



The Madrid Indictment: Steps Toward Countering the Global Jihad Movement

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[This document is an exclusive report produced for the NEFA Foundation by Senior Investigator Douglas Farah. It is based primarily upon facts revealed during the recent trial in Spain of eighteen suspects alleged to be members of terrorist organizations—including several accused of assisting Al-Qaeda sympathizers based in Europe with traveling to Iraq in order to become suicide bombers. According to the final ruling of the presiding Judge Magistrate in the case, at least two such individuals succeeded in carrying out actual suicide missions in Iraq.]

Introduction

On Oct. 23, 2007, Spanish Judge Magistrate Baltasar Garzon Real of the 5th Court of Instruction in Madrid, Spain, issued guilty verdict for 18 individuals on charges of belonging to a terrorist organization, as well as four individuals charged with collaborating with a terrorist organization. Almost all were of North African origin, and the alleged terrorist cell, according to the charges, was responsible both for radicalizing young men, and recruiting and helping them join Islamist jihad groups in Iraq. Most were members of the group were part of a group based near Barcelona, in the town of Vilanova y la Geltru.¹

The day after the verdict was issued, the Spanish Civil Guard, a rural police unit, arrested six other members of an alleged jihadist cell in Burgos, Spain, with ties to al Qaeda in Iraq.² The group, comprised of five men and one woman, all of North African origin, was described by police as being part of an Internet recruitment network that sent combatants and funds to fight U.S. and Coalition forces in Iraq. Intelligence services from Switzerland, Denmark and the United States took part in the investigation.³ The central characters in the Burgos case are Abdelkader Ayachine, an Algerian, and Wissan Lotfi, a Moroccan. Ayachine ran a Muslim butcher shop, where he also allegedly collected zakat donations that were then funneled to support people jailed for the May 2003 suicide bombing in Casablanca, an attack that killed 45 people.⁴

These are not the first arrests of suspected al Qaeda members operating in Spain, nor has Spain been entirely successful in avoiding attacks by Islamist radicals, who view Spain as an integral part of the Muslim caliphate.⁵ The caliphate usually refers to the lands ruled by Muslims at the peak of their world conquest, stretching from Spain to central-west Africa and into Southeast Asia. The restoration of the caliphate to its former glory, including the Islamization of Spain, is a main tenet of radical Salafist theology.

It is widely recognized that the traditional al Qaeda movement has changed significantly since the 9-11 attacks and the resulting counter-attack by the United States and its allies. There

¹ The full reference for the case is: Juzgado Central de Instrucción Numero 5, Audiencia Nacional, Sumario (Proc. Ordinario) 21/2006 L, Madrid, Oct. 23, 2007.

² Antonio Baquero, "Caen Seis Captadores de al Qaeda con cedes Para Fabricar Explosivos," *El Periodico*, Oct. 25, p. 23.

³ Victoria Burnett, "Spanish Police Arrest 6 Suspected of Recruiting Islamic Militants," *The New York Times*, Oct. 25, 2007.

⁴ Daniel Wools, "Spain Arrests 6 in Alleged Islamic Cell," *Associated Press*, Oct. 24, 2007.

⁵ The most notable attack was the coordinated series of train bombing carried out on March 11, 2004. The attacks left 191 dead and more than 2,000 wounded. For a more detailed look at al Qaeda's comments on the centrality of Spain in their strategy, see: <http://www.rcgd.isr.umich.edu/roots/Atran%20jamestown.pdf>

has been a great deal written on the emergence of “Al Qaeda 2.0,” the newer iteration of the terrorist group, and how the organization has devolved from a centrally-controlled group to one that relies on fairly autonomous cells that may or may not have links to the old-guard al Qaeda command structure.⁶ The central premise of the theory is not in dispute, although there is now evidence that key decisions are still made by the traditional al Qaeda leadership, based in Pakistan and directed by the special operations group of the terrorist leadership. However, this concept of al Qaeda 2.0 remains quite useful in looking at the mutating Islamist terrorist threat.

The recent cases also demonstrate that, while much has changed, much has remained the same, particularly in terms of operational methods. The Madrid indictment alleges, as does the reporting on the break-up of the Burgos cell, that the jihadists groups used many of the traditional al Qaeda methods for generating funds, ideologically and theologically indoctrinating potential recruits, and building networks. This paper will focus on the Oct. 23 verdict, issued by Judge Garzon because the document provides an interesting public look inside the operations of an alleged terrorist cell, and how operations have evolved—and not changed—in recent times.⁷ The verdict also represents a new judicial way of attacking the jihadist threat, by defining the entire radicalization process, from indoctrination to recruitment to terrorist acts outside the country of origin of the crime (in this case Spain) as part of the terrorist/criminal enterprise.

While Spanish authorities focused on the novelty of the groups’ alleged use of the Internet for recruitment, the bulk of alleged illicit activities were fueled by traditional al Qaeda methods: a reliance on radical literature, in which Muslim Brotherhood works by Sayyid Qutb are prominently featured; the diversion of funds from charities and zakat donations; petty criminal activities to raise funds; and an express loyalty to Usama bin Laden and the al Qaeda organization.

The Theory of the Case

One of the most interesting parts of the case is Judge Garzon’s rationale for his verdict, in light of the fact that no violent acts were actually committed in Spain. In the explanation of the case, Garzon acknowledges the need to shift the paradigm governing how jihadist cases are conceptualized and prosecuted, given the new type of terrorist threat. He clearly understands the different facets of jihadist recruitment, training and global ideological/theological concept of what radical Salafist Sunni Islamists espouse as integral to the process that results in terrorist attacks. Garzon is able to articulate this in a public case in ways that his U.S. counterparts either cannot or will not do. This inability of U.S. officials to link the cause and effects of radicalization to actual terrorist acts was particularly visible in the inability to obtain convictions in the recent Holy Land Foundation trial in Dallas, Texas.⁸

Garzon’s intimate knowledge of the Salafist-jihadist network structure is demonstrated in his lengthy explanation of his decision. The relevant passages are translated below:

“The people referred to in this document were part of a cell that was formed, both locally and internationally, to operate in Spain (Catalonia and Madrid) and outside the country (Belgium, the Netherlands, Turkey, Morocco, Syria and Iraq) with a very specific purpose: to send people

⁶ Author Peter Bergen of the New America Foundation is one of the first to begin using this designation. A good synthesis of this view can be found here: <http://www.whisprwave.com/msu-hs-class/issues-in-terrorism/madrid-train-bombing.htm>.

⁷ All translations, done by the author, are taken from the indictment, as are the page numbers cited. The full reference for the case is: Juzgado Central de Instrucción Numero 5, Audiencia Nacional, Sumario (Proc. Ordinario) 21/2006 L, Madrid, Oct. 23, 2007. The ruling, in Spanish, can be accessed here: http://www.elpais.com/elpaismedia/ultimahora/media/200710/23/espana/20071023elpepunac_1_Pes_OTR.rtf

⁸ On Oct. 22, 2007 a federal judge in Dallas declared a mistrial on most of the counts against the Holy Land Foundation for Relief and Development, primarily related to charges of supporting Hamas, a designated terrorist entity and chapter of the Muslim Brotherhood. For a look at the government exhibits in the case, see: <http://www.nefafoundation.org/hlfdocs.html>. For a recap of the case, see the NEFA Foundation paper: “The Muslim Brotherhood in the United States, available here: <http://www.nefafoundation.org/miscellaneous/nefaikhwan1007.pdf>

(mujahidin or militants) to Iraq to become involved in the terrorist activity sponsored and led by al Qaeda in Iraq. The recruits into these ranks were trained to attack vital civilian and military objectives, as well as public and private targets, or they were used as auxiliary personnel, who were equally necessary for carrying out their attacks... The makeup and cohesion of the group, under the auspices of its leaders, and their indoctrination for the purposes of radical jihad, is seen by the teachings of Salafist doctrines, the distribution of Salafist material, and direct and specific activities aimed at illicit terrorist activities. It is also seen in the coordination of the group's activities, aimed at the preparation, convincing and sending people to destroy themselves as jihadist 'martyrs' in Iraq... It is true that the conceptualization of this type of terrorism is different from that of a traditional terrorist organization, but it perfectly fits the purposes of these local cells in their loose networks, tied to international organizations (al Qaeda). These groups extend their ideology as jihadist movements throughout the world, taking advantage of local groups or streams of radical Salafist thought—that is, people indoctrinated by one or more persons (leader or emir). This is a small group, who use books and texts to exalt the radical means and jihadist ends of the groups they lead. This includes: a) the conquest and return to power of the Caliphate with the pre-eminence of sharia law; b) hatred for the West and apostate Muslim regimes, thus justifying violent jihad as a legitimate weapon and act of divine devotion; c) a cult of martyrdom as a way to consummate jihad; d) preparation and radicalization, through religious texts and religious doctrine facilitated and given by the leader or leaders. Each leader works to form the cohesion of the group or cell in a horizontal manner. This is for his own security, as there is no hierarchy beyond the leader, who gives the radicalized ideological/religious teachings that allow an individual to act by himself."

"To obtain the cohesion necessary to achieve their ends, there are intense contacts among small groups, often taking advantage of the weekly prayers in the mosques or celebrating the prayers in a location that offers privacy and the ability to carry out security precautions. The groups do not have defined financial resources, but depend on personal donations by group members or money that is channeled from other activities. The amounts involved do not tend to be very large. In the final aspect in the case under examination, the activity centers on preparation and convincing of the "volunteers" in order to send them to conflict zones to carry out "Allah's command." In order to do this, the groups utilize parts of international networks, principally those based in Turkey, Syria and Iraq. These networks primarily facilitate the steps just prior to their entry into Iraq, including transportation, lodging and providing cover stories to help them avoid the border controls. If they are stopped they are usually sent back to their country of origin. The leader of the group or other group members under his leadership, take care of the families of the 'martyrs'... These activities take place in Spain only in their embryonic stages, but these activities are most deeply tied to actions that take place outside of our borders. Once detected, the groups should be dismantled immediately, before they are able to carry out their desired actions. In this case, in at least two instances, this was not possible. Two individuals... blew themselves up in suicide attacks in Iraq."⁹

This clearly articulated view of the connectivity among the different parts of the terrorist pipeline, from recruitment to radicalization to activity as suicide bombers is unusual in the judicial sphere. Yet it goes to the heart of the issue of radical Islamist movements more broadly defined than just the final, violent act.

The Criminal Nexus to Terrorist Activities and Terrorist Networks

One of the striking aspects of this case is the alleged tie to criminal activities of those in the alleged terrorist cell. The money was reportedly used to finance the personal and terrorist activities of the individuals in the group. Many of the individuals in this case had ties to the cell that carried out the May 2003 terrorist bombings in Casablanca that left 45 people dead. The same group based in Vilanova is believed to have recruited the suicide bomber who carried out the Nov. 12, 2003 suicide attack against an Italian military base in an-Nasiriya, Iraq. The attack left 19 Italian personnel dead, along with nine Iraqis.

As Judge Garzon noted, basing his statement on the statements of protected witnesses, intelligence reports, police reports and wire taps, "every one of the indicted have allegedly participated in criminal acts, to different degrees and over different periods of time."¹⁰ The

⁹ Juzgado Central de Instrucción Número 5, Audiencia Nacional, Sumario (Proc. Ordinario) 21/2006 L, Madrid, Oct. 23, 2007, pp. 33-35.

¹⁰ Juzgado Central de Instrucción Número 5, Audiencia Nacional, Sumario (Proc. Ordinario) 21/2006 L, Madrid, Oct. 23, 2007, p. 35.

document does not lay out the details of the criminal activities it mentions, but it does describe the extraordinary crossover among different Salafist/jihadist groups operating across Europe. Much of the activity described was aimed at supporting the network of Abu Musab al Zarqawi, the leader of “al Qaeda in Iraq,” who was killed by U.S. troops on June 8, 2006.¹¹

The document also describes in some detail the codes used to communicate among jihadist networks, and several failed efforts to get into Iraq, as well as the successful ones mentioned above. For example, Garzon found that “the Spanish network at the service of Ansar al Islam (Al Qaeda) is also linked to the Moroccan Islamic Combat Group,” as shown by the numerous telephone and e-mail contacts among different members.¹² Likewise, the document describes how, on January 22, 2005, one of the families in Spain received a telephone call to confirm that one of their relatives had “just gotten married,” meaning he had successfully carried out a suicide attack in Iraq. The document notes that the news of the “wedding” was received with great happiness by the family.¹³ Other code words frequently used, according to the document, are “sick person” for someone who has been arrested; “hospital” for prison; “honey” for a bomb or money; and “clothes” for money, weapons or explosives.¹⁴

Garzon charges that under the direction of Mohamed Mrabet Fashi, the alleged leader of the cell, the clandestine organization to “carry out the practice of jihad in Iraq...he financed the activities with his own money, given for the purpose of caring for the Al Furkan mosque and an association charged with building a new mosque. A person showed his readiness by accepting that jihad is necessary when a country is invaded or ceases to teach the Koran. The teachings regarding this were imparted either in a person’s home or in small, private groups in the mosque.”¹⁵

The Radicalization Process

Much of the money raised appears to have gone to the purchase and dissemination of radical Islamist literature, videos and audiocassettes. Much of the content found in the raids that led to the arrest order were downloaded from radical Islamist websites. It is clear that the jihadist training and indoctrination relies heavily on glorification of suicide bombings and the need to establish a theological legitimacy for the violent jihad the radical Islamist groups are recruiting for. Of particular note, going back at least to the days of Osama bin Laden’s training camps in Afghanistan in the late 1990s, is the use of video cassettes and visual material to imbue the recruits with a strong sense of mission and heroism.

This pattern is clearly seen in the evidence presented in the arrest warrant. A great deal of the document is used to enumerate the types and quantities of radical Islamist literature found in a series of police raids on the houses of the named suspects. Much of the material was downloaded from jihadist websites, again demonstrating the importance of that particular venue in transmitting the theology and doctrine of the Salafist groups. Among the items found in the search of the home of Saffet Karakoc, one of the group that tried and failed to enter Iraq as a suicide bomber, and his wife Karima Benedicto, police found two CDs, one showing “all kinds of suicide attacks, prayers, goodbye statements from the suicide bombers, speeches of Abu Musab al Zarqawi, the arming of the suicide bomber.”¹⁶ The second CD had “a high level of terrorist and violent acts, where one sees various individuals carrying out paramilitary exercises, dressed as

¹¹ Ellen Knickmeyer and Jonathan Finer, “Insurgent Leader al-Zarqawi Killed in Iraq,” The Washington Post, June 8, 2006, viewed here: <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/08/AR2006060800114.html>

¹² Juzgado Central de Instruccion Numero 5, Audiencia Nacional, Sumario (Proc. Ordinario) 21/2006 L, Madrid, Oct. 23, 2007, p. 3

¹³ Juzgado Central de Instruccion Numero 5, Audiencia Nacional, Sumario (Proc. Ordinario) 21/2006 L, Madrid, Oct. 23, 2007, p. 3

¹⁴ Juzgado Central de Instruccion Numero 5, Audiencia Nacional, Sumario (Proc. Ordinario) 21/2006 L, Madrid, Oct. 23, 2007, pp. 31-32.

¹⁵ Juzgado Central de Instruccion Numero 5, Audiencia Nacional, Sumario (Proc. Ordinario) 21/2006 L, Madrid, Oct. 23, 2007, p. 5.

¹⁶ Juzgado Central de Instruccion Numero 5, Audiencia Nacional, Sumario (Proc. Ordinario) 21/2006 L, Madrid, Oct. 23, 2007, p. 7.

mujahidin, people saying their goodbyes prior to carrying out suicide attacks, shots of the human remains after a suicide attack, chants, references to America and various locations in Iraq where there have been terrorist attacks, including Falujah, Nasiriya, Baghdad...¹⁷

In addition to the visual materials and recording found, the police found a large cache of written material, some of which demonstrate the link of Muslim Brotherhood literature in the radicalization process. In the home of Mounir Mrabet Fashi, police found piles of jihadist literature, along with videos and DVDs. Among the mix were “recordings from Arabic channels venerating Sheikhh Yassin and Sayid Outb.”¹⁸ Sheikh Ahmed Yassin was the founder and spiritual leader of Hamas, a designated terrorist organization by the United States and most European countries. Yassin, who strongly endorsed suicide bombings in the war with Israel, was killed by an Israeli missile in March 2004.¹⁹ Hamas is, according to its own charter, “one of the wings of the Muslim Brotherhood in Palestine. The Muslim Brotherhood Movement is a universal organization which constitutes the largest Islamic movement of modern times.”²⁰ While Sheikh Yassin is a more modern ideologue of the Muslim Brotherhood, Sayid Outb is a seminal figure in the modern jihadist theology and thought that is fundamental to the Brotherhood. Outb, the supreme leader of the Muslim Brotherhood executed in Egypt in 1966, has been a leading theological and political influence on al Qaeda leaders and other violent jihadist movements. His most enduring work is a slim tract titled “Milestones,” which posits that the world is lost without authentic Islam, and that true Muslims must impose the rule of Allah by whatever means available, including violence. The booklet has remained in print for four decades and has been translated into dozens of languages, including English.²¹

Among the items found in the house of Mustapha es Satty were dozens of audiocassettes described as follows, translated in some detail to give a more complete picture of the literature in hand:

“Audiocassettes that contained open and encoded calls to jihad, with explosion and shots in the background; funeral chants exalting the loss of ones life for the sake of jihad against the infidels, saying that the martyr’s reward is in paradise; cassette tapes made in Saudi Arabia that describe paradise and the permanent state of happiness one finds there; videos of fatwas (religious edicts) and statements of Osama bin Laden and other leaders of al Qaeda; a photocopy of pages 76 and 77 of the book “The Reality of the New Crusades,”...and a comparison of the Crusades with the present time and the occupation of Iraq. It is a call to all Muslims of the world to aid Afghanistan against the United States after the attacks of 9/11; another document is titled “Jihad,” which says the “message is dedicated to all imams, students of religious science, businessmen and all Muslims, and I say that you must support your brothers and not betray them in this difficult time, because the mujahidin are already victorious and the infidels are already defeated; a possible interview with prisoner a in Jordan, with Salafist content; news items on the arrest of Salafists in Morocco...news items on the mujahidin in Chechnya, a book titled “The West Sacrifices Muslims in the Balkans”; news items on mujahidin in Afghanistan...a radical text defending Sunnis and attacking Shi’ites; a document titled “The Suffering of Omar Abd al-Rahman (Egypt)”²²; a letter from the wife of Omar Abdel Rahman; a document calling for Muslims worldwide to free Omar Abdel Rahman, asking the Muslims avenge him...”²³

¹⁷ Juzgado Central de Instrucción Numero 5, Audiencia Nacional, Sumario (Proc. Ordinario) 21/2006 L, Madrid, Oct. 23, 2007, p. 7-8.

¹⁸ Juzgado Central de Instrucción Numero 5, Audiencia Nacional, Sumario (Proc. Ordinario) 21/2006 L, Madrid, Oct. 23, 2007, p. 29.

¹⁹ http://news.bbc.co.uk/1/hi/world/middle_east/1695470.stm

²⁰ http://www.nefafoundation.org/miscellaneous/HLF/iap_hamascharter.pdf.

²¹ The most readily available version of the book is published by the Mother Mosque Foundation of Cedar Rapids, IA.

²² Omar Abdel Rahman, known as the “Blind Sheikh,” is currently serving a life sentence in U.S prison for participating in a 1993 plot to blow up several important targets in New York, including the United Nations and the Lincoln and Holland tunnels. Rahman exercises great religious influence in the radical Islamist movements.

²³ Juzgado Central de Instrucción Numero 5, Audiencia Nacional, Sumario (Proc. Ordinario) 21/2006 L, Madrid, Oct. 23, 2007, pp. 24-25.

The list continues with a detailed catalogue of documents, such as “Poems Before Becoming a Martyr,” and anti-Western tracts that the group helped print and circulate. The topic that emerges repeatedly is a deep sense that Muslims are victims and that jihad is necessary to restore the honor of the religion. This is a common theme in jihadist literature, along with the constant promise of a reward in paradise if one loses one’s life in the war against the infidels.

The emphasis on the voluminous literature within the Spanish cell shows the importance such groups place on creating a narrative to give a coherent worldview to recruits and potential recruits. The worldview must justify the extreme, violent actions in which the recruits are asked to participate, either directly or indirectly. It also must give the recruit some assurance that he is serving a higher good and answering a higher calling. The proof of this, in the literature and audiovisual material, is the ample reward Allah gives those who are able to offer the ultimate sacrifice for His sake.

Conclusions

The Madrid verdict makes clear that, according to the Spanish investigations of al Qaeda-related networks in that country, the jihadist movements, while receiving little direction from “core al Qaeda,” meaning the traditional leadership of Osama bin Laden and Ayman al-Zawahiri, retain a fluid and flexible network. This allows them to coordinate activities across international borders with relative ease, particularly the movement of people. The movements appear to be directed by al Qaeda special operations units, closely tied to bin Laden and operating out of Pakistan.

The primary focus of the new groups is to move recruits to Iraq with the primary purpose of carrying out suicide bombings against U.S. and Coalition forces. At least in the groups described in this paper and other recent cases, Iraq remains the primary focus of those seeking to wage jihad to create the Caliphate, or Allah’s earthly kingdom. To this end, different jihadist groups across several continents, collaborate in arranging transportation, false documents, training and financing for those willing to be suicide bombers. While central control is no longer required to carry out operations or recruit new members, the decentralized networks rely on a core body of common literature to inculcate the Salafist-Jihadist theology and political doctrine into recruits. This use of a common body of literature, some with its roots in the Muslim Brotherhood, serves as a unifying factor that sets the stage for individual action consistent with the global vision of core al Qaeda and other Jihadist movements.

The Internet remains a primary factor in providing recruitment material - particularly in offering the chance to witness suicide bombings with the attendant glorification of the acts - for potential movement members. This, in turn, leads to not only a legitimizing of the act of suicide bombing, but imbues the would-be bomber with heroic status and a sense of fulfilling a divine mission. It is clear from the Spanish document that the families of the suicide bombers are taken care of by the rest of the network. The Internet is also a vital part in purveying the core literature around the globe that gives the movement its coherence. Through Internet chat rooms and websites, those who are vulnerable to recruitment can be steered toward the radicalizing texts and the accompanying videos to encourage them on their paths.

Members of the groups, operating outside the war theaters of Iraq and Afghanistan, remain a vital financial link for jihad movements. The money is raised through contributions diverted from the mosques, petty crime and donations. While the amounts of money raised and spent are generally only a few thousand dollars at a time, the funding is vital to the functioning of the pipeline that moves suicide bombers to Iraq. While the new al Qaeda-related networks are no longer dependent on core al Qaeda for direction and financial support, the cohesion of these groups, dispersed geographically, is maintained through the creation of a common on-line experience that allows for virtual networks to function. A deeper understanding of these networks, and a broadened legal framework to attack the supporters of the jihadists, rather than just the jihadists themselves, is vital to disrupting these groups.