

TERRORIST ACT AS CRISIS SITUATION – CHALLENGE FOR INVESTIGATORS

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Abstract: Terrorism presents a greater threat to national and transnational security today than it has presented at any time in history. Authors outline the most important issues regarding investigating contemporary terrorism. They argue that smart organization of investigation process in crisis situations caused by terrorism is critical for the effective implementation of investigation plan. The plan reflects all the elements of the case, defines investigation team and serves as a guide for resources use (human, technical, information). If we observe the investigation as a process, a case does not end by solving crisis because managers must bear in mind the long-term aspects of everything carried out during the investigation. An adequate organization enables investigation to be analyzed in objective way with minimizing possibilities for errors. It is important that managers value the ideas based on their content and not the origin and the effect it has on the team.

Key word: organization of investigation process, crisis situations, terrorism.

1. Introduction – Investigating contemporary terrorism

Terrorism presents a greater threat to national and transnational security today than it has presented at any time in history. Better technology, communications, weapons, and modes of transportation are at terrorists' disposal. Many terrorism cases will be proven in court through forensic evidence, so it is important

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that extensive crime scene investigations be conducted. The types of terrorism include left- and right-wing extremism, religious, single-issue, and cyber terrorism. Every investigative technique used to solve criminal cases can be used with terrorist investigations. Terrorists are unlikely to cooperate with authorities after being arrested. They study law enforcement operations and alert colleagues on investigation techniques. The interview is the most common investigative technique that an officer will use. Straightforward questions or devious tactics can both be used to gather information during the interview. Terrorists are usually reluctant to submit to interviews with law enforcement officers. Record checks are usually the easiest investigative technique available to an investigator. Surveillance is a valuable investigative tool because it involves actual observations that are useful in affidavits and obtaining arrest warrants. Informants who can provide the most valuable information are likely to be from the inside. Investigators often overlook someone on the periphery to a conspiracy but they can provide tips and leads. Trash cover is an investigative technique that involves law enforcement recovery of discarded materials. A pretext telephone call is a covert investigative technique in which the caller tries to elicit information without telling the recipient that the call is associated with police. Physical evidence plays an important role in most criminal cases and plays an even more significant role in terrorism cases as it can be used to develop a case without an expert examination. A crime scene is terribly important, as evidence obtained from a crime scene is difficult for a subject to dispute in court. An investigative task force helps track terrorists as they move about the country. Undercover operations may mean a one-time contact or it could mean frequent contacts, but concerns include whether the agency will be able to provide support and whether the undercover agent will be recognized. Microphones or wire taps, closed-circuit television, and tracking devices are some examples of surveillance equipment. An investigative review is useful in long cases when someone reviews the entire case and can spot weaknesses. Underground terrorists appear to live a normal life but have false identities; they will abandon friends and families who do not share their views and they usually have a support network (Dyson, 2001).

After a short review of the concept of terrorism and its most important features that each terrorist act turns into crisis situation, we will point out some questions in connection with investigation process of terrorist acts.

2. Terrorist acts as crisis situation

Nowadays term "*terrorism*" is broadly used in many fields and represents the object of interest and research of different experts from different disciplines. However, beside the fact that science and academia deal with phenomenon of terrorism

more intensively today, the terrorism is still at the lists of unsolved problems to which many conferences have been dedicated.

Despite its broad use, or partially due to its broad use, a precise and comprehensive definition of this term has not yet been given. Thus, the term is often used for much different occurrences, and to make things worse, the character of the very terrorism has changed throughout history. While a violent activity was called terrorism in one period, in some other periods it was called war, liberation war or crime. It has also gained elements of media spectacle. Terrorism penetrates into our homes from TV screens,¹ we are bombarded from papers and magazines and sometimes it enters our lives in a much more direct way. For the first time, it is possible to see direct footages of atrocities on TV and thus, unfortunately the terrorism has a chance to “move” into our homes.

Reasons are many but we would still list three problems we find most common with regards to resisting to uniform definition of the term terrorism: the first one is the tautological way of terrorisms defining,² the other is multiform of terrorism³ and the third, the key problem, is different interests of political nature.⁴

When identifying terrorism behavior, some definitions of terrorism also use other criteria to precise the elements of the said offense. One of the criteria pertains to the instruments used to perpetrate the act of terrorism. From the onset of formulating terrorism, the instruments used included explosives, instruments for fire starting, etc. These instruments are common for terrorist behavior promotion even nowadays.

¹ „Probably every American remembers what he/she did that morning, on Tuesday, September 11, 2001. Everything changed when people saw on TVs in their houses, offices and shops the images of terror ongoing in New York, Washington and Pennsylvania.“ Jonathan, 2004: 350.

² Many definitions of terrorism introduced the term *«terror»(English)*, *«terreur»(French)*. In that sense, the definitions represent tautology. Most authors dealing with the issue involve tautology in the proposed definition of terrorism in their discourses and papers. Tautological definition of terrorism is also found in the most of international documents such as Paragraph 1 of Second Geneva Convention on Prevention and Punishment of Terrorism (1937). Korajlić, 2008:385.

³ The other problem of uniform definition of term terrorism is the multiform of the terrorism. Terrorists' behaviors are various, from actions against freedom and physical integrity (mostly kidnapping and hostage situations) to assassinations of prominent governmental figures, other politically active persons, diplomatic staff, businessmen and experts or even ordinary people. The said terrorist acts are committed using various instruments and means; explosives, firearms or some other types of arms or traps. Terrorist behavior against public welfare means demolition using explosives of constructions, shopping malls, banks, etc. Korajlić, 2008:386.

⁴ Problems of defining terrorism of political nature is the most difficult one when trying to have one notion that would be widely accepted (Jakovljević, 1997). Many efforts to come to a uniform definition of terrorism are often burdened by problems of political nature. Practice shows that most terrorist acts were committed for achieving political goals. In that regard, *Sottit* said: «Truly, as of while ago it has been noted that the terrorism had become a political instrument, whether national or international », while Professor *V. Dimitrijević noticed the same*: «We should first recognize that the terrorism is an instrument of political fighting... that terror has political goal». Korajlić, 2008:386.

Although the term *''crisis''* is probably one of the most used terms in everyday speech, there is no clear and uniform definition of its notion, but instead there are many and often opposing interpretations of the term. Not going into details of difficulty to define the term crisis, and for the purpose of this paper, we will take the contemporary definition of crisis by *Pol t'Hart* who finds that the crisis is "serious threat to fundamental structures or values and norms of social system which, under time pressure and very unstable circumstances, requires critical decision making." (Rosenthal, Charles & 't Hart, 1989: 10)

It is obvious that every terrorist act is also a crisis. Terrorist act targets are always of high social value (people's lives, health or property, key infrastructure, facilities of great symbolic importance for a community) since the goal of terrorists is to attract high publicity. In order to succeed, they must attack targets of the most importance for a society. Terrorist act is, in its nature, such a state of play which requires an urgent decision making from police and security forces, and often from policy makers. Any delay of coming to a decision may result in large scale loss of human lives and property, panic, fear and terror. However, circumstances under which decisions must be made are often very unclear. How many terrorists there are, how many hostages, what firearms they have, what they are ready to do, who their accomplices are, what the scope of their action is, if the terrorist act is finished or it is just one of many to follow – these are just a few of open and unclear questions. Finally, other elements of crisis that are being ever-present - can affect every organization (non profit, governmental agency, religious community, multinational organization etc.), turning point in the development of a situation, risk for goals and values, situation with ambivalent outcome, affecting large number of stake holders,⁵ unexpected (not planned), resulting in important consequences for future and increases stress and changes relations between members of organization – are present in a terrorist act. Therefore, there is no doubt that an act of terrorism is also a crisis situation *par excellence*, i.e. an abnormal crisis (Mitroff, Alpaslan, 2003) which is the result of malicious actions of people and as such represents the specific managerial challenge.

3. Combating terrorism – crisis management at test

After demolition of World Trade Center in New York and Pentagon building in Washington on September 11, 2001, and everyday threats by *Al-Quaida*, a new era has begun both in terrorist and antiterrorist tactics. Having in mind

⁵ Term *''stakeholders''* refers to all individuals and groups (interested parties) interested in the function of an organization.

the aforementioned events, especially the act of terrorism on the soil of the USA - September 11, 2001, we can say that it forced all countries, even the countries of former Yugoslavia to put extra efforts to adopt needed and efficient laws, to create atmosphere and establish police and other state bodies in order to combat terrorism as efficient as possible.

Beside strategic and normative level, successful combating of terrorism implies changes on both tactical and operational level. Namely, if a community as a whole, but also certain organizations and entities within, do not perceive terrorism through *proactive philosophy*, it can result in destabilization of a democratic society. Since a terrorist act is a special type of crisis situation, it is necessary to use principles and logic that applies to crisis management. So, it is necessary to *“learn how to make difference so that the crisis does not emerge and not only how to respond to it”*. Proactive manager should continuously make risk assessments even before extraordinary situation occurs, review alternatives and consequences of different actions and make anticipations in order to gain a maximum control over extraordinary situations, which, in case of their occurrence, would have less detrimental consequences because of the proactive actions.

A question arises as to how this philosophy is being applied to terrorist incidents? Proactive measures during terrorist incidents are efficient in disarming of terrorists since undertaking them makes terrorists feel that officers and managers protecting a facility have a control over situation. Increased security measures on a location that is a possible target are considered to be a proactive step. Also, planning and training before an act of terrorism is a proactive behavior. Proactive philosophy establishes efficient systems in order to decrease number of possibilities for perpetration of different types of criminal offenses and chances that terrorists will succeed. Proactive philosophy and proactive actions are methods used by agencies to impact situation development and not just respond to it. Therefore, it is the task of the management of those agencies which deal with security issues to adopt proactive philosophy in their strategies and plans.

4. Finding out and the first reaction

One of very important prerequisites for task execution by police is timely collection of information about the preparation and execution of a terrorist act. Authorized officials (police) undertake very intensive activities, such as criminalistic control, patrol activities, numerous operational and tactical measures and actions: blockade, ambush, observation, raid, surveillance, use of informants, etc., and undertake organized, planned and thought through actions and focus on occurrences and behavior of interest for case solving.

It is of outmost importance to establish appropriate relationship between police (authorized officials) and citizens. It would be a mistake if the police would focus on criminal offenses and events with obvious consequences, which are expressed in acts of terrorism. Therefore, they must pay attention to broader community. By thoughtful, tactical and courteous behavior toward citizens, the relationships can be built that enables the flow of information. Citizens see their own interest in cooperation with police - they can help build more efficient system for crime suppression and improve general safety.

It is a know fact that terrorists often infiltrate in a community for various reasons. Their purposes range from selecting targets to collecting information about certain locations or facilities and functioning as sleeping cell in order to obtain materials for identification of staff and financial support; all for the purpose of preparing for the attack. Previous terrorist acts clearly demonstrated that terrorists rent houses within communities. They find jobs in local companies and try to "fit in" so that they would avoid any suspicion.⁶ There is a set of indicators that can point to potential terrorists:

- A new person (or family) moves in the neighborhood and is very low key;
- Children never go to school or socialize with other children;
- A new neighbor receiving many packages (terrorists often receive training or equipment by suspicious deliveries) or unusual packages;
- A new person moves in and tries too hard to socialize with everyone;
- A new neighbor poses too many questions;
- A new person who never goes to work;
- A new neighbor having suspicious people coming in and out of his apartment;
- A new neighbor prone to lying about marriage, family, job etc.;
- A foreigner lingers around certain place (terrorists must covertly observe possible targets and gather information);
- A new person in neighborhood takes photos of unusual places;
- A new person moves in with few items and personal property etc.

A question arises as to the ability of citizens to detect such kind of behavior and their readiness to report it to police. Law enforcement agencies often en-

⁶ Example of Al-Quaida: The best example of this tactic can be found in the Al-Quaida training manual - "do-it-yourself" guide for terrorists. Manual guides terrorist how to kill. It tells them how to infiltrate in the communities, while plotting and waiting for directions to kill innocent civilians. Terrorists use the benefits of free societies even when committed to their destruction. Al-Quaida manual teaches terrorists how to deceit. It teaches them how to anticipate questions by the government, and how to lie about who they are, what they do and who they know. They are also told to travel with families in order to be less noticeable.

courage citizens to report suspicious “terrorist” activities through different campaigns - prevention activities with messages “if you see any suspicious terrorist activities, please call this number or contact police.” Problem stems from the combination of two things: first, citizens are not properly trained and educated to know what to look for and second, they get alarmed too fast and their fear from crime in general and terrorism is being increased.⁷

A very important segment pertaining to being timely informed about acts of terrorism is the interagency cooperation at all levels. Lack of the cooperation can be an obstacle for successful crises resolution caused by terrorist attack. Such shortcomings can be hardly remedied when the terrorist act takes place. Trust should be nurtured in the daily work.

5. Organization of investigation process

Organization of investigation process in crisis caused by terrorism requires due attention, attention to details and skills of an investigator. Scenes encountered cause various problems that are not common for most of criminal investigations. In most criminal investigations, once a criminal offense is perpetrated and official persons (police) informed thereof, a crime scene can be secured and kept under relatively same conditions as found. It is, however, mostly not the case with terrorist attacks investigations. By the time an investigator reaches a crime scene, it is very likely that many persons have already been there, including firefighters, other agencies and services, pedestrians, owners of facilities and their clients, etc., so the crime scene has been contaminated. Preserving crime scene is frequently the last thing to worry about when arriving at the scene for the first time, first and foremost because of the fact that the absolute priority is assisting the victims of the attack.⁸ Despite the difficulties that accompany investigations of such cases, diligent, thorough and systematic investigation may yield much useful information. However, an issue of criminal intent represents another huge difference between the investigation of a terrorist attack and other investigations. In most of other investigations, an investigator usually knows that a crime has been committed just by arriving at the scene. In

⁷ Warnings that the level of risk of potential terrorist attack in the region is high and that new attacks can be expected are frequent. When nothing happens and when this scenario becomes repetitive, it can damage the trust and credibility of police agencies. The result is that people become careless and finally start ignoring those warnings. The Police Executive’s Role in Combating, Last Modified: 08/07/05, Proactive Concepts in Transnational Terrorism Combating Terrorism, Module 9: Page 2-4.

⁸ For more details see Korajlić N., 2009., Crime method in detecting, solving and proving explosions, Center for Security Studies/ *Kriminalistička metodika otkrivanja, razjašnjavanja i dokazivanja eksplozija*, Centar za sigurnosne studije, Sarajevo, p. 57.

cases of crisis caused by terrorism, it is not always clear at the scene if an explosion, for example, was accidental or caused. Establishing this very important fact may require extensive and long-term investigation.

However, law enforcement agencies from around the world keep facing with constant, ever changing challenges in terrorism combating. As a result, law enforcement agencies were forced to redirect inadequate resources and seek information about terrorists and terrorist activities by using various methods from various sources. Many strategies often used in combating terrorism are the same across law enforcement agencies. They include efforts such as forming of special task forces, improving regional intelligence centers and providing expensive extra security to vital infrastructure and potential location known as soft targets. Subsequently, these efforts can often drain valuable resources such as budgets, equipment and staff. Too often the terrorists are capable to attack vulnerable targets at different locations with different success rate because of the fact that the resources are at the limited, specific locations. ⁹

If a perpetrator is not caught immediately, then the analysis of state of play, political analysis, the analysis of items and traces at the scene and gathered information about victims and other relevant facts point to alternatives about possible whereabouts of perpetrators. At the same time, basic questions that need answers are posed and they determine operational and tactical measures and actions needed to indentify, detect and capture a perpetrator, identify his/her accomplices, ties and process them.

It is not possible to decide beforehand on all operational and tactical measures and actions and their sequence, whether to be undertaken individually or combined, since this issue is case driven. Therefore we will only point to the most frequent operational and tactical measures and actions that yielded good results. They include: urgent informing of neighboring and border law enforcement agencies to execute adequate control and similar; increased traffic control, control of vehicles, passengers and luggage; increased patrol activities; increased surveillance of actual and potential perpetrators; covert surveillance of certain people, facilities and locations; organizing chase, blockade, ambush, etc., with adequate methods of operational work and operational and technical instruments.

A plan starts at the crime scene. Perpetrator is unknown, but the known fact is where the crime was committed and evidence is there. It is possible to tell from the crime scene when the criminal offense was perpetrated, possible motive, modus operandi of the perpetrators and perhaps how many perpetrators were involved.

⁹ The Police Executive's Role in Combating, Last Modified: 08/07/05, „Proactive Concepts“ In: *Transnational Terrorism Combating Terrorism*, Module 9: Pages 1-2.

The first step is the analysis of crime from basic perspective, i.e. establishing the type of crime. It is also very important to convey all information to team members involved in the case, including information about which pieces of evidence are needed to prove the crime. Answers to these questions will help in further phases of crime investigation and processing of elements of the crime. A motive may be terrorism or some other cause (greed), but the very crime can also be a result of many types of law violation. It includes violence, fraud, drugs and other crimes.¹⁰

Many investigators often assume that carefully planned crime, such as an act of terrorism, is impossible or very difficult to solve since perpetrators rarely make mistakes. It is wrong to believe this, since mistakes are always made and we should look for them. In that sense, we should focus on neighborhood in which the crime was perpetrated and on cooperation with citizens. A perpetrator maybe did not make a mistake in preparation phase, but he/she surely made a mistake during the execution or after it. Many circumstantial facts in that phase can point to a right direction. Several careless statements of involved, careless spending habits, revisiting crime scene – these are just some of potential vulnerable points. Identifying errors requires creative investigator and managers should encourage creative work.¹¹ Also, the logic according to which the quality of someone's proposal is directly linked to his/her rank must be abandoned.

6. Concluding remarks

Law enforcement agencies must make better use of citizens as resources in proactive approach to terrorism combating. The cooperation, which implies a high level of trust on one side and high level of citizens' responsibilities on the other side, means true partnership and shared responsibility. It cannot only come down to police requesting citizens to report suspicious activities. They must be trained and educated what to pay attention to, then what to do next and what not to do, etc.

A danger from transnational terrorism and other types of organized crime in former Yugoslavia cannot be resolved in a simple way and short time. It is necessary for law enforcement agencies to develop and implement comprehensive plan that includes rising awareness and culture of safety. Hence, certain topics should be included in training and education of citizens. For example:

¹⁰ An investigation may be proactive or reactive. Investigations of groups involved in crime, serial crime, corruption, fraud and other are proactive by nature. Bomb attacks, bank robbery and homicides are types of crime that require reaction. Sometimes investigation can be a combination of reactive and proactive as when a terrorist group, under proactive investigation, robs a bank to fund its operation.

¹¹ Develop the Investigative Plan and Handout, 2005, Elements of a Major Case Investigation, Lesson 3-1, Sample Major Case Response Plan.

- To include education on antiterrorist activity as a mandatory course in public schools;
- To incorporate education on antiterrorist activity as a mandatory course in secondary schools and universities;
- To organize random seminars on antiterrorist activity for public companies, state bodies, key infrastructures, civil and religious organizations and communities;
- To inform the public in appropriate manner about certain safety related information and indicators through media and creative campaigns.

Efficient investigation combined with efficient management must lead to success. Serious cases require more than a solution; they imply effort of the management which includes more than investigation focus. By identifying and focusing on key elements of cases, managers can contribute to the whole process of case management. Plans should be flexible since planners cannot anticipate every event that may affect the case, and the investigation results must be monitored from the onset which will allow for plan management or change of plan. It is important to have a system within a plan which enables direct information transfer and a system which enables review of investigation report.

In the investigations of serious cases such as terrorism, certain participants in the investigation come and go after performing their part of work. However, it is of outmost importance that a participant leaving conveys information collected before leaving. Open communication is thus important among all participants and for managers to receive the right information to be exchanged with all other members of the investigation team.

Serious cases bring many changes, so a new organization must be able to manage change and ready to accept the consequences of changes. New organization is established for the sake of efficiency of many participants, so the carefully set chain of command will help in accepting change and enable team members to know whom to report to. Correctly established organization contributes to willingness of participants to exchange ideas. It is important that managers measure ideas by their contents and not the rank of the originator. New organization should be flexible and able to adapt.

7. References:

1. Babić M., Filipović Lj, Marković I, Rajić Z, et al., (2005). *Komentari krivičnih/kaznenih zakona u Bosni i Hercegovini*, Savjet/Vijeće Evrope i Evropska komisija, Sarajevo.

2. Program antiterrorist assistance in BiH, (2005). Elements of a Major Case Investigation – Develop the Investigative Plan and Handout: Sample Major Case Response Plan, Lesson 3-1.
3. Dyson, W., E., (2001). *Terrorism: An Investigator's Handbook*, Cincinnati, OH: Anderson Publishing Co.
4. Jakovljević D., (1997). *Terorizam s gledišta krivičnog prava*, Beograd: Službeni list SRJ.
5. Jonathan R. White, (2004). *Terrorism*, Beograd: Alexandrija Press.
6. Kešetović Ž. (2008). *Krizni menadžment*, Beograd: Fakultet bezbednosti/Službeni glasnik.
7. Korajlić N., (2008). *Kriminalistička metodika*, Sarajevo: Fakultet kriminalističkih nauka Sarajevo.
8. Korajlić N., (2009). *Kriminalistička metodika otkrivanja, razjašnjavanja i dokazivanja eksplozija*, Sarajevo: Centar za sigurnosne studije Sarajevo.
9. Modly D., Šuperina M., Korajlić N., (2008). *Rječnik kriminalistike*, Zagreb: Strukovna udruga kriminalista.
10. Mitroff, I. I., Alpaslan, M. C., (2003). "Preparing for Evil", *Harvard Business Review*, Apr; 81(4):109-15
11. Program antiterrorist assistance in BiH (ATA) u BiH, (2005). The Police Executive's Role in *Combating*, Module 9, Proactive Concepts In: Transnational Terrorism *Combating* Terrorism Page 1 of 6.
12. Rosenthal, U., Charles, M., T., and 't Hart, P, (1989). The World of Crises and Crises Management" in *Coping with Crises: The Management of Disasters, Riots and Terrorism*, edited by Rosenthal, U., Charles, M., T., and 't Hart, P, Springfield, IL: Charles T. Thomas.

TERORISTIČKI AKT KAO KRIZNA SITUACIJA-IZAZOV ZA ISTRAŽITELJE

Rezime

Terorizam predstavlja veliku pretnju nacionalnoj i međunarodnoj bezbednosti danas više nego ikada u dosadašnjoj istoriji. Autori navode najznačajnije probleme vezane za istraživanje savremenog terorizma. Oni smatraju da je dobra organizacija kritična za efikasnu primenu plana istrage. Plan odražava elemente slučaja, ustanovljava tim potreban za rad na slučaju, te služi kao vodič za primenu resursa (ljudskih, tehničkih, informacionih). Kada istragu posmatramo kao proces, slučaj ne završava razrešenjem krize, jer menadžeri moraju imati na umu dugoročne aspekte svega što je učinjeno za vreme istrage, a adekvatna organizacija dozvoljava da sprovođenje istrage bude analizirano na objektivan način, uz smanjenje mogućnosti za greške. Važno je da menadžeri mere vrednost ideje po sadržaju, a ne poreklu, jer je dobar deo vrednosti neke ideje zasnovan na tome kakav učinak ima na misiju tima.