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The Pearl Project: Key Findings

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Abstract

The Daniel Pearl case is a window into several serious issues that have relevance today to U.S. foreign policy and America's war in Afghanistan: the emergence of a "Punjabi Taliban," made up of militants from the Pakistani province of Punjab; the role of Karachi, Pakistan's largest city, as a safe haven for militants; and the nexus between the Pakistani militancy and Al Qaeda. The case also offers important lessons related to problems with rule of law in Pakistan.

The Pearl Project: KEY FINDINGS

The Daniel Pearl case is a window into several serious issues that have relevance today to U.S. foreign policy and America's war in Afghanistan: the emergence of a "Punjabi Taliban," made up of militants from the Pakistani province of Punjab; the role of Karachi, Pakistan's largest city, as a safe haven for militants; and the nexus between the Pakistani militancy and Al Qaeda. The case also offers important lessons related to problems with rule of law in Pakistan. Among the project's more specific findings:

- The kidnapping and murder of Daniel Pearl was a multifaceted, at times chaotic conspiracy. The Pearl Project has identified 27 men who played a part in the events surrounding the case. Members of at least three different militant groups took part in the crimes, including a team of kidnapers led by British-Pakistani Omar Sheikh and a team of killers led by Al Qaeda strategist Khalid Sheikh Mohammed, who is known as KSM.
- KSM told FBI agents in Guantanamo that he personally slit Pearl's throat and severed his head to make certain he'd get the death penalty and to exploit the murder for propaganda. Some U.S. and Pakistani officials believe KSM may have been assisted by two of his nephews, Musaad Aruchi, whose whereabouts aren't publicly known, and Ali Abdul Aziz Ali, KSM's trusted aide, who is incarcerated in Guantanamo Bay.
- After 9/11, KSM designated his young nephew, Ali Abdul Aziz Ali, to be the facilitator for "shoe bomber" Richard Reid. When he was kidnapped, Pearl was chasing a story that a cleric, Sheik Mubarak Ali Shah Gilani, was the facilitator. He wasn't. Reid was an Al Qaeda operative.
- Doubts regarding KSM's confessions during "waterboarding" were eased when FBI agents and CIA officials used a technique called vein-matching to compare the hand of the killer in the murder video with a photo of Mohammed's hand.
- Nearly half of those implicated in Pearl's abduction-murder — at least 14 men with some alleged involvement — are thought to remain free. The list includes guards, drivers, and fixers tied to the conspiracy.
- In their haste to close the case, Pakistani authorities knowingly used perjured testimony to pin the actual act of murder on Omar Sheikh and his three conspirators. While the four were involved in the kidnapping plan and certainly were culpable, they were not present when Pearl was murdered. Others, who were present and actually assisted in the brutal beheading, were not charged.
- The conspirators were inept, plagued by bungling plans, a failure to cover their tracks, and an inability to operate cameras and computer equipment. Even the videotape of Pearl's murder was staged — replayed because the cameraman failed to capture the original scene.
- Despite ample leads, U.S. and Pakistani investigators began the case chasing the wrong suspect, giving the killers time to slay Pearl and disappear. Pakistani authorities let a key informant, admitted guard Fazal Karim, go free and failed to follow other potential leads.
- Omar Sheikh, who orchestrated the kidnapping plot, had contemplated bargaining over ransom demands for Pearl's freedom, but that possibility quickly faded when it became known that Pearl was Jewish and when Al Qaida operatives took charge of him.

- False and contradictory evidence presented in Pakistan’s kidnapping trial raises serious doubts the convictions of Sheikh and his three associates will stand up in currently pending appeals. Omar Sheikh’s defense attorney is also using KSM’s confession as grounds for his appeal.
- KSM told the FBI that he was pulled into the kidnapping by a high-level leader in Al Qaeda circles today, an Egyptian named Saif al-Adel, who told him to make the kidnapping an Al Qaeda operation.
- Pearl’s actual murderers will likely not stand trial for their crime. Federal officials decided in the summer of 2006 not to add the Pearl murder to charges against KSM in military tribunals because they concluded that would complicate plans to prosecute him and four alleged accomplices in the 9/11 attacks. KSM’s suspected accomplices aren’t expected to be charged, either. One nephew is being tried for the 9/11 attacks, and the whereabouts of the older nephew aren’t publicly known.

Part 1 — FINISHING DANNY’S WORK

by Asra Q. Nomani, Barbara Feinman Todd, Katie Balestra, and Kira Zalan

On the morning of May 17, 2002, Pakistani police investigator Fayyaz Khan ordered officers to dig inside a compound in the Gulzar-e-Hijri neighborhood, a poor area on Karachi’s outskirts. It was not a pleasant task. At the scene, Randall Bennett, the U.S. State Department’s regional security officer in Karachi, lit a cigarette to mask the stench of death.

This was the stomach-turning culmination of the search for kidnapped Wall Street Journal reporter Daniel Pearl. He had been abducted nearly four months earlier on January 23 while trying to chase down possible Pakistani connections to “shoe bomber” Richard Reid, the British Muslim man who attempted to blow up an American Airlines jetliner over the Atlantic.

Gently, under the watchful eye of a colonel in Pakistan’s intelligence agency, the Inter-Services Intelligence Directorate, or ISI, police officers lifted their find. First: a skull four doctors on the scene said had been “decapitated,” the U.S. consul general, John Bauman, later wrote in a State Department cable. Then the upper torso, still wearing the light blue track suit that Pearl’s kidnapers had him wear. Pearl’s body, cut into about 12 pieces, was removed. This outcome, sadly, came as little surprise. A gruesome videotape had circulated earlier, drawing worldwide attention, showing Pearl’s beheading by a man whose face the camera never revealed.

Locating the remains, however, was a breakthrough. Pakistani police and U.S. officials for the first time had established a link to Pearl’s actual murderers. The man who led police to the site, a young militant named Fazal Karim, sat in jail across town. Picked up in connection with the bombing of the Sheraton Karachi Hotel on May 8, Karim told Pakistani police investigator Fayyaz Khan that he had been one of the guards holding Pearl. He said he witnessed the murder by three men whom he described variously as “Arabs” or as “Balochis,” a reference to natives of Pakistan’s restive Baluchistan province abutting Afghanistan and Iran. But it would be more than another year before the actual perpetrator would say that he was the unidentified man wielding the knife that killed Pearl.

That man was Al Qaeda operative Khalid Sheikh Mohammed, a Balochi raised in Kuwait, who confessed to the Pearl murder after being apprehended by Pakistani and U.S. agents for his alleged role as the 9/11 mastermind.

The details of his confession to the CIA remain classified, but the Pearl Project has learned some details of what he told two FBI agents, Frank Pellegrino and John Mulligan, who interviewed him in Guantanamo Bay in 2007. “I wanted to make sure that I got the death penalty,” he said,

according to a source. The FBI agents were part of a “clean team,” tasked to get material that could be used in a criminal trial. In the interview, the Pearl Project has learned, KSM said he was pulled into the kidnapping by a high-level leader in Al Qaeda circles today, an Egyptian named Saif al-Adel.

U.S. officials have released a transcript of a hearing in which KSM admitted his role in the murder. His admission is corroborated by Pakistani police interrogation reports of at least two suspects involved in the kidnapping. One of them is Muhammad Rasheed, a driver from the northern Pakistani district of Swat, tied to the militants groups. He allegedly drove a taxi, ferrying Arab members of Al Qaeda around Karachi.

Today, KSM, as he is called by U.S. officials, is a high-value detainee at Guantanamo Bay awaiting trial for the 9/11 attacks. Neither he nor his accomplices, however, have been charged in Pearl’s death.

While the U.S. government has not passed judgment on KSM’s involvement in the Pearl case, it appears that Osama Bin Laden has done so. Morris Davis, former chief prosecutor for the Guantanamo Bay military commissions, told the Pearl Project, “One of the high value detainees [held at Guantanamo Bay] told interrogators that Osama bin Laden was angry that KSM had slaughtered Pearl so publicly and brutally, arguing that the murder brought unnecessary attention on the network.”

The failure to indict KSM appears due, in part, to the fact that he first confessed to U.S. officials in the midst of tactics known as “waterboarding,” according to sources close to the interrogation. The harsh techniques, which human rights activists describe as torture, would likely derail any prosecution in the United States.

Among the Pearl Project’s findings are that Pakistani and American authorities missed key opportunities to develop witnesses and forensic evidence that might earlier have led to KSM, his two alleged accomplices in the murder, and many others who allegedly had roles in the kidnapping. In all, the project identified 27 men who were involved in events surrounding Pearl’s kidnapping and murder. Fourteen of the men are free. While some of these men’s names have floated around with aliases, signified by the “@” sign in Pakistan police reports, the Pearl Project established their real identities, identifying home addresses and family members. In some cases, there are alternate spellings to their Arabic and Urdu names.

“Justice wasn’t served,” Pearl’s mother, Ruth Pearl, told the Pearl Project. The handling of Fazal Karim, the young militant who led police to Pearl’s grave, is emblematic of the shortcomings that plagued the investigation. While U.S. and Pakistani officials vowed to spare no effort in tracking down Pearl’s killers, and some did make enormous efforts, the difficulties in investigating and prosecuting the case present a cautionary tale about the obstacles to realizing justice for such crimes. In pointing police to the remains, Karim had a horrific story to tell which stretched from Pearl’s terrifying days in custody to the final moment of his life, when a video camera malfunction prompted his captors to re-enact the killing. Pakistani investigators passed on word of this informant to Bennett, the State Department’s security officer, but, U.S. officials say, they refused to let him interview their prisoner.

Karim’s emergence, it turns out, was a problem. By that time, police already had a prime suspect in jail named Ahmad Omar Saeed Sheikh, the radical who indeed orchestrated the kidnapping but was out of the picture — in fact, was in another city — at the time Pearl was beheaded. Karim’s account threw a wrench into the strategy Pakistani police and prosecutors had mapped out to convict Omar Sheikh and three co-defendants. Pakistani authorities, in a series of

decisions which American officials accepted, didn't bring charges against Karim and failed to follow up his leads to avoid drawing attention to his information and undermining the court case against Sheikh and his co-defendants.

By some accounts, the Pakistanis didn't want to jeopardize an already problematic case against Sheikh at a time when they were under pressure to show Washington that they were being tough on terrorism. In fact, Sheikh seemed like something of a poster boy for Pakistan to show off its law enforcement efforts, since he was already under indictment in the United States for a 1994 kidnapping of an American in India.

Had investigators pursued earlier clues such as Karim's, they might have discovered what the Pearl Project's student-reporters can now put on the record: four men tried and convicted of Pearl's murder in Pakistan were involved in the kidnapping but not in the killing. Those responsible for the murder have not yet faced justice.

Not only was Khalid Sheikh Mohammed the alleged killer, but his two chief accomplices may have been his own nephews, according to U.S. and Pakistani officials familiar with the case: Ali Abdul Aziz Ali, now a Guantanamo Bay detainee alleged to have sent money to the 9/11 hijackers at the behest of uncle KSM, and Musaad Aruchi, an alleged Al Qaeda operative whose whereabouts have been unknown since he was arrested in Karachi in a joint Pakistani-CIA raid in 2004.

Why is all this news after nine years? While much has been written and broadcast about the Pearl case, the passage of time has made it possible to fill in some of the gaps, to get access to information and people that previously was not possible, and to ensure a full accounting on Pearl's behalf.

And in addition to getting at the truth of what happened to one journalist, this investigation's findings serve as a primer for how this region's web of militancy activities has broad geopolitical significance. The Pearl case demonstrates the dangerous consequences of an extremist interpretation of Islam to Pakistan and the world. Nearly all of the men believed to be involved in the Pearl kidnapping and murder were members of sectarian militant organizations that had cropped up in Pakistan in the 1980s and 1990s, influenced by Wahhabism, the dogmatic, fundamentalist brand of Islam prevalent in Saudi Arabia, and, similarly, Deobandism, an Indian-born school of thought that has taken root among militants and Islamists in Pakistan.

In a 2002 diplomatic cable, Sheldon Rapoport, acting U.S. consul general in Karachi, made a reference to these groups as fundamentalist, calling them "jihadi/fundo organizations." Understanding the ideological underpinnings of people waging war against the United States is critical to deterrence.

A full investigation of the plot also offers a window into militancy in Pakistan — particularly the nexus of homegrown extremists, the Afghan Taliban, and Al Qaeda — that has grown to become an ever-larger threat to the stability of the nuclear-armed nation. The murder was the first known operation in which Pakistani militants collaborated with Al Qaeda. In the time since Pearl's death, the interaction has become more commonplace, and the situation has grown more volatile in Pakistan, threatening both stability in the region and the safety of Americans and others around the world.

Many of the men involved in the Pearl case hailed from the Punjab province that sits in the country's political, military, and cultural heartland, and they are a harbinger of a domestic and global threat that some Pakistani officials are just now reluctantly starting to acknowledge, "the Punjabi Taliban."

Since Pearl's murder, Pakistan has been dubbed "the most dangerous place in the world," Pakistani and U.S. intelligence officials have nabbed key Taliban and Al Qaeda figures in Karachi, Pakistan, and Pakistani militant groups have been tied to brutal assaults on civilians both in Pakistan and abroad, from the killing rampage in Mumbai in late 2008, to the attack on the Sri Lankan cricket team in Lahore, Pakistan, in March 2009, to an attempted car bomb in New York's Times Square in May 2010. Last year, the Committee to Protect Journalists declared that Pakistan is the most dangerous country in the world for journalists to work.

Further, this is an effort to highlight the need for follow-through and accountability when a journalist is murdered. The death of a reporter such as Pearl is a loss not only to his family and friends, but to the much, much wider circle of people who rely on such fair and inquisitive journalists to search out the truth and to help explain events far away. Governments may be eager to close the books on such cases, but a failure to energetically pursue the criminals may only raise the risks for other journalists facing similar perils.

Pearl was actively trying to report on and untangle the many threads of militancy activities in the region and spent his last hour of freedom in that pursuit, interviewing Jameel Yusuf, a Karachi businessman, about the effectiveness of judicial and police reforms the U.S. was attempting to put in place in Pakistan. Yusuf, then-chief of the Citizens-Police Liaison Committee, a group formed in 1989 after a wave of kidnappings hit Karachi, was involved trying to find Pearl. Reform continues to be badly needed, Yusuf told the Pearl Project. But he said, "Sadly, this has not been effectively and beneficially liaised by the U.S. government with their Pakistani counterpart." Thus, he said, for example, the Pearl case has seen ad hoc justice with suspected co-conspirators never prosecuted. "As regards the suspects never charged," he said, "I am sure they have been bumped off so as not to compromise the proceedings and judgments earlier given by the courts." Indeed, in a report released in December 2010, the U.S. State Department said that extrajudicial killings are a problem in Pakistan.

Pearl's story demonstrates the risks that journalists face in doing the vital work of reporting on terrorism, delving into a radical culture in which their crucial independent role provides little, if any, protection. It is now clear that Pearl, in trying to report on the dark world of terrorism, had the tragic misfortune of being lured into the hands of men who had already well established their credentials for ruthlessness, terror, and murder — men linked to kidnappings of Americans and others, the 1993 World Trade Center bombing, the 1995 plot to blow up jetliners over the Pacific, the 9/11 attacks, and the attempted jetliner "shoe bombing," among other misdeeds. The young journalist wanted to shine a light on that world. With Danny gone, we are continuing his work through the Pearl Project.

Epilogue - WAKING SLEEPING DOGS

By Asra Q. Nomani, Barbara Feinman Todd, Katie Balestra, Kira Zalan, Jessica Rettig and Amanda Silverman

Though Daniel Pearl's remains have long been recovered and laid to rest on a hilltop in Los Angeles, many loose ends to this story persist. And there are many casualties in this sad story.

Omar Sheikh and his three associates were convicted in the summer of 2002 for Pearl's kidnapping and murder and sit in jail to this day; despite their conviction for Pearl's murder in Pakistani court, the evidence of their direct role remains unconvincing.

Attorneys for Sheikh and his three co-defendants have filed numerous appeals that have been postponed repeatedly, and people familiar with the case told the Pearl Project that Sheikh, at least, will be freed at some point.

Rai Bashir Ahmad, defense attorney for the four men, told the Pearl Project, “I believe the case will be reversed on appeal, as soon as the appeal shall be heard, because there is absolutely no concrete evidence against the accused.”

Al Qaeda mastermind Khalid Sheikh Mohammed, who said he killed Pearl with his own hands, and one of his two nephews who may have assisted him are incarcerated in Guantanamo Bay; they await trial for their role in 9/11, but not for Pearl’s murder. The second nephew who may have been KSM’s other accomplice is thought to be in custody somewhere, but his whereabouts cannot be confirmed. Another suspect, Faisal Bhatti, an alleged logistical operator in Karachi, is in jail in Pakistan for other charges, but not the Pearl case.

Five other suspects have since died, violently or under suspicious circumstances. And 14 others allegedly involved in various ways with the plot are free.

Members of both Pakistani and U.S. government agencies involved in the case — investigators, diplomats, spies — have mostly moved on.

After initially allowing the Pearl Project to interview certain FBI agents, such as the legal attaché in Islamabad during the Pearl case, Chris Reimann, and the deputy legal attaché, Jennifer Keenan, the FBI declined to comment on the findings of the investigation. An FBI spokesman said, “We are going to hold off on discussing this until the military commissions are over.”

On December 17, 2008, the Pearl Project filed a Freedom of Information lawsuit after our requests had been met with denials, responses that no pertinent information could be found, or that we needed first to obtain privacy waivers from suspects such as “shoe bomber” Richard Reid.

As the Pearl Project neared publication in January 2011, the government produced thousands of pages of documents but much had been redacted and what wasn’t consisted of media reports. Meanwhile, despite the Freedom of Information Act lawsuit filed by the Pearl Project, and the limited number of responsive documents that have been provided, the Obama administration continues to withhold thousands of documents that might shed significant light on this case.

Years after Pearl was killed, Karachi has turned into a safe haven for not only Pakistani militants but members of the Afghan Taliban. In February 2010, Pakistani intelligence officials touted the arrest of a Taliban leader, Mullah Abdul Ghani Baradar, in Karachi.

Members of the Punjabi Taliban have been linked to numerous suicide bomb attacks against mosques, police stations, and bazaars within Pakistan, as well as to the 2008 Mumbai attacks.

Pearl’s friends, family, and colleagues have found different ways of honoring him in their collective conviction to never forget, and to never leave the truth behind.

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