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BEFORE THE
SENATE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS
JANUARY 8, 2009**

Good afternoon Chairman Lieberman, Senator Collins, and members of the Committee. I appreciate the opportunity to be here today to discuss the FBI's role in investigating terrorist attacks overseas, including our response to the recent tragic attacks in Mumbai, India. I will also describe how we are working with our U.S. intelligence and law enforcement community partners to apply lessons learned from the Mumbai attacks to protect the U.S. Homeland.

FBI Role in Overseas Investigations

Increasingly, the FBI is called upon to address criminal and terrorist threats to U.S. interests in countries across the globe. Advances in technology, communications, and transportation have done more to blur international boundaries in the past decade than ever before. As a result, effectively combating transnational crime and terrorism now requires significantly greater cooperation among law enforcement, domestic security, and intelligence agencies on a global scale.

The FBI's effort to strengthen and expand foreign partnerships in the fight against global crime and terror is coordinated by our Office of International Operations (OIO) at FBI Headquarters (FBIHQ), and carried out by our network of FBI Legal Attaché Offices, located in U.S. Embassies around the world. In the event of a threat to, or actual attack against U.S. citizens or interests abroad—and after coordination with the Chief of Mission and host nation—the appropriate FBI operational division deploys investigative personnel and equipment and runs our extraterritorial investigation. The Counterterrorism Division, for example, has the lead for the FBI's investigation of terrorist attacks on U.S. citizens and interests overseas, such as the Mumbai attacks of November 26, 2008, which resulted in the deaths of six American citizens.

The primary role of OIO and the Legal Attachés is to advance the FBI's national security and law enforcement missions by promoting close working relations with our foreign law enforcement and security service counterparts in every region of the world. In large measure, it is these relationships that directly result in foreign government cooperation and facilitation of FBI investigative activities abroad. These relationships pay additional dividends in the form of prompt and continuous exchanges of information, which greatly contribute to our proactive efforts at terrorism prevention.

In the aftermath of significant incidents abroad affecting American citizens or interests, the FBI, through our local or regional Legal Attaché, will extend an offer of investigative assistance to the senior leadership of the relevant host-country law enforcement or domestic security partner. Such offers of assistance typically result in varying levels of foreign government law enforcement cooperation, consistent with all host-country legal requirements and with full regard to the sovereign interests of the host government.

This basic formula describes the FBI's engagement in virtually all investigations abroad of significant extraterritorial incidents, including the Mumbai terror attacks. In this investigation, the strong relationship of our Legal Attaché in New Delhi with our Indian law enforcement and intelligence partners, as well as the quality of the investigative team led by the FBI's Counterterrorism Division, has resulted in exceptional and continuing cooperation.

FBI Role in Mumbai Investigation

In response to the Mumbai attacks, the FBI obtained approval from the Government of India and the U.S. Embassy in New Delhi to deploy the Los Angeles Rapid Deployment Team (FBI LA) and several critical personnel from FBIHQ to Mumbai. The FBI team arrived in Mumbai on November 29, 2008. The FBI objective was to assist the Indian government with its investigation, determine who was responsible for the deaths of Americans in the attacks, uncover any possible U.S. nexus to the attacks and any other related threats to U.S. citizens or interests abroad, and share intelligence and other lessons learned with rest of the U.S. intelligence and law enforcement communities. The FBI Legal Attaché and Assistant Legal Attaché based in New Delhi also traveled to Mumbai to meet their Indian counterparts, offer any assistance needed, and support the incoming team. On December 17, 2008, several additional FBI personnel were deployed to Mumbai to assist in the local investigation.

In addition, FBIHQ and FBI LA established 24/7 command posts to support the FBI team in Mumbai. These command posts also helped to process information obtained from the investigation and related interviews, as well as process tactical and strategic analysis to define the overall intelligence picture.

In Mumbai, the Indian government gave the FBI unprecedented access to evidence and intelligence related to the attacks from the Mumbai Police and the Indian Intelligence Bureau. The FBI was provided access to most of the attack locations and technical evidence recovered from the scenes. The FBI was able to use advanced forensic and technical exploitation techniques to develop critical leads for both the Indian and U.S. investigations. The FBI also conducted more than 60 interviews of individuals in Mumbai, including witnesses with firsthand accounts of the attacks and security personnel who were involved in responding to the attacks.

Threats Posed by Suspected Sponsors of Mumbai Attackers

The surviving Mumbai attacker has claimed that the Pakistan-based terrorist organization Lashkar-e-Tayyiba (LT) provided him training and direction for the attack. The FBI assesses that LT, which is well known to the U.S. Intelligence Community (USIC), remains a threat to U.S. interests in South Asia and, to a lesser extent, the U.S. Homeland. We have no current intelligence indicating that there is an organized LT presence in the United States or that LT senior leadership is seeking to attack the U.S. Homeland. LT does maintain facilitation, procurement, fundraising, and recruitment activities worldwide, including in the United States. For example, in the last few years, US courts convicted several followers of the “Virginia Jihad” Network of providing material support to terrorism relating to their training at an LT-sponsored training camp in Pakistan, with the intention of fighting against Coalition Forces in Afghanistan. In addition, the FBI is investigating a limited number of individuals across the United States who are linked in some way to LT—primarily through witting or unwitting fundraising for the group, as well as the recruitment of individuals from the United States to attend LT camps abroad.

Lessons Learned from Mumbai Attacks

The principal lesson from the Mumbai attacks reinforces the notion that a small number of trained and determined attackers with relatively unsophisticated weapons can do a great deal of damage. Other terrorist groups, to include al-Qa’ida and its affiliates, will no doubt take note of the Mumbai attacks and attempt to emulate them. What this means for the FBI is that we must continue to maintain a high level of vigilance for all indications of developing terrorist activity. The planning for the Mumbai attacks probably unfolded over a fairly long period with careful surveillance of the target sites and transportation routes. The FBI must continue to work closely with its state, local, and tribal law enforcement partners, especially in our Joint Terrorism Task Forces to follow up on indications of suspicious activity that could potentially be related to terrorism. Similarly, we must carefully monitor travel to participate in terrorist activities or fighting overseas, such as that recently reported by ethnic Somalis traveling to fight in Somalia. As the experience of the United Kingdom indicates, individuals who receive terrorist training or experience overseas clearly represent a threat. In addition, we need to continue to heighten the public’s awareness to the continued threat of terrorist attacks and the need to report suspicious incidents.

As an example of how we have already begun implementing these lessons learned, the FBI worked immediately after the attacks to identify any U.S. links to the planners and attackers. Whenever possible, all information was shared with the Indian government to aid in its investigation. The FBI disseminated more than 15 intelligence reports to the USIC based on information collected in Mumbai from both interviews and physical evidence. These classified reports are available to cleared state, local and tribal law enforcement personnel in Joint Terrorism Task Forces and in State and Local Fusion Centers. In addition, the FBI and the Department of Homeland Security (DHS) jointly issued an unclassified alert about the attacks to state, local, and tribal officials on

November 27, 2008. The FBI and DHS also issued an Intelligence Bulletin on December 3, 2008, to building owners and operators, as well as the U.S. law enforcement community, to alert them to preliminary findings regarding the techniques and tactics used by terrorists in the Mumbai attacks. The bulletin indicated that the FBI and DHS had no credible or specific information that terrorists were planning similar operations against similar buildings in the United States, but urged local authorities and building owners and operators to be aware of potential attack tactics.

Another lesson learned from the Mumbai attacks is that terrorist groups that appear to be primarily a threat to their surrounding localities can sometimes have broader aspirations. Although LT has historically focused its attacks against Indian forces in the Kashmir region, the Mumbai attacks reinforce the reality that LT has the capability to operate outside its home base. The group did so in 2001 with an attack on the Indian Parliament building in New Delhi and is suspected of having been involved in the 2006 Mumbai train bombings. These actions highlight the need to examine other groups that appear to be active only locally and determine whether they have the operational capability and strategic intention to undertake a more regional or global agenda.

A great deal of work by federal, state, and local governments has contributed to preventing another attack in the U.S. Homeland since 9/11, but the threat, while somewhat lessened as a result of the successes in the global war on terror, remains.

Conclusion

Today, the FBI continues its investigation in Mumbai and has asked to interview other individuals in Indian custody who may be able to provide critical information on attack planning and group leadership. FBI counterterrorism agents and analysts are working to analyze all available information on the Mumbai attacks in order to determine who was responsible, assess lessons learned, determine if the United States may be vulnerable to a similar attack, and determine the threat posed by the group—or individuals tied to the group—to the United States. We are working closely with our USIC and law enforcement counterparts to analyze the vulnerability of the United States to such an attack, and will continue to disseminate information about lessons learned to our partners.

As the Committee is aware, a primary mission of the Department of Justice (DOJ) in support of the U.S. national security strategy is combating international terrorism and other forms of transnational crime (e.g., trafficking in persons, organized crime, public corruption, money laundering, narcotics, cyber crime, and intellectual property violations). To accomplish this mission, we must have effective partners and law enforcement institutions abroad to address international terrorism and illicit activities used to support terrorism. DOJ's international training and development programs make a significant contribution to developing the competence and integrity of local government, thus increasing the capacity of the host nation to provide its population with credible, effective, and sustainable law enforcement, as well as corrections and justice sector institutions that uphold the rule of law.

DOJ's Criminal Division houses two offices devoted exclusively to providing such assistance. ICITAP (International Criminal Investigative Training Assistance Program) develops police and corrections institutions, while OPDAT (Office of Overseas Prosecutorial Development, Assistance and Training) develops prosecutorial and judicial institutions and legislative reform. Both agencies contain sections targeting counter-terrorism. In addition to addressing country specific needs, ICITAP and OPDAT, supplemented by DOJ's law enforcement components and prosecutors throughout DOJ, develop programs and institutions designed to increase regional cooperation abroad and between the United States and foreign countries in combating transnational crime. Working with their foreign counterparts, or by establishing bilateral and multilateral working groups, the prosecutors and law enforcement agents discuss best practices and ways to work together more closely in the investigation of transnational crime and to establish mechanisms to share information, evidence and intelligence critical to the successful prosecution of transnational crime.

In summary, Mr. Chairman, as the threats to our nation and our allies become ever-more globalized, the FBI is expanding our collaboration with our international and U.S. law enforcement and intelligence partners to prevent terrorist attacks and to assist in investigating them when they do occur. We will continue to build on these relationships to advance the FBI's national security mission. And, as we have done with the Mumbai attacks, we will continue to analyze and share lessons learned from these investigations to help prevent future attacks at home or against U.S. interests abroad.