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**Subject:** NightWatch: Pakistan, Bin Laden & investigation, Afghanistan, Yemen, Syria

NightWatch

For the Night of 9 May 2011

Pakistan: Prime Minister Gilani gave a defiant accounting to the National Assembly of the government's performance in respect of bin Laden. He passed the buck on blame and satisfied no one with his speech, according to Pakistani political analysts.

Comment: Gilani's mediocre performance did not reflect the pressures on the government, stemming from calls over the weekend for the resignation of President Zardari, Gilani and Chief of Army Staff General Kayani. The speech should have been the defense of Gilani's political life, but it was not. The Gilani government is vulnerable to an opposition call for a vote of confidence.

Pakistani misinformation and misdirection programs remain at work. The failure of Pakistani officials to mention the Intelligence Bureau as a target of investigation undermines the authenticity of their outrage and degrades the credibility of any Pakistani investigation. Bin Laden in Abbottabad would have been an Intelligence Bureau responsibility.

NightWatch repeats its recommendation that the Pakistani Intelligence Bureau undergo careful investigation. The Intelligence Bureau is the rough equivalent of the US FBI. No investigation can be considered thorough that does not include the Intelligence Bureau.

Special comment: In American jurisprudence, the best evidence rule requires attorneys to provide direct evidence of the commission of an act, civil or criminal. This rule requires, for example, a properly executed deed as the best evidence of real estate ownership. Ownership of an automobile is established by the title. Best evidence of a dead man is always his corpse.

Unidentified US officials chose to sacrifice the best evidence for the sake of honoring Islamic "burial" practices. That choice put the US in a difficult position because the US has produced no "proof" of bin Laden's death - just words, also known as testimony. Moreover, since 1 May US officials have stated no less than five variations of the story of bin Laden's death. Pakistanis have issued three versions; Saudi news media have issued an entirely separate version of the death and al Qaida's general command has issued still another.

Without the corpse, it is entirely reasonable to believe that bin Laden could be still alive and in US custody. All of the evidence of his death is testimonial, not demonstrative. Even the acknowledgement by the al Qaida general command is suspect because of the al Watan version of the story that bin Laden was betrayed by his own people in a leadership split. Bin Laden's successors have a motive for declaring him dead quickly, much more quickly than the Pakistani Taliban acknowledged the death of Baitullah Mehsud, for

example.

Testimonial evidence - words - is always weaker than demonstrative evidence. No amount of testimony about a person's death can equal the probative value of a dead body. Photos of a corpse, especially digital photos, always are weaker than the corpse itself, in proving death. That is why the best evidence rule exists in US law.

Thus the US has disadvantaged itself by its own choices. Administration luminaries have insisted the US did everything it could to ensure that the world would believe that bin Laden was dead. Nevertheless, they failed. They did everything except honor the best evidence rule which every lawyer in training learns in Evidence class.

As for Pakistan, the US must decide about its relationship. The latest alliance with Pakistan, in a long and often broken line since World War II, is only eleven years old. It is based on coercion of a resisting General Musharraf to work with the inconstant Americans in late 2001, in the Pakistani view.

Pakistani memories are long and mostly unfavorable. For example, older Readers will remember that Pakistan was an alliance partner in CENTO, between 1955 and 1979. Membership in CENTO, also known as The Baghdad Pact, did not benefit Pakistan during the 1965 war with India.

Close ties to the US did not prevent Pakistan's loss of East Pakistan and defeat by the Indian Army in 1971 or in the Kargil war in 1999. A virtual alliance with the US seems to have encouraged the US in making a surprise commando raid against bin Laden's compound in Abbottabad this month.

The US relationship with Pakistan has shallow roots for another reason. An entire generation of Pakistani military officers have received no training in US military schools and courses because International Military Education and Training (IMET) was cut off in 1990. Chinese military authorities know more about the next generation of Pakistani military leaders than the US.

Long after the US withdraws soldiers from Afghanistan, Pakistan will be important to the US because it has nuclear weapons that can be used against India and proliferated to Arab states. Secondly, it has close security relations with China that are not congruent with US interests in South Asia and the Middle East.

The long term interests seem to outweigh the short term interests in doing more to control terrorists. Terrorists do damage, but nothing remotely comparable, yet, to the inescapable consequences of a potential nuclear war between Pakistan and India. Without exaggeration, millions of people would die in such a nuclear exchange, the first between two less developed nations.

In the unavoidable tradeoffs between US tactical and strategic interests, one way out would be to tolerate Pakistani shortcomings on terrorism while focusing on maintaining the security of Pakistan's nuclear weapons; on supporting a secular, elected government in Islamabad; on preventing nuclear war in South Asia, and on limiting the expansion of Chinese influence in the Indian Ocean region ...with the proviso that whenever the US finds anti-US terrorists in Pakistan, it will kill them without permission, warning or apology. There is no need to turn up the heat on Pakistan; just continue

doing what best serves the interests of a great power, going forward.

Afghanistan: A NATO spokesperson said on 9 May that all militants involved in an attack on government buildings in Kandahar that began 8 May have been captured or killed.

Afghan officials said at least 25 militants, two Afghan security force members and one civilian were killed. Four militants were captured and 40 people were wounded. Most of the insurgents are believed to have escaped from Sarposa prison in Kandahar in April. NATO estimated that 40-60 militants took part in the attack.

Comment: The Kandahar attacks spotlight security shortcomings in NATO and Afghan forces responsible for the security of the second city in Afghanistan. Everyone knows that Kandahar always is a primary target for attack at the start of an anti-government offensive. The lapse of security that enabled the attacks means Kandahar is a contested city more than ever. That is an indicator of a deterioration of security.

Beyond Kandahar, the number of security incidents reported in the first week of the Taliban spring, "Badr", offensive is high, just as monthly security incidents have steadily risen, month by month, since last November. More on this, as the data is compiled.

Yemen: Comment: President Saleh apparently has decided to tough it out, after having consulted with Syrian President Bashar al Asad. Mediation and outside agreements are no longer operative. Thus, Yemen joins Libya, Bahrain and Syria in defying the cell phone activists and meeting them with force.

The hard line tactics appear to be working, thereby reinforcing one of the rules of instability analysis -- the guys with the most or best guns win.

Syria: Thirteen Syrian army personnel were killed on 8 May in an ambush by an "armed terrorist group" in the central city of Homs. For the first time in two months, attendance at demonstrations after prayers last Friday was down.

Comment: This was the third ambush of Syrian Army soldiers since 6 May. Every ambush that results in dead soldiers reinforces the official explanation that outsiders and terrorists are responsible for the unrest during the past two months. In turn, that explanation and the latest killings portend an even harsher crackdown and exercise of collective punishment by the Syrian regime.

Security forces conducted house-to-house raids on protesters and their organizers on 9 May, according to the Syrian Observatory for Human Rights. The raids targeted Homs, Baniyas, some Damascus suburbs and villages around Daraa.

Syrian President Bashar al Asad told Al Watan that "the current crisis ... will be overcome," adding that political and media reforms would continue.

Comment: The latest news service reports about attendance at last Friday's demonstrations indicate that the government crackdown finally is having a noticeable effect. Curfews and security force patrols resulted in a 30% decline in attendance at mosques and demonstrations last Friday. For Bashar al Asad and his Alawite cohorts, this would be the first and most dramatic indicator that the crackdown is working.

Syrian human rights organizations report that 8,000 Syrians are now missing, presumed in government custody. If accurate, that number would rank Bashar with his father Hafez al Asad as a user of mass punishment to maintain power. If the 8,000 missing prove to have been executed, Bashar would start to rival his father as a mass murderer as well.

End of NightWatch for 9 May.