



THE NATIONAL IRANIAN GAS COMPANY :  
 Previously Identified as Unidentified Terrorist 4, :  
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 IRAN AIRLINES :  
 Previously Identified as Unidentified Terrorist 5, :  
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 THE NATIONAL IRANIAN :  
 PETROCHEMICAL COMPANY :  
 Previously Identified as Unidentified Terrorist 6, :  
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 IRANIAN MINISTRY OF :  
 ECONOMIC AFFAIRS AND FINANCE :  
 IRANIAN MINISTRY OF COMMERCE, :  
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 IRANIAN MINISTRY OF DEFENSE :  
 AND ARMED FORCES LOGISTICS, :  
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 THE CENTRAL BANK OF THE :  
 ISLAMIC REPUBLIC OF IRAN, *et al.* :  
 Previously Identified as Unidentified Terrorist 7, :  
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 Defendants. :

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**AFFIDAVIT OF DANIEL L. BYMAN**

I, **Daniel L. Byman**, being duly sworn, do hereby swear and affirm under penalty of perjury that the contents of this Affidavit are true and correct to the best of my knowledge, information, and belief.

**Qualifications of the Expert Witness**

1. My name is Daniel L. Byman. I am an adult citizen of the United States and reside in the State of Maryland.
2. I have been working on issues related to the Middle East, terrorism, and national security for over 20 years.
3. I began my professional career as an analyst for the Central Intelligence Agency,

where I worked from 1990 until 1993. At the CIA, I examined the politics and security situations of several Middle East countries, including Iran. I did considerable work on Iran's relationships with its neighbors and with various radical and terrorist groups. While at the CIA, I received two exceptional performance awards for my work.

4. I went from the CIA to the Massachusetts Institute of Technology, where I studied for my Ph.D. My dissertation, later published, involved research on Iran's domestic policies as well as on the Middle East in general.

5. Beginning in 1995 during my dissertation work and after completing my Ph.D. in 1997, I worked at the RAND Corporation in Washington, D.C. as a policy analyst. RAND is a non-profit federally funded research and development center designed to do research in the public interest. For several years I was also the research director of RAND's Center for Middle East Public Policy.

6. While at RAND, my work examined a range of U.S. national security issues, with a particular emphasis on the Middle East. I did several studies that looked at terrorism problems in the Middle East, Iran's foreign policy and relationship with its neighbors, and the problems coming from the newly emergent regime in Afghanistan – the Taliban. During this time I worked closely with various branches of the U.S. military, the U.S. intelligence community, and other government agencies. A full list of my unclassified publications from this time can be found in my *curriculum vitae*, attached hereto as Exhibit A.

7. I left RAND in 2002, where I joined the House and Senate Intelligence Committees in their joint investigation of the intelligence community's performance regarding the 9/11 terrorist attacks (the so-called "9/11 Inquiry"). I was one of four team leaders for this effort. For the Committees, I spent considerable time examining al-Qa'ida's history, U.S.

counterterrorism policy, and the nature of the jihadist adversary. Much of this examination consisted of interviewing U.S. government and other experts working on terrorism and counterterrorism, and reviewing thousands of pages of documents on these subjects.

8. I continued doing similar work when I joined the staff of the National Commission on Terrorist Attacks upon the United States, better known as the “9/11 Commission.” For the Commission, my work focused on U.S. counterterrorism policy, with a particular emphasis on al-Qa’ida operations and U.S. attempts to counter them throughout the Middle East. I reviewed numerous documents and conducted many interviews, building on the past work I had done with the 9/11 Inquiry. For both the 9/11 Inquiry and the 9/11 Commission, I traveled to the Middle East to interview officials there.

9. While doing work for the 9/11 Commission, I joined the permanent faculty at Georgetown University’s Edmund A. Walsh School of Foreign Service in 2003. In 2005, I became the Director of Georgetown’s Center for Peace and Security Studies and the associated masters’ program in security studies, the largest of its kind and considered by many to be one of, if not the, world’s top program. I teach classes on terrorism, Middle East security, and other topics related to U.S. national security.

10. In addition to my professorship and responsibilities at Georgetown University, in 2003 I joined the Brookings Institution, a leading non-partisan think tank, as a senior fellow with the Saban Center for Middle East Policy. At Brookings my work has focused on terrorism and Middle East security. I do considerable work for Brookings on Iran and on al-Qa’ida.

11. In addition to my formal positions at Georgetown and Brookings, I am a regular consultant to the U.S. government and various corporations on terrorism- and national security-related matters.

12. I have written dozens of articles for peer-reviewed academic journals and policy journals (e.g., *Foreign Affairs*), as well as short pieces for *The Atlantic Monthly*, *The Wall Street Journal*, *The Washington Post*, and other leading magazines and newspapers. A full list of these articles is given in my *curriculum vitae*, but I will note here that many of them focus on Iran and al-Qa'ida, both in the past and today. I have done several classified studies on these topics that are not listed in my *vitae*. I am regularly quoted in the media, though several years ago I largely stopped doing television.

13. Several of my books focus on issues related to this Affidavit. In 2005, my book *Deadly Connections: States that Sponsor Terrorism* was published by Cambridge University Press. One of the book's sections focuses on Iran and its relationship with the Lebanese Hizballah, and a second examines the Taliban's relationship with al-Qa'ida. In 2008, my book *The Five Front War: The Better Way to Fight Global Jihad* came out with Wiley and Sons. The book examines the nature of al-Qa'ida today, the success and failures of U.S. counterterrorism efforts, and ways to move forward against this danger. I am finishing my next book, *A High Price: The Triumphs and Failures of Israeli Counterterrorism*, which Oxford University Press will publish in early 2011. Several of the chapters address Israel's confrontation with the Iran-backed Lebanese Hizballah.

**I. Bottom Line: Summary of Expert Opinion**

14. It is my professional judgment that there is clear and convincing evidence that Iran has provided material support for al-Qa'ida in general as defined in 18 U.S.C. Section

2339A(b)(1). This assistance predated the 9/11 attack and continued after it, and it had profound implications for the 9/11 attack itself. Over the years this support has included assistance with travel, a limited safe haven, and some training at the very least. It is quite possible that there was additional, and far more considerable, support as well – Iran has deliberately kept its relationship with al-Qa’ida shrouded and ambiguous, so a more definitive judgment is impossible using the sources available to me.

## II. Iran’s Support for Terrorism

15. The United States Department of State has designated Iran a major state sponsor of terrorism since 1984, and Iran has remained prominent on the U.S. list since that time. Most recently, in its annual report on terrorism that came out in 2009, the State Department found that “Iran remained the most active state sponsor of terrorism. Iran’s involvement in the planning and financial support of terrorist attacks throughout the Middle East, Europe, and Central Asia had a direct impact on international efforts to promote peace, threatened economic stability in the Gulf, and undermined the growth of democracy.”<sup>1</sup> The State Department went on to list Iranian support for groups as diverse as the Palestinian Hamas and anti-U.S. forces in Iraq and Afghanistan. According to the State Department, Iran has a particularly close relationship with the Lebanese Hizballah, giving it more than \$200 million and training 3,000 of its fighters in Iran. Other estimates, given to me privately in meetings with senior Israeli officials and analysts, are much higher.

16. The State Department also notes Iran’s continuing indirect backing of al-Qa’ida: “Iran remained unwilling to bring to justice senior al-Qa’ida members it has detained, and has refused to publicly identify those senior members in its custody. Iran has repeatedly resisted

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<sup>1</sup> U.S. Department of State, *Country Reports on Terrorism 2008* (April 30, 2009), available at: <http://www.state.gov/s/ct/rls/crt/2008/122436.htm>.

numerous calls to transfer custody of its al-Qa'ida detainees to their countries of origin or third countries for trial. Iran also continued to fail to control the activities of some al-Qa'ida members who fled to Iran following the fall of the Taliban regime in Afghanistan.”<sup>2</sup> I will discuss my views of these points in more detail below.

### **III. Iranian Motivations for Supporting Terrorism and Militancy**

17. Historically, Iran has supported terrorism for several reasons. Initially, the most important motivation was ideology: after Ayatollah Khomeini took power following the Iranian revolution in 1979, Iran sought to spread its Islamic revolution to the rest of the Muslim world. So Iran backed a range of like-minded groups in the Arabian peninsula, Iraq, and especially Lebanon – where it helped found and nurture the Lebanese Hizballah.

18. Over the years, these efforts to foment revolution largely failed, and many of these groups collapsed or had little impact (the Lebanese Hizballah being an important exception). The Iranian regime often continued relationships with these groups, however, out of ideological solidarity.<sup>3</sup> Most of these groups were composed of Shi'a Muslims, who were particularly electrified by the success of revolutionary Shiism in Iran. Many devout and politically active Sunni Muslims had a more ambivalent view: they admired the general concept of religious activism, but they did not accept the religious teachings of Shiism or of Khomeini.

19. Strategic concerns also came to the fore, particularly as the Islamic Republic acquired enemies as it tried to spread its revolutionary gospel. So Iran used terrorist and militant groups against Saddam Hussein's Iraq, the pro-Soviet regime in Afghanistan, and other enemies.

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<sup>2</sup> U.S. Department of State, *Country Reports on Terrorism 2008* (April 30, 2009), available at: <http://www.state.gov/s/ct/rls/crt/2008/122436.htm>.

<sup>3</sup> A further description of Iran's motivations can be found in my book *Deadly Connections: States that Sponsor Terrorism* (Cambridge University Press, 2005).

By fostering instability, Iran hoped to topple the neighboring governments or, if that failed, force them to devote troops and resources to combating the unrest.

20. Iran also reached out to groups beyond the Shi'a community. At times this was simply power politics: Iran worked to foment unrest among Iraqi Kurds, just as Saddam Hussein worked to foment unrest among Iranian Kurds. In the 1990s, however, Iran began to forge strong relationships with Palestinian Islamist groups, particularly Palestine Islamic Jihad but also, to a lesser degree, Hamas.

21. For Iran, such relationships served a strategic purpose in weakening its adversary, Israel, and undermining the U.S.-led effort to isolate Iran. Fighting Israel's enemies by promoting Palestinian groups was also good politics given the cachet that the Palestinian cause enjoys in the Muslim world. At the same time, Iran saw this as an ideological necessity: Israel, in Tehran's eyes, was an abomination, and ties to Sunni groups helped Iran with its claim that it was a Muslim and revolutionary power, not one tied exclusively to the Shi'a Muslim community.

22. Often Iran has multiple motives when backing a particular group. General David Petraeus, who currently heads U.S. military forces in the Middle East, testified that Iran "employs surrogates and violent proxies" with goals as diverse as weakening rivals and frustrating efforts to stabilize Iraq.<sup>4</sup>

#### **IV. Specific Motivations Regarding Iran's Support for Sunni Jihadists and al-Qa'ida**

23. Beyond the general motivations that apply to Tehran's relations with other terrorist groups, Iran has several reasons for working with al-Qa'ida and other Sunni jihadist movements in particular. First, Iran has long tried to bridge the Shi'a-Sunni divide. This is both for strategic reasons – many of Iran's neighbors and the Middle East in general are Sunni-

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<sup>4</sup> Statement of General David H. Petraeus, Commander U.S. Central Command, before the Senate Armed Services Committee, March 16, 2010.



dominated and Iran seeks influence and stature with their peoples – and because Iran sees itself as the leader of the Muslim world and a revolutionary power that transcends sectarian differences.

24. In 1991-1992, the chief ideologue of Sudan, Hasan al-Turabi, also sought to bridge this gap to fight what he saw as the enemies of Islam, such as the United States and its allies in the Arab world such as Egypt. Turabi's Sudan became a home to Sunni militants from around the world, and his government brokered meetings with Iran to help militants receive training. Under Turabi's protection, al-Qa'ida was based in Sudan from 1992 to 1996. During this time, al-Qa'ida and Iranian officials met in Sudan, according to a senior al-Qa'ida figure later arrested and tried in the United States.<sup>5</sup>

25. A second reason for cooperation is that Iran, like al-Qa'ida, sees the United States as its enemy. Beyond the 9/11 attacks, al-Qa'ida has carried out other devastating strikes on the United States, notably the 1998 bombings of two U.S. embassies in Africa that killed over 200 people, including 12 Americans, and the 2000 attack on *USS Cole* that killed 17 American seamen. Iran, for its part, is believed to be behind the 1996 Khobar Towers bombing that killed 19 Americans in Saudi Arabia and worked with the Lebanese Hizballah in its 1983 attacks on the U.S. embassy and U.S. Marine barracks in Lebanon that killed over 300 people. This bloody toll reflects Iran's and al-Qa'ida's similar view of the United States. Both believe the United States is an imperialistic power bent on subjugating Muslims and want to weaken its influence. Iran and al-Qa'ida also have other foes in common, including pro-Western Arab regimes like Saudi Arabia and Egypt. Iran's relationship towards these countries has vacillated from outright hostility and calls for such regimes to be overthrown to efforts toward conciliation, but the use of violence and the threat of force have been part of its foreign policy towards these states. In short,

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<sup>5</sup> *United States of America vs. Ali Mohamed*, Plea, October 20, 2000, p.28.

while Iran and al-Qa'ida often have wildly different goals regarding many issues, they both want to weaken and hurt many of the same adversaries.

26. Indirectly but clearly, al-Qa'ida has admitted that some relationship existed with Iran before 9/11, and al-Qa'ida justified this on the basis of strategic commonality. In 2008, the number two leader of al-Qa'ida, Ayman Zawahiri was interviewed by the al-Qa'ida news organization *As-Sahab*. In that interview, he admitted that before 9/11, Iran and al-Qa'ida worked together “on confronting the American-led Zionist/Crusader alliance.” Dr. Saad al-Faqih, who heads a Saudi opposition movement based in London and whom the United States alleges is affiliated with al-Qa'ida, similarly pointed out that although there are huge differences between Iran and al-Qa'ida “they had common interests in opposing America.”<sup>6</sup>

27. This shared opposition to the United States contributed to cooperation after 9/11 as well. In Iraq after the 2003 invasion, Iran and al-Qa'ida both wanted to make sure that the United States was bloodied and lost any enthusiasm for military intervention in the Muslim world. Al-Qa'ida inspired, trained, funded, and facilitated the travel of fighters who wanted to conduct *jihād* against the United States and its local allies in Iraq. Iran, in turn, armed, trained, financed, and otherwise supported militias that were responsible for the deaths of hundreds of U.S. soldiers, as well as thousands of Iraqis.<sup>7</sup> Both organizations usually backed different – and opposed – groups in Iraq, but both their local allies often opposed the United States.

28. A third reason for cooperation is that ties to al-Qa'ida and other jihadists, like ties to terrorist groups in general, give Iran options for possible or even unforeseen contingencies. In its relationship with Saudi Arabia today, for example, Iran is no longer calling for the overthrow

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<sup>6</sup> Mahan Abedin, “The Essence of Al Qaeda: An Interview with Saad al-Faqih,” *Spotlight on Terror*, vol. 2, no. 2, February 5, 2004.

<sup>7</sup> See the exchange between General David Petraeus and Senator Joseph Lieberman in “To Receive Testimony on the Situation in Iraq and Progress Made by the Government of Iraq in Meeting Benchmarks and Achieving Reconciliation,” U.S. Senate Committee on Armed Services, April 8, 2008, p. 30.

of the Al Saud leadership but remains a rival to Riyadh. Should the relationship worsen, Iran would like the option of working with anti-regime Sunni jihadists. Such options are often tactical as well. For example, Iran reportedly contracted with an al-Qa'ida-linked organization in Iraq to kill the U.S. Ambassador there: this does not appear to have been a sustained relationship, but simply a one-off bit of cooperation with this particular organization.<sup>8</sup>

29. A fourth reason is that having al-Qa'ida operatives in the country under Tehran's supervision gives Iran a bargaining chip. After 9/11, and before the U.S.-led invasion of Afghanistan, hundreds of al Qaeda members, including many key al Qaeda leaders, and their families, fled Afghanistan and were permitted to enter and stay in Iran. *See* ¶¶51-59, *infra*. Accordingly, with all of those al Qaeda members and their families under its control, Iran can loosen its restrictions on al-Qa'ida operatives in the country and facilitate their travel if it wants to stir the pot in Afghanistan or Iraq or against the United States; on the other hand, it can constrain their mobility or even surrender them if it wants to improve relations with Washington or with al-Qa'ida's Arab foes.

30. In particular, Iran also seeks the return of members of the Mujahedin-e Khalq (MEK), an anti-Iran terrorist group that was long based out of Iraq. Although the United States considers the MEK a terrorist organization, it granted the MEK's members in Iraq the status of "protected persons" under the Geneva Convention and has not sent them to Iran.<sup>9</sup> For Iran, holding al-Qa'ida members is a possible point of exchange with the United States for the MEK members.<sup>10</sup>

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<sup>8</sup> "The Iran Connection," *U.S. News and World Report*, November 22, 2004.

<sup>9</sup> Kenneth Katzman, "Iran: U.S. Concerns and Policy Responses," Congressional Research Service, April 1, 2010, p. 13.

<sup>10</sup> Robert Windrem, "Al-Qaida reportedly finds safe haven in Iran," *MSNBC.com*, June 24, 2005

31. Fifth, Iran has successfully used the al-Qa'ida members resident in Iran to ensure good behavior from the broader Sunni jihadist movement. As noted below, parts of the broader jihadist movement of which al-Qa'ida is a member are often violently hostile to Iran and to Shiite Muslims, and Iran seeks a hedge against their hostility. Zawahiri, in internal correspondence with the leader of al-Qa'ida of Iraq that was made public by the United States, urged the leader not to target the Shi'a in Iraq and Iranian assets because Iran holds over 100 al-Qa'ida members in the country and they are vulnerable to Iranian pressure.<sup>11</sup>

32. From al-Qa'ida's point of view, the logic of Iranian help is even more straightforward. Although al-Qa'ida is a formidable terrorist organization, it lacks the resources of a major state like Iran. Al-Qa'ida's haven in Afghanistan before 9/11, and today in more remote parts of Pakistan, make it difficult for it to bring fighters and other personnel to and from its base to the broader Muslim and Western world where it seeks to be active. Having the ability to transit via Iran is thus exceptionally useful. In addition, al-Qa'ida's capabilities, especially in the past, were limited, and assistance from Iran could improve the organization's capabilities. Some degree of a haven is also vital for al-Qa'ida, as it needs respite from U.S. and allied efforts to arrest and kill its members.

#### V. Problems in the Relationship Lead to Quiet Cooperation

33. Iran and al-Qa'ida have had a contentious relationship at times; these problems mirror Iran's broader problems with the Sunni jihadist movement. Many Sunnis, particularly within the jihadist wing, see the Shi'a as apostates. As such, they are in many ways the most

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<sup>11</sup> Shmuel Bar & Yair Minzili, "The Zawahiri Letter and the Strategy of al-Qaeda," *Current Trends in Islamist Ideology*, January 2006.

hated enemy: worse even than Americans and Jews. At times this has led to massacres and other abuses of Shi'a who are misfortunate enough to live under or come across Sunni jihadists.

34. Not surprisingly, within this community there is also tremendous hostility toward Iran, the most powerful Shi'a country. The root of this hostility is religious and communal, but at times has profound political consequences. Al-Qa'ida has consistently contended that there has been no modern government in the Muslim world that is truly an Islamic government. The exception they make to this is the anti-Iran Taliban, not the Islamic Republic of Iran: the jihadists reject its very legitimacy. Over the years, in countries like Iraq, Lebanon, and Afghanistan, the proxies of Iran and al-Qa'ida's allies have at times murdered one another -- though it is unclear if either Tehran or the al-Qa'ida leadership sanctioned this -- adding a personal dimension to the theological disagreement.

35. Some groups that share views with al-Qa'ida on many issues have even attacked Iran itself. One terrorist group Iran faces is Jundullah, a relatively small Sunni Muslim group based out of the Baluchistan region of Pakistan. In recent years, Jundullah has repeatedly struck at Iranian security personnel, claiming revenge for Iran's mistreatment of Sunnis.<sup>12</sup> This is not the only Sunni radical group to have struck Iran itself. In 1994, Sunni jihadists reportedly attacked the shrine of Imam Reza in the Iranian city of Mashad; the operation was carried out by Ramzi Yousef, who was also responsible for the 1993 bombing of the World Trade Center and a relative of alleged 9/11 mastermind Khalid Sheikh Mohammad.<sup>13</sup> In the late 1990s, the anti-

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<sup>12</sup> Katzman, "Iran: U.S. Concerns and Policy Responses," p. 14.

<sup>13</sup> Mahan Abedin, "The Essence of Al Qaeda: An Interview with Saad al-Faqih," *Spotlight on Terror*, Vol. 2, no. 2, February 5, 2004; Paul Hastert, "Al Qaeda and Iran: Friends or Foes, or Somewhere in Between?" *Studies in Conflict & Terrorism*, no. 30 (2007), p. 329.

regime Sunni Iranian group Ahl-e-Sunnah Wal Jammah operated out of the Afghan border area near Iran.<sup>14</sup>

36. Hostility between the two communities came to a head during the Iraqi civil war, when Iran backed local Shi'a groups primarily and al-Qa'ida supported Sunni organizations, many of which came together as "al-Qa'ida of Iraq," that went on a murderous rampage against Iraqi Shi'a while the Iranian-backed groups did bloody raids of their own. Tens of thousands died in this fighting. Al-Qa'ida and other Sunni jihadists believe that Iran and the United States colluded in Iraq to put the Shi'a in charge and are otherwise working together. Even today, when civil strife has died down, there are numerous mutterings in the jihadist community against "Safavids" (the name of the Iranian empire of the 17th century, which converted Iran from Sunnism to Shiism).<sup>15</sup>

37. The relationship between Iran and al-Qa'ida's primary patron from 1996 to 2001, the Taliban regime of Afghanistan, was even more acrimonious. The Taliban were exceptionally hostile to Iran and to Afghan Shiites, and in 1998 the two regimes almost went to war after a massacre of Shiites in Afghanistan that also led to the deaths of several Iranian government officials there. Iran provided arms and money to the anti-Taliban "Northern Alliance" resistance movement, and the Taliban believed that once they won the country's civil war they would then fight Iran.<sup>16</sup>

38. Given this tension and violence, it is no surprise that al-Qa'ida leaders have at times bitterly denounced Iran. After the United States went to war against the Taliban in Afghanistan following the 9/11 attacks – and when Iran tacitly cooperated with U.S. efforts – Zawahiri publicly blasted Tehran for siding with the United States and denounced the "Iranian-

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<sup>14</sup> Hastert, "Al Qaeda and Iran," p. 330.

<sup>15</sup> Bruce Riedel, *The Search for Al-Qaeda* (Washington, DC: Brookings, 2008), p. 124.

<sup>16</sup> Steve Coll, *Ghost Wars* (New York: Penguin Press, 2004), pp. 339-340.

Crusader alliance.” He declared in a statement in *As-Sahab* that after years of cooperation before 9/11, “All of a sudden, we discovered Iran collaborating with America” and that “Iran stabbed the Muslim ‘*Ummah* [community, in this context] in its back.”<sup>17</sup>

39. For both sides, but particularly for al-Qa’ida, this sort of antagonism leads it to try to downplay its relationship with Iran. For example, after the 2000 attack on *USS Cole*, Iran tried to strengthen ties to al-Qa’ida: a move that Usama bin Ladin was said by an al Qaeda detainee to have rebuffed because he did not want to alienate anti-Iran supporters in Saudi Arabia.<sup>18</sup> Al-Qa’ida cares tremendously about recruiting, and it would suffer considerably if potential recruits and donors learned it had a close relationship with the hated Shi’a Iranians. Instead, al-Qa’ida prefers to cultivate an image of steadfast resistance and naturally does not want to draw any attention to alliances of convenience it may create.<sup>19</sup>

40. For Iran, the incentives for keeping the relationship quiet are different but no less profound. Iran has an antagonistic relationship with many powers, especially the United States, but it still seeks trade, investment, and other forms of contact with the broader world. As al-Qa’ida opposes not only the United States but also other Western countries, supporting it would bring the enmity of countries whose goodwill Iran seeks. Even with regard to the United States, Iran wants to avoid an open conflict that, given the military disparity, would not be to Iran’s advantage. Tehran also fears a tightening of economic restrictions, which would worsen the already considerable limits on economic activity facing the country. In addition, many Iranians abhor the Sunni jihadist community for its anti-Shi’a words and deeds, and as such any alliance

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<sup>17</sup> For a partial transcript that gives the quote, see

<http://www.southasiaanalysis.org/%5Cpapers26%5Cpaper2529.html>

<sup>18</sup> *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States* (New York: W.W. Norton, 2004), p. 240. Note that all references to this report refer to the hardcover version.

<sup>19</sup> Hastert, “Al Qaeda and Iran,” p. 334.

would be politically unpopular. Quiet cooperation – and cooperation that involves looking the other way rather than open support – is preferred by both sides.

## VI. An Alliance of Convenience

41. There are many differences between Iran and al-Qa'ida that make it a difficult partnership, but in the end Iran and, to a lesser degree, al-Qa'ida can be ruthlessly pragmatic, cutting deals with potential future adversaries to advance their cause in the short-term. As Columbia University scholar of Islamist movements Michael Doran contends, “bin Laden has no intention of going down in a blaze of glory.” He argues instead that for bin Ladin “the gravity of the situation requires al Qaeda to pursue its interests by any means available; conventional morality impinges on its political thought only with regard to its utility in manipulating others.”<sup>20</sup> As analysts Shmuel Bar and Yair Minzili indicate, even Zawahiri, who is considered more doctrinaire than bin Ladin, wanted to delay the conflict with the Shi'a until the short-term goal of defeating the United States is met.<sup>21</sup> For these leaders, the reasons to keep cooperation with Iran at a low profile are primarily driven by a fear of losing recruits, money, and prestige rather than a deep-seated antipathy toward working with a Shi'a power.

42. The clerical regime also has shown a willingness to ally with groups it considers enemies for short-term advantage. In its bitter war with Iraq in the 1980s, Iran worked with Israel and the United States to obtain much-needed spare parts for its weapons systems (which led to the “Iran-*contra*” scandal). After the war ended, Tehran cooperated with its nemesis, Saddam Hussein, to smuggle out Iraqi oil and otherwise benefit economically. In neither case did this lead to an end of hostility towards these regimes, but it suggests how common strange

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<sup>20</sup> Michael Doran, “The Pragmatic Fanaticism of al Qaeda: An Anatomy of Extremism in Middle Eastern Politics,” *Political Science Quarterly*, vol. 117, no. 2 (2002), p. 182.

<sup>21</sup> Shmuel Bar and Yair Minzili, “The Zawahiri Letter and the Strategy of al-Qaeda,” *Current Trends in Islamist Ideology* (January 2006).



bedfellows are in this world. General Petraeus has recently pointed out not only Iran's considerable support for violent actors in Iraq but also its "opportunistic support" to the Taliban – the regime against which Iran almost went to war in 1998 -- even as Iran more publicly works with the pro-U.S. Karzai regime.<sup>22</sup> U.S. Treasury officials are a bit more specific, testifying to the flow of weapons and money to the Taliban.<sup>23</sup> Given the tension, at times hatred, that characterized Iran's relationship with the Taliban in the past, this testifies as to how opportunism and short-term common enmity often trump other concerns of Tehran.

43. Because of this pragmatism, the Sunni-Shi'a split and the jihadist hostility toward Iran does not prevent tactical cooperation. As noted above, Iran has sought to rise above Sunni-Shi'a differences, and several Sunni leaders have also done so. Also, as noted above, there are other reasons for cooperation that at times transcend this divide. In addition, there are many Sunni Arabs who focus on common interests, not sectarian identity. However, the Sunni-Shi'a divide hinders a close alliance and creates constant suspicion.

## **VII. Use of Hizballah as a Cutout**

44. In many of its operations involving terrorist groups, Iran uses Hizballah as a facilitator. Hizballah plays this role for several reasons. First, Iran's involvement in Hizballah's creation, large-scale funding, constant provision of training, and role in Hizballah's leadership councils has given Iran an important role in the Lebanese organization. Iran trusts Hizballah and Hizballah trusts Iran – one of the closest relationships in history between a terrorist group and its sponsor.<sup>24</sup> Second, although Hizballah is a Shi'a organization, it is an Arab group, while Iran is a Persian state. As such, Hizballah has stature in the Arab nationalist community and can better

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<sup>22</sup> Statement of General David H. Petraeus.

<sup>23</sup> Statement of Undersecretary for Terrorism and Financial Intelligence Stuart Levey before the Senate Committee on Finance, April 1, 2008.

<sup>24</sup> For more on this, see Byman, *Deadly Connections*.

bridge the Shi'a-Sunni divide because it is not also suspect due to a difference in ethnicity.

Indeed, according to some polls, Hizballah's leader, Hassan Nasrallah, is the single most popular individual in the Arab world because of his organization's repeated and successful defiance of Israel. Third, Hizballah is highly capable and has a high degree of independence in Lebanon. Thus the training offered at Hizballah camps is superb, and it can be done without having to hide it from the Lebanese government. Finally, working through Hizballah offers Iran some degree of deniability if it chooses, as it places one more degree of separation between the group in question and Iran.

### **VIII. Three Types of Support**

45. In my judgment Iran has provided material support to al-Qa'ida before and after 9/11 in three different forms: travel assistance, a safe haven, and training. It is possible that Iran's support has gone beyond this, perhaps well beyond, but in my judgment data are not conclusive beyond these three forms. Specificity on the level of Iranian support is difficult. As former CIA official and terrorism expert Bruce Riedel puts it, "This has been a dark, a black zone for us."<sup>25</sup> Nevertheless, over the years a range of reports indicate that Iran has an established relationship with al-Qa'ida and that at times Tehran has given the organization and its allies considerable backing. Without such support conducting the 9/11 operations and other terrorist attacks would have been more difficult. In addition, Iran's provision of a limited safe haven has hindered post-9/11 efforts to bring al-Qa'ida members to justice and stop future attacks.

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<sup>25</sup> As quoted in Adam Goldman and Matt Apuzzo, "Iran eases grip on al-Qaida," *Associated Press*, May 13, 2010. *The 9/11 Commission Report*, p. 60. As the 9/11 Commission Report notes, despite the official view that Iran was solely behind the Khobar Towers bombing, there are signs that al-Qa'ida also played some role in the attack.

## 1. Travel Assistance

46. Perhaps the most important form of aid Iran gave al-Qa'ida prior to 9/11 (and continues to give today) involves the facilitation of travel. In particular, in the months before 9/11 Iranian border inspectors were deliberately told to look the other way and not stamp passports of jihadists going to and from Afghanistan. Keeping such passports "clean" was vital to reducing the risk of discovery and arrest in Saudi Arabia and later the United States. The 9/11 Commission found that 8 to 10 of the 14 Saudi hijackers who provided "muscle" for the 9/11 operation transited Iran between October 2000 and February 2001. Also in 2000, a Hizballah operative went to Saudi Arabia to help arrange travel for jihadists via Iran, and travel facilitation also occurred via Beirut, where Hizballah is headquartered.<sup>26</sup>

47. Other sources corroborate this assistance, offer additional details, and suggest that before 9/11, Iran had become perhaps the most important route into Afghanistan and al-Qa'ida's training camps there.<sup>27</sup> The U.S. Treasury reports that in the mid-1990s al-Qa'ida operative Mustafa Hamid negotiated a secret relationship with Iran that allowed safe transit via Iran to Afghanistan.<sup>28</sup> After Pakistan began to tighten up transit routes in the years before 9/11, one of al-Qa'ida's key military commanders, Seif al-Adl, told an interviewer that al-Qa'ida began "building good relations with some virtuous people in Iran to pave the way [for travel] and coordinate issues of mutual interest."<sup>29</sup> The al-Qa'ida-linked Saudi dissident al-Faqih noted that "before 9/11 many Saudis used Iran to access Afghanistan" because "the Iranians kept a blind eye to this."<sup>30</sup>

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<sup>26</sup> *The 9/11 Commission Report*, p. 240.

<sup>27</sup> Hastert, "Al Qaeda and Iran," p. 333.

<sup>28</sup> "Treasury Targets Al Qaida Operatives in Iran," U.S. Department of Treasury, January 16, 2009.

<sup>29</sup> Fu'ad Husayn interview of Seif al-Adl, "Zarqawi: The Second Generation of Al-Qaeda," *Al-Quds al-Arabi*, May 21, 2005.

<sup>30</sup> Mahan Abedin, "The Essence of Al Qaeda: An Interview with Saad al-Faqih," *Spotlight on Terror*, vol. 2, no. 2, February 5, 2004.

48. This travel assistance has continued on and off since 9/11 (see the important caveats noted below under safe haven). Between 2004 and 2007, Adel Muhammad Mahmoud Abdulkhaleq, who is a terrorist affiliated with both al-Qa'ida and the Libyan Islamic Fighting Group, went to Iran five times on behalf of these organizations. Suspected al-Qa'ida terrorists active in Bahrain also went via Iran to Afghanistan.<sup>31</sup> Iran continues such facilitation to this day. General Petraeus notes that "Additionally, al-Qaeda continues to use Iran as a key facilitation hub, where facilitators connect al-Qaeda's senior leadership to regional affiliates." Iran, he contends, disrupts this network from time to time, but Iranian policy in the end is "unpredictable" in his judgment.<sup>32</sup> In 2010, Iran appears to be easing the house arrest and other movement restrictions it had imposed intermittently since 2003. Press reporting citing intelligence officials indicates that al-Qa'ida operatives detained in Iran are now allowed to move in and out of the country.<sup>33</sup>

49. Travel assistance seems to have consisted largely of deliberately turning a blind eye to individuals transiting Iran and ensuring that others in the Iranian system, particularly border personnel, did so as well. Thus, rather than Iranian government officials being directly implicated in a particular act, in my judgment the government is implicated by what it did not do: a deliberate policy of neglect that allowed al-Qa'ida members to transit Iran. When neglect was not enough (such as at the border), instructions were made more explicit. At times Hezbollah officials were brought in to assist as well. For instance, as noted in the 9/11 Commission Report, page 240, direct involvement by Hezbollah officials occurs; in October 2000, the Senior Operative of Hezbollah visited Saudi Arabia to coordinate activities there. He also planned

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<sup>31</sup> Matthew Levitt and Michael Jacobson, "The Iran-al-Qaeda Conundrum," The Washington Institute for Near East Policy, *Policywatch 1461*, January 23, 2009.

<sup>32</sup> Statement of General David H. Petraeus, Commander U.S. Central Command, before the Senate Armed Services Committee, March 16, 2010.

<sup>33</sup> Goldman and Apuzzo, "Iran eases grip on al-Qaida".

to assist individuals in Saudi Arabia in traveling to Iran during November. A top Hezbollah commander and Saudi Hezbollah contacts were involved.

50. Such travel assistance is invaluable for groups like al-Qa'ida. If visas had an Iranian stamp or showed a link to Afghanistan, they would be far more likely to attract the attention of border security officials in Saudi Arabia, the United States, or other countries that are hostile to al-Qa'ida. In addition, established lines of transit make recruitment and training easier, as individuals can travel to and from training camps without fear of interference. This is particularly important for facilitating the flow of new recruits, who lack training in clandestine travel. Finally, travel facilitation enables better communication and coordination among the far-flung strands of the global jihad of which al-Qa'ida is a part. Particularly after 9/11, but even before, al-Qa'ida and its affiliate groups were aware that the United States and other hostile powers monitored phones and other forms of communication and recognized that many sensitive deliberations are best done face-to-face. Doing so, however, requires individuals who can travel freely from one area to another.

## **2. Safe Haven**

51. Before 9/11, different terrorist groups used Iran as a meeting point. In the 1990s, for example, Iran would host summits of terrorist groups opposed to the Arab-Israeli peace process as a way of highlighting its leadership of the so-called "rejectionist" camp. Beyond such publicity moves, different groups would meet in Iran to plan various activities and improve coordination. Jessica Stern, a respected terrorism expert who teaches at Harvard University, recalls from her interviews in Pakistan in early 1999 that Sunni jihadists there would fundraise in Iran and would meet operatives from other organizations such as Hizballah there.<sup>34</sup> After al-

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<sup>34</sup> "Interview: Jessica Stern and Gary Sick talk about Iran and Its Relationship with al-Qaeda," transcript of National Public Radio's "All Things Considered," July 24, 2004.

Qa'ida was forced out of Afghanistan following the fall of the Taliban in 2001, much of the leadership went to Pakistan. However, an important segment went to Iran.

52. After 9/11, Iran moved to limit the safe haven, sending many suspected jihadists to their home countries, where they usually faced arrest. For a while, this appeared to be a massive shift. Iran strongly supported the U.S. war against the hated Taliban and even gave promises of limited assistance to the U.S. military effort, such as assistance with possible search and rescue missions. Iran also worked positively to stabilize the new, post-Taliban Hamid Karzai regime in the months after he took power.<sup>35</sup> Briefly, it seemed that Iran was moving away from its support for terrorism, particularly when it came to groups like al-Qa'ida.

53. Since January 2002, after President George W. Bush publicly declared Iran part of the "Axis of Evil" in his State of the Union address (a decision motivated, in part, by Iran's supplying weapons to Palestinian groups using terrorism against Israel), Iran reduced its efforts to control and extradite senior al-Qa'ida members.<sup>36</sup> After 9/11, the United States repeatedly pushed Iran to return suspected al-Qa'ida members to their countries of origin where they would face trial or arrest. According to Ambassador Ryan Crocker, who negotiated indirectly with Iran after 9/11, Iran's surrender of al-Qa'ida figures in Iran was "on the table" until the President's speech.<sup>37</sup> As a message to the United States, Iran released the anti-U.S. Afghan warlord Gulbuddin Hekmatyar, allowing him to go back from Afghanistan to fight. Now it seemed Iran was using al-Qa'ida both as a carrot and as a stick. As Crocker points out, "Iranians often take

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<sup>35</sup> Gary Sick, "Iran: Confronting Terrorism," *The Washington Quarterly* (Autumn 2003), p. 90.

<sup>36</sup> Kenneth Katzman, "Iran: U.S. Concerns and Policy Responses," Congressional Research Service, April 1, 2010, p. 39.

<sup>37</sup> Christopher Dickey, "Al Qaeda's Pandora," *Newsweek*, January 5, 2010.

