed hit.

What happened in Madrid, in a western country, occurred just before their national election. Within four weeks, the national government fell. Within six weeks, all Spanish forces were pulled out of Iraq. There were people sitting in meetings in Iraq who simply had to get up and leave the meetings and pack because their government said, "You're out of here".

From *Al Qa'ida's* perspective, it is a huge success. They picked what they perceived to be the weakest link in the 'coalition of the willing', they hit them and it had the desired effect.

The terrorists do not see this as a Western issue or a Middle Eastern issue. They see it as a global *jihād*. It really is a global *jihād*. They will use whatever means they have at their disposal in different parts of the world to get what they want out of the West or some other country in which they want to topple the government or obtain another goal.

### **The pursuit of terrorists in Australian courts**

There are, and have been, a number of trials against alleged terrorists in Australia, including a trial of a group called 'Operation Pendennis' finalised recently in Melbourne; an upcoming trial in Sydney for a group of people allegedly purchasing chemicals to launch some attacks; the Haneef matter (which was unsuccessful); Al-Haq (which was lost at court by the authorities) and Bilal Khazal and Fahim Lodhi (who were actually convicted). There have been mixed results in the UK as well. Some were convicted and some were not.

### **The Australian prosecution system**

One of the challenges we face is that the court system in New South Wales, and in Australia in general, is predicated on the premise that people commit an offence, it is detected, they are identified and then put before the court to face the consequences of that action. Their mental well-being and their health might or might not be relevant.

If one looks at terrorism, it is different, in that law enforcement and the intelligence community is really about identifying what people are thinking, what they are planning on doing, what they are hoping to do *before* it happens, stopping it from happening and arresting them and putting them before the court and proving to the court's satisfaction that that really is what they intended to do. Our legal system might not be geared for that.

### **Solutions?**

Other places in the world, England for instance, have had terrorism courts for quite some time. England has theirs because of the IRA threat. They recognised that the threat against jurors, the threat against judges and the complexities of the matters were not properly met by the existing framework in the judicial system and so they saw fit to create an alternative to deal specifically with terrorist matters. It might be one option for Australia to look at. Are the matters too complex for the average jury?

Another school of thought is that the jury system, as it exists at the moment, is not working, that we ought to look at an inquisitorial system, similar to Italy, Germany and France, all of which are thriving democracies. They have a system entirely focused on getting to the facts, rather than an adversarial system.

### **Terrorism is different from other aspects of law enforcement**

The bottom line is this: what we face with terrorism is different. Law enforcement is accustomed to armed robbers, murderers, people who, if they detect being surveyed, tend to pull up, back away, run away, do not want to get caught. In the 'Pendennis' matters, when some people involved in that group became aware that they were being monitored or surveyed, it is alleged that, rather than pull away and avoid being arrested or caught, they escalated. Law enforcement does not normally see such conduct. It became a race to try to stop things from happening versus getting it done before being caught. It is a different mentality.

As noted by the New York Office of Homeland Security, "The terrorist operative presents an entirely new type of criminal offender. Ideology-driven criminals think, behave, operate, train and respond completely differently than our typical criminals. It is imperative for us as line officers to fully comprehend what drives this terrorist mentality. We cannot effectively counter what we don't understand."

So it is a new world in many ways. The average policeman in New South Wales, going in to perform a search warrant in a house, who sees things that relate to terrorism, probably will not understand them and will not identify them as things that need to be acted on in a particular way.

**Final question**

As we are facing a mentality that is different from that of the normal criminal, we need to consider whether we need different ways in our legal system to cope with this new threat.