OFFENSIVE COUNTERTERRORISM
TARGETED KILLING IN ELIMINATING TERRORIST TARGETS: THE CASE OF THE USA AND ISRAEL

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Summary

Due to the "global terrorism project", some States have adopted offensive counterterrorism measures which, though within national strategies on security and defense, contemplate the use of military power and the use of lethal force against non-state actors - individuals, groups or terrorist organizations - beyond their national borders.
Reformulating the security paradigm has led, in these cases, to policies against terrorism. This is the case of *targeted killing* - the killing of selected targets - by the USA and Israel.
Targeted killing *actions* - using essentially but not only *drones* - in Pakistan and Yemen by the American administration, a well as the Israeli response to Palestinian terrorism, are under heated debate in terms of their efficiency and legality. Thus, this paper aims to not only provide an analytical framework on this theme but also analyze the scope and impact of these counter terrorist strategies by the two countries

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*"The State of Israel has had very, very little faith in Biblical prophecies.
This is why it still exists, when some - wrapped in their religious myths -
want to erase it from the world map."*
PEREIRA, JOSÉ TELES, 2008

*"Targeted Killing It is the ultimate prevention (...) a policy of
taking them out to lunch before they have you for dinner."*
O'CONNOR, T., 2011

*"If the Arabs put down their weapons today, there would be no more violence...
If the Jews put down their weapons today, there would be no more Israel."*
GOLDA MEIR

The Problem

The context of a terrorist action evidences the symbiotic relation whose ideological, and therefore crucial, roots are one or more issues of identity - ethnical, religious or cultural - ultimately converging to one common end: changing, keeping or exercising Power[1].

It is under the proclaimed global Islamic Jihadist movement that lies the ambitious political and religious project aiming to create a *"pan-Islamic theocracy and the restoration of the caliphate"* (Bakker, 2008: 69), reinforcing the claims announced long ago, the "end of history" (Fukuyama, 2007), the *Huntingtonian* paradigm of "civilizational clash" (Huntington, 2001).

Due to the "global terror venture", some States, within varied counterterrorist strategies, have adopted offensive responses which, though part of national security strategies, in some cases contemplate the use of military force, either autonomously or in coordination, and the use of lethal force against non-state actors - individuals, terrorist groups or organizations - beyond their territorial borders.

Though the best known examples are those of the United States and Israel, which we will analyze in detail, some European states could also be included, either in terms of

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[1] A concept which is very clear here, despite its conceptual ambiguity. To Joseph Nye, for example, "power is a controversial concept. There is not a widely accepted definition and the opting for a one reflects your own interests and values. Some define power as the ability to create or resist change" (Nye, 2012: p. 24). Similarly, "it can be defined as the set of means able to coerce others to behave a certain way. (...) there is a series of means able to impose a behaviour, therefore, there is a wide range of powers defined by their means which provide them with their basis" (Lara, 2011: 256).

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their individual action or within the framework of international security and defense organizations they are members of, NATO being the major example.

This type of actions is, however, not a recent phenomenon. Military action against non states was intimately linked to colonial hegemony of some European powers, especially in the second half of the 20th century, as an offensive response to subversive movements of rebellion and liberation. These essentially military actions were either large scale military operations or focused on the mere elimination of the leaders of insurgent groups[2].

The insurgents, on the other hand, mainly used guerrilla and counter-guerrilla strategies as "terror action"[3], viewed by other liberation groups as effective "insurrectional doctrine" (Rapoport, 1971: 55) against the colonizing power.

Religious-inspired terrorism, in particular from Islam, started at the end of the 1970s as a result of three events which occurred in 1979: the Iranian Revolution, the beginning of the new Islamic century and the invasion of Afghanistan by the Soviet army (Rapoport, 2004: 61). The so-called "fourth wave of terrorism", whose distinctive feature was made evident in the 9/11 attacks, provided "al-Qaeda & Associated Movements" (AQAM[4]), then as well as now, the top spot in the list of threats to international security[5].

According to Jenkins (2012: 1-3)[6], this "Jihadist Galaxy - itself a "moving target" - allows al-Qaeda and its associated movements the status of arch-enemy of the West, dividing academics and specialists, today more than ever, as far as their strategic and operational potential and as their threat level are concerned.

Al-Qaeda, besides the scope of its terrorist action – from the perspective of "hard power"[7] – has been able to project, more successfully than the West, what Joseph Nye (2004; 2009; 2012) defined as "soft power"[8], i.e., *"the ability to get what you want through attraction rather than coercion".* In some cases even, using both powers and results - in different areas such as recruitment, violent radicalization or terrorist training - the organization has been able to be globally implemented and have an

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[2]   As examples, we could mention CIA activities in Chile, Cuba, Guatemala and Panama at the referred time.
[3]   The expression is in inverted commas as the insurgents or "liberation movements" were also seen as "*freedom fighters*".
[4]   In Portuguese, *al-Qaeda e movimentos associados.*
[5]   For extensive description of "terrorist waves", proposed by Rapoport, See Rapoport, David C. (1971) *Terrorism & Assassination.* Toronto: Canadian Broadcasting Corporation; [ed.] (2001) *Inside Terrorist Organizations.* London: Frank Cass and (2005) *Terrorism: Critical Concepts in Political Science*, 4 vols. London: Routledge.
[6]   Therefore, the analyses of the organization are both non-consensual and eventually plural: *"al Qaeda is many things at once and must therefore be viewed in all of its various dimensions. It is a global terrorist enterprise, the center of a universe of like-minded fanatics, an ideology of violent jihad, an autonomous online network. It is a virtual army. Increasingly, it is a conveyer of individual discontents".*
[7]   Or "Hard Power". For Nye, hard power is linked with the use of force and coercion. Basically, the difference lies in that "Hard power is pushing; soft power is pulling." (Nye, 2012: p. 39). On this issue, see Gray, Colin S. (2011) *"Hard Power and Soft Power: The Utility of Military Force as an Instrument of Policy in the 21St Century".* Carlisle: Strategic Studies Institute, US Army War College.
[8]   Soft power, in short, may be seen as "the ability to affect others through framework cooptation of objectives, persuasion and positive attraction so as to obtain the desired results. (…) The type of resources associated with soft power frequently include intangible factors " (Nye, 2012: 39-40). Noteworthy is that "soft power" is the term used in the books this author published in 2009 and 2012, translated into Portuguese in two different ways "poder suave" and "poder brando", both deriving from the concept of "*Soft Power*".

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ideological influence (through "Intelligent Power"[9]), allowing it to become what some describe as *supra-state power*[10].

The well-established American imperialistic perspective contrasts with the idea that the intervention in Afghanistan in 2001 and the invasion of Iraq in 2003 proved the old maxim that the United States "soft power" is in decline (Nye, 2004 and 2012).

We aim to analyze the dynamics and the scope of counterterrorist strategies which contemplate, on the one hand, the use of the military applied to executing terrorist targets - mainly directed to individuals who are "high value" targets - and, on the other, the core role of *Intelligence* both in prevention and in offensive counterterrorist action.

Our analysis will focus on the two counterterrorist strategies which contemplate the use of this strategy: that of the United States and that of Israel.

In the first case, and with added "efficiency" after 2009, the use of *targeted killing*[11] in Pakistan and in Yemen. As far as Israel is concerned, the counterterrorist response to the threat of Palestinian terrorism - in particular from groups such as the *Hamas* (*Izzedin al-Qassam Brigades*) the *al-Aqsa Martyrs* (*al-Fatah*) – or the Lebanese *Hezbollah*.

Antiterrorism *versus* Counterterrorism

A State's response to terrorism results from the convergence of preventative, pro-active and reactive actions. However, often doubts persist as far as the conceptual framework and the differences, if any, between the terms antiterrorism and counterterrorism.

According to Baud, counterterrorism is the activity *"qui est l`ensemble des mesures destinées à combattre le terrorisme en amont de l`action terroriste. Il est la composante préventive de l`action et implique une combinaison de mesures politiques, des méthodes très pointues d`infiltration des réseaux et de recherche de renseignement active"* (Baud, 2005: 298)*.* It includes, therefore, the measures taken to prevent or eliminate the phenomenon upstream of terrorist action. It is the pro-active component which includes, among others, infiltrating networks or cells and the research and active collection of information through human sources (HUMINT)

Antiterrorism *"rassemble les moyens de lutte en aval de l`action terroriste. Il est la composante préemptive et réactive de l`action, et résulte souvent d`un échec d`une*

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[9] In general terms, *intelligent power* is viewed as the "combination of the hard power of coercion and payment with the soft power of persuasion and attraction." (Nye, 2012: 14).

[10] See Term used by Guedes, Armando M. (2012), *"Política e Segurança: teorias e conjunturas da actualidade"*. Paper presented on 14 March at the *Seminar on Political Power and Security (Seminário O Poder Político e a Segurança).* Lisboa: ISCPSI.

[11] *"A Targeted killing* is the intentional, premeditated and deliberate use of lethal force, by States or their agents acting under color of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator. (...) States have adopted policies, either openly or implicitly, of using targeted killings, including in the territories of other States"*. See United Nations HRC (2010), *"Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston"*. General Assembly: Human Rights Council -HRC/14/24Add.6, 28 May, p. 4.However, "targeted killing" is not a term defined under international law. Nor does it fit neatly into any particular legal framework. It came into common usage in 2000, after Israel made public a policy of "targeted killings" of alleged terrorists in the Occupied Palestinian Territories"*, See Idem, *Ibid.*

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stratégie de contreterrorisme" (Baud, 2005: 298-299). It is the reactive component[12], downstream of terrorist action, that is almost always placed into practice after the failure of a counterterrorist action.

Loureiro dos Santos considers that this conceptual dichotomy is resolved by the use of the umbrella term "response to terrorism", in which he establishes four "strategic axes of simultaneous action", one of them more important for management and stabilization, in case of a successful terrorist action, mainly focusing on "emergence and aid measures to implement" (Santos, 2009: 165-171).

the remaining three axes of strategic action would then be reserved to act on:

1) "deep causes" of terrorism in an attempt to (re)balance in terms of "political, economic and social measures";

2) ideological struggle against violent radicalization and terrorist recruitment; and

3) the offensive perspective which includes essentially information, the police forces, the judiciary - the military, either additionally or in situations which require the use of exceptional means (Santos, *Ibidem*).

A document by the American Joint Chiefs of Staff defines both concepts as separate: antiterrorism includes "the defensive measures to reduce the vulnerability of people and goods to terrorist attacks"; counterterrorism includes "offensive measures to prevent, stop and respond to terrorism"[13]. From this point of view, the fight against terrorism is the set of actions – antiterrorist or counterterrorist - implemented to stop the terrorist phenomenon in the full scope of the threat[14].

However, and considering the previous definitions, the symbiosis between the concepts and the scope of action may lead to different analyses which immediately influence the understanding of the phenomenon and the adequacy of the means used in response. In this sense, we have adopted the following integrated concept[15], both of the phenomenon and the response:

> "Terrorism is a gray-area phenomenon, something between crime and war, state violence and insurgent violence, conflict and violence, and propaganda and direct action. It is often intermeshed with other phenomena, such as migration, competition for resources, social

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[12] From the "*recovery*" perspective and that of tactical intervention or of *Intelligence*, in particular in the case of multiple or coordinated attacks or in case of strong indication or confirmed threat of new attacks.

[13] See U.S. Joint Chiefs of Staff (1993), *Joint Tactics, Techniques and Procedures for Antiterrorism* - JP 3-07.2, 25 de June, p. I-1. In the same document, the concept of terrorism is also restated in DOD Directive O-2000.12, as *"The calculated use of violence or threat of violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological"*.

[14] See *Ibidem.*

[15] In an attempt to conceptualize political science, terrorism may be viewed as "(…) an action technique used against human targets, selected or random, through especially violent means, or the threat of their use, or specifically against non-human targets such as physical, critical or symbolic infrastructures, raising terror and insecurity which affects not only the primary targets, their direct victims, but also potential targets, indirectly coercing the action of governments and organizations and influencing public opinion so as to achieve their political, ideological, criminal or religious objectives"; See (Matos 2012, 2011).

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movements and social protest, political and religious ideology, mass media and electronic communication, ethnic conflict and identity or single-issue politics, subversion, insurgency and revolution, and self-determination of peoples and nations. (…) Countering terrorism is intimately related to understanding the nature of the terrorist phenomenon and how it fits into the wider security environment. How we conceive of terrorism determines to a great extent how we go about countering it and what resources we devote to the effort" (Crelinsten, 2009: 39).

The difference in concept, which is often more a case of semantics, is today overcome by the general use of the term "counterterrorism" which includes, regardless of its operational or linguistic origin, both vectors - preventative and responsive - in any of its stages.

The counterterrorist efficiency is necessarily dependent on the correct perception of both the nature and the strategic implications of the phenomenon within a wide security framework. Once these objectives are met, the adequate response strategies could be designed as well as the most efficient resources could be selected for its fight.

The Outline of the Threat

Al-Qaeda is currently a hybrid, flexible and extremely versatile structure in organizational terms, known for its decentralized action and node transversality, with few links among cells allowing, based on the regional and local nodes, for the creation of new identities from already existing ones or the reproduction of identities, structurally simple but complex in terms of action and vertically independent, for operational and logistics purposes, in terms of command or leadership in planning and executing terrorist attacks (Matos, 2012).

The organization, and its associated groups, are a key-element of the global threat which the Jihadist terrorism[16] - of international scope[17] and Islamic influence - has long represented and which is implemented and disseminated under the ideological umbrella

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[16] Members, groups and organizations share, besides the Islamic faith, a political and ideological activism based on an extreme and revivalist interpretation of the teachings of the Koran, in particular the Salafist perspective. (Matos, 2011: p.15). The term "Jihadist Terrorism" is commonly used to designate a variant of international terrorism based on an extremist interpretation of Islam to support political and ideological objectives whose origin and scope of action are not limited to any particular geographical area. However, it must not be viewed as equivalent to other forms of Islamic terrorism, as is the case of the group *Hamas*, whose objectives are different from those of bin Laden and al-Qaeda and focus on particular political objectives: the Palestinian cause (Matos, 2011: 15-16; Moghadam, 2008: 94).

[17] International terrorism is that whose aim is to affect the political structure of more than a country, even the world, when participants have spread their action to a significant number of countries or geographical areas. Noteworthy is the fact that international terrorism, in these terms, necessarily includes transnational terrorism. See (Matos, 2011: 14-15; Reinares, 2005: 2). It also includes that which "involves more than one nation, either in terms of national identity of the perpetrators or victims, or when the attack is committed on the territory of a third-party country, or if a state sponsor of terrorism is involved in the attacks". See Ganor (2005: 57).

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of the acclaimed "Global Jihad"[18], started against the West in general and against the Jews and the Crusades[19] in particular.

Al-Qaeda, in terms of its central structure[20] - upstream and downstream of the "common" hierarchical and network models - appears to have adopted a *design* close to that of the "dune structure" (Mishal & Rosenthal, 2005: 275-284), whose (re)structure is different from the pyramid structure the organization had in the first stage of its existence[21], and that of the network structure it adopted up to the attacks on September 11, 2001. This changed the organization into a hybrid and versatile structure whose inconsistency has allowed it to, on the one hand, be physically implemented yet structurally absent at global level and, on the other hand, have a "present" though virtual leadership (Matos, 2012). Thus, the concept of a dune organization is inspired on the deterritorialized character of a (new) globalized world which fosters the adoption of these organizational dynamics by terrorist groups:

> *"The Dune movement is almost random, moving from one territory to another, affecting each territory, changing its characteristics and moves on to the next destination (…) act in a dynamics of a fast-moving entity that associates and dissociates itself with local elements while creating a global effect. The never ending associative connections link the Dune Al Qaeda as a Dune Organization in a decentralized and networked way with unknown number of affiliated groups. This network is temporary, attaches and detaches, moving onward after changing the environment in which it has acted. Afterward, it moves on while looking for another suitable environment for the Dune to act in"* (Mishal & Rosenthal, 2005).

The threat of Islamic terrorism, according to some experts, results from three overlapping circles: the first, at the core, includes the members of the network al-Qaeda[22] and its affiliates; the second includes ethnical and nationalistic groups which share al-Qaeda's ideology but whose objectives are local or regional; finally, a third circle, rather undefined but probably the largest and most dangerous, which includes individuals and groups who do "freelancer terrorism" (Bures quoting Errera, 2011: 37-39)[23].

This wide typology would include the so-called "lone-wolves", individuals who commit terrorist actions and: 1) operate individually; 2) have no connection to any terrorist group or organization; 3) do not act under the direct influence of a leader or structured hierarchy; 4) use tactics and methods they have designed and implemented, without

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[18] In Arabic, it means "effort in the search for the path of God; more extreme Islam sees it as a Holy War against the enemies of Islamic faith". See Costa, Hélder Santos (2003), *O Martírio no Islão*. Lisboa: ISCSP: 36.

[19] The reference being Israel and the United States.

[20] There is top and intermediate leadership, i.e., besides the directing structure there is a group of operationals, experienced and highly trained, who are responsible for areas such as recruitment and radicalization, religious affairs, financial operations, propaganda and strategic communication, terrorist training and operation planning in Europe, Africa, etc.

[21] Since its creation in 1988 up to the terrorist attacks in Kenya and Tanzania in 1998. The "Afghan Service Bureau" - or MAK or *Makhtab al-Khimadat* - created by *Abdullah Azzam* during the conflict with the Soviets, was its root.

[22] Usually referred to as "al-Qaeda Core".

[23] Errera, Philippe (2005*) "Three Circles of Threat"*, Survival 47 (1): 71-88.

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influence of supervision of others (COT, 2007). "Freelancer" acts are those carried out by individuals who, though they do not have a direct relation with a terrorist organization, act under the tactical and operational guidance of one of its members (Jenkins, 2011: VII).

In an expert's prospective analysis, al-Qaeda, though weakened, still aims at a global terror campaign. Though currently it is not able to launch large scale attacks, difficult to plan and implement, the organization invests on homegrown recruitment for an individual Jihad based on a "do-it-yourself" terrorism (Jenkins, 2011; Matos, 2012).

Considering Europe, and in particular the threat of endogenous or homegrown terrorism, the classification into three types of cells in Europe is rather interesting:

Figure 1 - Types of terrorist cells operating in Europe

	AUTONOMY	SELECTION
Chain of command	Directed	Top-down
Guided	Takes initiative, but seeks approval	Self-recruited, but "link to jihad"
Self-starter	Autonomous	Self-selected

Source: Neumann & Brook (2007: p. 26)

"Command cells", formed and run by the top hierarchy, aim to carry out actions planned by the command and under its coordination. Its operationals have been trained by the organization in camps, either already set up or especially built, and they may remain "dormant" until activated.

 The "commanded cells" are usually self-recruited and self-radicalized, have autonomy in terms of initiative but require approval by the organization. They view the approval as a means of becoming integrated in the structure and, in the future, as a possible access to logistics or financial support. Though not formally integrated in the organizing structure, these cells share ideology, logistics and operational strategies for supervision and control with the organization or with some of its members.

"Autonomous cells" - created "automatically" or spontaneously - are exclusively self-recruited and self-radicalized. Its members have no connection with the organization and are trained at their own volition, almost always in a "virtual camp", which leads to the majority of their initiatives being limited to planning and target approach.

However, this last type of cell becomes exponentially dangerous due to its ability to be integrated in society. Acting autonomously and uncoordinatedly, their visibility is lower and the monitoring of their members' movements only occurs when more extreme ideologies and narratives are inflated or actions are carried out that evidence their availability to terrorism (Neumann & Brook, 2007: 23-26)[24].

Another perspective, more misleading, divides this threat into two subtypes: the "*outsiders*" and the "*insiders*". The first would include individuals, exiled, refugees or students, who can enter and remain in countries from Western Europe; the second would include second and third generation immigrants from the Arab Diaspora (Bures, quoting Leiken, 2011: 38).

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[24]   Also quoted by Bures (2011: 37-38).

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This variant is undoubtedly and intimately related with the Diaspora of the Islamic community which settled in Europe long ago. We cannot, nevertheless, establish a cause effect relation, the more so because the extremists represent a very low percentage of a mostly integrated community.

We may also divide the formation of these cells in Europe as follows:

External penetration cells: small groups of individuals already somewhat organized, who cross the borders of a State or region - with the support of the Islamic community settled there, at least in terms of logistics, cover and financing - and have a previously established target. They are an external threat, unpredictable and of difficult detection and control due to their heterogeneous nature and its members' professional skills. In general, they enter the target country at a date close to the attack, requiring just enough time for approach, recognition, counter-surveillance, security test and execution[25]. These cells usually include elements of different nationalities but in which one is predominant[26].

Endogenous cells include this subtype of autonomous cells, either active or "dormant", formed by elements of first or second generation immigrant community. These cells emerge in the context of sharing ethnic, nationalistic or religious values and are fostered by friendship, neighborhood or even family relations. Many members share a past life of crime, which has enabled or quickened their recruitment, doctrination and violent radicalization. These cells are formed in neighborhood communities, connected through the Internet (through social media and Islamic discussion forums) and rather easily "camouflaged" because of members' social and family insertion. They are very mobile, either in pendular movements between Europe and the country of their family or within that very country.

Offensive Terrorism: from efficiency to the "boomerang" effect

A counterterrorist strategy may be efficient within a specific context and completely inefficient in another, given the heterogeneous nature of the phenomenon, both in terms of the individuals involved and the action itself.

> *"Even relatively ineffective terrorist attacks can do grave harm. The damage can be measured in lives lost or injuries, in property damage and other material costs, or in something less easily quantifiable – the fear that another attack is coming. (...) mounting effective counters to terrorism is an especially difficult task. Because of the stealth and surprise that accompanies terrorism, the anonymity of the attackers, and the frequent willingness of terrorists to die for their cause, tackling terrorism is daunting at best. (...) The list of possible counterterrorism*

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[25] Some of these actions are often carried out by other elements of the terrorist group, usually referred to as "information cell". For security reasons and for the success of the operation, no contact should be established with elements of the cell executing the attack.

[26] As an example, we may mention the "penetration cell" responsible for the 9/11 attacks on American soil: though "commanded" by the Egyptian Atta, of the cell's 19 members, 14 were Saudi. See McDermott, Terry (2005) *Perfect Soldiers. The 9/11 Hijackers: Who They Were, Why They Did It*. New York: Harper Collins Publishers.

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strategies is long and growing, in part because of the evolving dynamics of the terrorist threat" (Banks *et Alii*, 2008: 3).

It is in this sense that Crelinsten[27] presents different action focuses which, though towards a shared end - the counterterrorist response - allow to implement the most adequate strategies, not only as far as the specificities of the phenomenon at each moment and of the specific actor involved, but also in terms of the depth and scope of its application. This means that if it focuses on short term objectives - group analysis - abilities and means of acting, motivation, targets, *etc* - or, if it aims a wider and long term objective, analysis should include social, religious, political or economic factors that frame the context of terrorist action so as to better understand and act on its causes, action abilities and counter-response to a State's counterterrorist action (Crelinsten, 2009: 45).

Equally important is that, in the design of a counterterrorist policy, not only are basic analytical perspectives taken into account - time, space, types of power and modes of intervention of the opposing party - but also dichotomies such as offensive/defensive, reactive/proactive, local/global, which serve as basis for adjusting the focus of action and the intensity of the response. (Crelinsten, 2009: 44-47).

In general terms, Crelinsten subdivides counterterrorism into 5 categories: coercive, proactive, persuasive, defensive and "long term".

Coercive counterterrorism, the most relevant for us, is essentially offensive and based on two models: the *War Model*[28], which favors the use of the military, and the "*Criminal Justice*"[29], clearly based on the police and the judiciary[30].

The advocates of the "criminal" model argue that terrorism should be treated as any other type of organized and violent criminal activity. The defense of the "military" model is based on the assumption that the previous model does not have the means, in the majority of cases, to deal with the threat, which is why its protagonists should be seen as fighters - since the civil population is their random target - and the response tools adequate to armed conflict.

Though both models are related with the monopoly of the use of force by the State, in both cases there are restrictions to their actions: in the former, the restraints are those deriving from criminal legislation and criminal procedure; in the latter, military force should only be used against fighting targets or, by extension, against individuals who provide them with military support.

For Ganor, a world specialist on counterterrorism, any counterterrorist policy, by definition, should meet the following objectives:

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[27] Crelinsten, Ronald (2009), *Counterterrorism*. Cambridge: Polity Press.
[28] "The war model of counterterrorism treats terrorism as if it were an act of war or insurgency. Because wars are usually fought between states, countering terrorism within a war model implies that the terrorist group represents the equivalent of a state." See Crelinsten(2009: 72-73).
[29] "A criminal justice approach to counterterrorism treats terrorism as a crime. This makes perfect sense, since most terrorist acts constitute crimes defined in criminal codes." See Crelinsten (Idem: 52).
[30] Here, considered as a whole; i.e. legislative *corpus*, the judiciary, the prison system, prevention subsystems and criminal investigation, information, etc.

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1) eradicate terrorism;

2) minimize the damages caused by its actions;

3) prevent the increase in terrorist action (Ganor, 2005: 25-27).

According to this, the "terrorist equation"[31] paradoxically leads us to the dilemma of the "counterterrorist equation": that in which the increase in offensive action to reduce the action of a group or organization will lead to more support and motivation. Therefore, a counterterrorist strategy should attempt to balance the means to crush an organization's operational ability to terrorism and, on the other, reduce the level of motivation to carry out those actions[32].

A State which adopts an offensive policy of counterterrorism must equally take into account the "boomerang effect". According to Ganor (2005: 129-130), the "boomerang effect" theory establishes that offensive action against a terrorist organization may trigger an escalation of response - more attacks and often more lethal ones - by the organization.

Nevertheless, advocates of the use of offensive actions state that this is not valid, considering that the variable limiting the scope of action and the *modus operandi* of a terrorist organization is its operational ability to attack and not particularly its degree of motivation.

Thus, "the motivation of terrorists is always high and attacks are committed solely as result of operational readiness. A serious blow to the terrorist organization`s infrastructure will jeopardize its operational capability, and even if it elevates the organization`s motivation to commit a counter-attack, it will not be able to act on it" (Ganor, *Ibidem*).

To sum up, this is a matter which is far from consensual. The "decapitation" - through elimination or capture - of leading members of terrorist organizations' has long been claimed for. The contention is that this would weaken the organizations' ability to plan and carry out actions as well as their integrity and organizing cohesion. We believe, however, that this will lead to better results when the target organization has a more or less defined hierarchy. In the case of al-Qaeda and the *terrorist nebula[33]* linked to it, the results may be less efficient given the inconsistency[34] and little connectivity[35] of its organizational model.

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[31] This is made visible in the formula: [*Terrorism = Motivation + Operational Ability*]; See Ganor (2005: 41-43).

[32] "(...) the offensive activity raises the organization`s motivation to continue perpetrating, and perhaps even to escalate, terrorist activity in retaliation and in response to the country`s actions. (...) Planning and carrying out effective offensive counter-terrorism activity is a complex task and difficult to achieve." See Ganor (Idem: 43).

[33] Term proposed long ago by DENÉCÉ, Éric *et al.* [dir.] (2002). *Guerre Secrète Contre Al-Qaeda.* Centre Français de Recherche sur le Renseignement. Paris: Ellipses Édition: 29 e161-163.

[34] This organizational inconsistency, which Jessica Stern designated as *"The Protean Enemy",* allowed al-Qaeda to resist - at least until the death of bin Laden - to successive counterterrorist, military and *Intelligence* operations carried out against its top leaders in the Afghan and Pakistani area. See Matos, Hermínio J. (2012) *"E Depois de bin Laden? Implicações Estratégicas no Fenómeno Terrorista Internacional Uma Reflexão".* Politeia, Year VIII: 9-38. Lisboa: ISCPSI, p. 24; STERN, Jessica, *"The Protean Enemy"*, Foreign Affairs, 82 (4), 2003: 27-40.

[35] For a thorough and detailed analysis of the organizational models of terrorist structures, see GUEDES, Armando Marques (2007), *Ligações Perigosas. Conectividade, Coordenação e Aprendizagem em Redes*

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Offensive Responses

The threat of terrorism caught the West off guard; the most common means to make war today, in this area, are of little or no use (Statman, 2004: 179). Adriano Moreira described this impasse in the conflict as the complex "relation between the International System and the world Strategic Context, in which the distance between the *normative definition* of the system and *world reality*" (Moreira, 2011: 433), which inevitably leads us to a "gap between reality and the dimension of the threat due to it being underestimated" (Tomé, 2010: 37).

Thus, there seems to be a disturbing, maybe paradoxical, element in the fight against terrorism: on the one hand, groups emerge and disseminate, complex organizational strategies and models are adopted which allow for increased resistance and efficiency in terrorist action; on the other hand, counterterrorist models are implemented which simultaneously lead to more effective results yet are controversial in terms of legitimacy and legality.

Therefore, the reformulation of the paradigm of security, here in its holistic perspective, may (re)structure the response policies to terrorism and the risk of "militarization of non-military dimensions of security"[36]. "The symbolism attached to the fall of the Berlin Wall, the international community, used to a balance of terror, is forced to acknowledge the importance of other actors in the international system" (Garcia, 2010: 72), which include, *inter alia*, terrorist groups and organizations such as al-Qaeda and associated movement.

The issue here is to know whether the responses by some States, through the adoption of active measures of offensive counterterrorism - as, for example, the use of "*targeted killing*" - are not simply another form of terrorism?

As Guedes Valente writes, when discussing this dialogue, sometimes antithetic, between *National Security* and the defense of basic rights, "neither can security be underestimated, nor can basic rights be sacrificed endlessly." (Valente, 2010: 55).

Thus, and as stated in a United Nations[37] report by rapporteur Philip Alston[38] on "Extrajudicial, Summary or Arbitrary Executions", at international level it is admissible to use this type of offensive response against international terrorism, either *per se* or in armed conflicts which oppose State and non-state actors, scenarios in which the specificity of the threat and the basic rules of war and peace, which remind us now of the (re)emerging concept of "asymmetric war"[39], precisely that in which military force

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Terroristas. Coimbra: Almedina. See also Matos (2010), *"O Sistema de Segurança Interna: O Caso Português"*, *in* Moreira, Adriano e Ramalho Pinto [coord.] *ESTRATÉGIA*, Vol. XIX: 173-246. Lisboa: Instituto Português da Conjuntura Estratégica, p. 206 onwards. [quoting GUEDES, 2007: 47-58].

[36] Tomé (2010: 37).

[37] See United Nations (2010), *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston*. General Assembly: Human Rights Council -HRC/14/24Add.6, 28 May: 3-5.

[38] Special Rapporteur, between August 2004 and July 2010, of the Office of the United Nations High Commissioner for Human Rights. Currently (since July 2010), the task is carried out by Christof Heyns, from South Africa

[39] For Garcia (Quoting Rupert Smith, 2010: 86), "*classifying a war as asymmetric is a euphemism, because the art of war is in* [always] *managing an asymmetry in relation to the enemy*" (our brackets and underlining); "*Asymmetric war (...) mostly explores the surprise factor, refuses the rules of combat imposed by the adversary, uses unforeseen means and acts on places where confrontation should be unlikely*", essential requirement in any terrorist organization's strategy (Garcia, *Ibid.*).

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is deemed necessary though the "battle field" is not in the territory of the aggressor or the victim but in third States, where the former seeks refuge and support at all levels.

We are referring to the use of "*targeted killing*"[40] as an offensive action tool in counterterrorist strategies of some countries, as the United States and Israel[41].

The United Nations Report defines this action tool as follows:

> *"A targeted killing is the intentional, premeditated and deliberate use of lethal force, by States or their agents acting under color of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator. (…) Such policies have been justified both as a legitimate response to terrorist threats and as a necessary response to the challenges of asymmetric warfare. In the legitimate struggle against terrorism, too many criminal acts have been re-characterized so as to justify addressing them within the framework of the law of armed conflict. New technologies, and especially unarmed combat aerial vehicles or drones, have been added into this mix, by making it easier to kill targets, with fewer risks to the targeting State."* (UN Report, 2010: 3).

We use the concept by Melzer (2008: 3-5) which states that, for an action to be referred to as "*targeted killing*" it should fulfill five requirements:

1) the use of lethal force;

2) premeditated and deliberate intent to kill;

3) previous selection of individual targets;

4) non-physical possession of the target;

5) accountability of the action by a subject of international law.

Therefore, besides the definition proposed by the United Nations Report, though not very different,

> *"The term 'targeted killing' denotes the use of lethal force attributable to a subject of international law with the intent, premeditation and deliberation to kill individually selected persons who are not in the physical custody of those targeting them"* (Melzer, *Idem*: 5).

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40 We opted to keep the Anglo-Saxon terminology because we believe the translation would imply a loss, if not in its conceptual efficiency, at least in terms of its "psychological" scope. Other designations include "selective killing", "selected target elimination", "extrajudicial executions" and "selective targets".

41 Other countries such as France, Russia and the United Kingdom have made (or still make) use of this "offensive action technique". NATO, within the scope of its action in Afghanistan, is the more current example.

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The theory of "just war", nowadays within the framework of Human International Law, the International Law on Armed Conflict, The United Nations Charter and the Geneva Conventions, associates self-defense and the principles of need and proportionality. The United Nations forbid the threat or use of force against the independence or territory integrity of other States. It includes, however, two exceptions:

1)   individual or collective right of response to an armed attack, laid down by article 51 of the Charter, which allows the use of force only as a response to an armed attack or, ultimately, as "anticipatory defense" to an imminent armed attack;

2) the use of force in collective security operations, previously authorized by the Security Council.

Anchored in these "three subtypes of security trend" - the "*Law and Order Movement*, the *Zero Tolerance* and the *police-State*" - the "new threats and new dangers (…) are jeopardizing common Criminal Law and legitimizing the defense of the enemy's Criminal Law, based on the dogma of the author's Criminal Law, (…) which should be viewed as an enemy because representing a danger, a threat, a risk to security". We, therefore, run the risk of changing "terrorism as the root of war schizophrenia" which thus promotes the most offensive counterterrorist response (Valente, 2010: 62-67).

Though the legal framework of this issue is under deep and endless debate, especially considering human international law and human rights, our analysis will only focus on the technical and tactical issues involved in this type of counterterrorist action.

The Target Selection Process

According to US military doctrine, a "target" is an entity or object whose approach is susceptible of immediate or future execution (FM, 3-60, 2010: 1-1). In this rather wide category we may include military forces, mobile or stationary, physical structures, critical infrastructures or other capacities deemed necessary to meet the adversary or enemy's strategic or operational objectives (JP 3-60, 2002: I-2).

 The process of target selection - "*Targeting*" - therefore encompasses the set of actions to identify, select and define current or future target priorities which, when carried out, are able to destroy, damage or decrease the opponent's abilities (FM 3-60: *Ibidem*).

Targets' abilities necessarily include the human means at their disposal, whether individuals belonging to an army - regular or insurgent - or to a terrorist organization. The advantages of a target selection process are, among others: the ability to identify sources or resources allowing an opponent, from the conflict perspective, to carry out actions and use resources and abilities. This makes its application extremely efficient within the scope of offensive counterterrorism.

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Therefore, the selection of "high value targets" [42] aims at approaching (elimination or capture) of individuals in directing or leadership positions and are an asset in either technical or operational terms within a terrorist organization.

The process is divided into essentially four stages:

Figure 2 - Methodology D3A
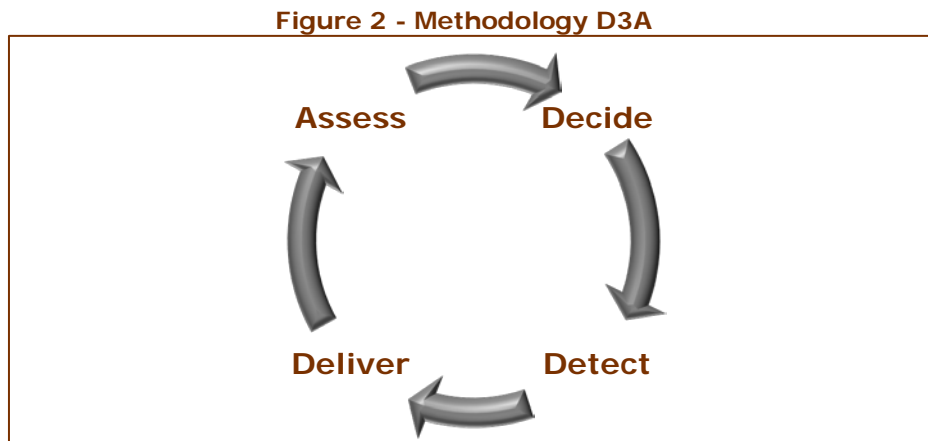
Source: Our design, See FM-3-60 (2010: p. 2-1)

D3A methodology cycle is:

1) *DECIDE* - decide on the target;

2) *DETECT* - detect and establish the target;

3) *DELIVER* - lead the operation (approach the target);

4) *ASSESS* – effects/damages in the approach ("have" the target).

 The dynamics of this process, whose cycle can be longer or shorter, may be simplified in this formula: "*Find, Fix and Finish*"[43].

HUMINT offensive perspective: successes and (some) failures

On 31 December 2009, *Humam Khalil al-Balawi*, a Jordan doctor who had supposedly been recruited by GID[44] as a double agent to infiltrate the terrorist organization al-Qaeda, committed a suicide attack[45] and exploded at the Khost military station, in

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[42]   *High-Value Target* (HVT): "Those assets that the Enemy Commander requires for successful completion of his mission"; *High-Payoff Target* (HPT): "Those HVT`s that must be acquired and successfully attacked to achieve the Friendly Commander`s mission" See FM 3-60 (2010), *The Targeting Process*, p. 2-2.

[43]   "*Find*: find the enemy; *Fix*: Ensure the enemy stays (is fixed) in that location; *Finish*: Defeat the enemy". See Peritz, Aki, Eric Rosenbach (2012) *Find, Fix, Finish. Inside The Counterterrorism Campaigns That Killed Bin Laden and Devastated Al-Qaeda*. New York: Public Affairs.

[44]   The Jordan Information Service, whose acronym is *General Intelligence Directorate* or *Mukhabarat*. One of the *al-Balawi* victims was exactly his handler, an agent of the Jordanian services and a cousin of the Jordanian King *Abdullah II*, *Ali bin Zeid*.

[45]   According to a recording by *al-Balawi* immediately before the attack, he claimed avenging the death of the terrorist group leader *Tehrik-e-Taliban Pakistan* (TTP), *Baitullah Mehsud*, in August 2009, the target of a "*targeted killing*" action by *Drones*. See Warrick, Joby (2011) *The Triple Agent, The al-Qaeda Mole Who Infiltrated The CIA.* New York: Doubleday.

Afghanistan, eliminating the whole CIA team in the region, who was then expecting his contact for information collection.

This incident illustrates the complexity of counterterrorism *intelligence*[46], especially in HUMINT actions.

In the fight against terrorism, in particular that of Islam, the technology that most information services today have is incomplete without the *Intelligence* that is HUMINT.

Within the scope of the selection process of terrorist targets, *Intelligence* plays a crucial role in all its phases. However, it is in the infiltration of human sources of information in terrorist organizations or groups - or at least in their scope of action - that the process becomes difficult, not only due to the secrecy and closeness that are typical of these activities but also due to the specific features - linguistic, ethnic and religious - of the Jihadist terrorist circuit.

Ultimately, *Intelligence* seeks the most important for terrorism prevention: location and identification of elements from a terrorist organization whose knowledge, in advance or in time, will allow, on the one hand, canceling the action and, on the other, ruining its structuring and to capturing its members.

The most important use of *Intelligence* in counterterrorism is, thus, to gather and make available the information on terrorists, individuals, leaders, cells or groups, so as to break them up.

Paradoxically, the elimination of a terrorist target is not always the best option. The information which may be gathered - on the organization's structure, its members, plans of action, etc. - based on the "interviewing" of captured elements is important[47].

> *"Many intelligence and military officials argue that detaining and interviewing terrorists suspects is the most effective way to finish them, since they can provide information that will allow the find-fix-finish cycle to begin again; the debriefing of one suspect can aid in locating, isolating, capturing, or killing others"* (Peritz & Rosenbach, 2012: 8 e 207-218).

HUMINT has therefore an important role in counterterrorism. Obtaining information from sources connected to [48]the structures of terrorist organizations allows access to precise and updated information on their structure, abilities and plans of action (Ganor, 2012: 155-156).

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[46] The whole concept is visible here: information as a process (in general, the so-called "information cycle"), as the final product of this process (*Knowledge*) and from the functional perspective of the organizations carrying it out. See (Matos, 2011: 16).

[47] This is the case of the interrogation to *Khalid Sheik Mohammed* and later to *Abu Faraj al-Libi*, which may have led to identifying and locating bin Laden's "personal courier" - *Abu Ahmed al-Kuwaiti* - and, consequently, to the elimination of al-Qaeda's leader in May 2011.

[48] This "connection" to the source of the organization can be twofold: through a HUMINT infiltration process, in which the infiltration movement is operated from the outside to the inside of the organization. On the other hand, "penetrating" an organization can only be achieved when someone from the inside or someone with access to it can be "recruited". Frequently, both terms - infiltration and penetration - are used random and alternately. The infiltration process is harder to carry out, though, in counterterrorism, success is difficult to achieve in both cases.

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Usually, *targeted killing* actions are part of a wider plan of action - beyond the action of "special forces" - with special focus on HUMINT and "*Covert*[49] *& Clandestine*[50] *Operations*". In the case of the USA, it is not uncommon for the CIA to lead the operations of "*targeted killing*" in the field, including coordination and leadership of attacks by *drones*.

"Targeted Killing"

The United States

The United States has come a long way since 9/11 up to now in terms of restructuring their foreign and security and defense policies.

As stated in their 2011 National Counterterrorist Strategy[51], the American administration faces today "the world as it is"[52] but does not give up from the attempt to make it "the world we seek"[53].

Part of the US military response to 9/11 terrorist attacks, though under the name "Global War on Counterterrorism" (GWOT), the air raids on the mountains of Afghanistan (where al-Qaeda top leaders were supposedly hidden) are the beginning of what later, in an offensive clearly directed against selected terrorist targets, would be designated *targeted killing*.

Despite the shadow of the American administration counterterrorist action being spread throughout the globe, the use of this tool is reserved to specific operation fields as, for example, Afghanistan, Pakistan, Yemen and Somalia.

Pakistan & Yemen

In a short analysis of the results obtained by the USA within counterterrorism - through *targeted killing* by *drones*[54] - in Pakistan and Yemen, an exponential increase in the number of attacks between 2004-2012, particularly after 2008, is visible. The (high) estimate for the period between 2004 and 2012, in particular in the Pakistani territory, is a total of 3,191[55] deaths, including "militants", "civilians" and "unknown".

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[49] "Covert operations are defined as an operation that is so planned and executed as to conceal the identity of or permit plausible denial by the sponsor. A covert operation differs from a clandestine operation in that emphasis is placed on concealment of the identity of the sponsor rather than on concealment of the operation"; See U.S. Department of Defense (2010) *Dictionary of Military and Associated Terms*, Joint Publication 1-02: 88.

[50] "Clandestine operation as an operation sponsored or conducted by governmental departments or agencies in such a way as to assure secrecy or concealment. A clandestine operation differs from a covert operation in that emphasis is placed on concealment of the operation rather than on concealment of the identity of the sponsor. In special operations, an activity may be both covert and clandestine and may focus equally on operational considerations and intelligence-related activities." See Idem, *Ibid*, p. 56.

[51] *U.S. National Strategy for Counterterrorism*, Washington D.C.: White House, June 2011: 1-2.

[52] "The World as It Is". See *U.S. National Security Strategy*, Washington D.C.: White House, May 2010: 7-9.

[53] "The World We Seek". See *U.S. National Security Strategy*, Washington D.C.: White House, May 2010: 9-16.

[54] Manufactured by *General Atomics Aeronautical Systems Inc.*, in San Diego, the most used by the USA are MQ-1B Predator (CIA) and MQ-9 Reaper (USAF). Usually referred to as UAV (Unmanned Aerial Vehicle), they are also used for ISR (*Intelligence Surveillance and Reconnaissance*) VISINT (Visual Intelligence) operations. Both may be armed with *Hellfire* missiles, the MQ-9 Reaper may also have *laser* guided bombs. See Llenza, Michael Steven (2011) "*Targeted Killings in Pakistan: A Defense*", Global Security Studies: 47-59, Vol. 2 (2): 48-49.

[55] Data source: http://counterterrorism.newamerica.net/drones (data reported to 01 October 2012).

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Noteworthy is also the increase in the "precision" of "selected" target execution, since, in 2012, the number of "civilian" casualties - frequently named "collateral damages" - is zero according to the referred data source.

The beginning of the Obama administration coincides with the increase in attacks and in deaths among militants or terrorist leaders[56].

Therefore, between 2004 and 2012, the USA eliminated, through executing selected targets, forty-nine individuals from the Taliban, al-Qaeda and Haqqani directing structures[57].

In the case of Yemen, the USA began their *drone* attack campaign in November 2002. That month, the first victim was *Qaed Salim Sinan al-Harethi*. Since then, fifty-one attacks have been launched, leading to two hundred and sixty-seven eliminated terrorists, among leaders and operationals, and eighty-two civilian casualties[58].

Israel

In an analogy with the metaphor used by Nye[59], we could say that Israel sleeps with an elephant[60] by its side; the problem is if the animal turns in its sleep.

The project of the State of Israel has been *ab initio* an endless political and military confrontation with neighboring Arab states, in particular with those next to its geographical borders. Most of the times, the confrontations have been in the form of terror actions against civilian or military targets in Israeli territory or against economic interests, critical infrastructures or Israeli citizens outside the country's borders.

This way, the terrorist threat on Israel is materialized through organizations or groups like the Hamas, particularly, through its "military arm" - the *Izzedin al-Qassam* Brigades - the *al-Aqsa* Martyr Brigade and the Lebanese Shiite group *Hezbollah*.

From this point of view, its counterterrorist response strategy is essentially offensive, carried out by IDF (Israel Defense Forces), by *Intelligence* and by police forces.

On 27 December 2011, IDF's[61] page mentioned the elimination of two terrorist targets, *Rami Daoud Jabar Khafarna* and *Hazam Mahmad Sa'adi Al-Shakr*, members of the Sunni group Hamas, which were preparing a terrorist attack on the border between Israel and Egypt (in the Sinai peninsula). IDF classified the attack, carried out by an Air Force plane, as "surgical", adding in its official statement[62] that

"The IDF will not allow any attempt to harm the State of Israel and IDF soldiers, and will continue to operate against anyone who uses terror against the State of Israel. The

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[56] In 2008, 35 attacks; in 2009, 53; in 2010, 117; in 2011, 64; and in 2012, 39 attacks. From 2008 to 2012, there was a total of 308 attacks. Source: http://www.longwarjournal.org/pakistan-strikes.php (reporting to October 1, 2012).

[57] Source: Idem, *Ibid.*

[58] Source: http://www.longwarjournal.org/multimedia/Yemen/code/Yemen-strike.php (reporting to October 4, 2012).

[59] See NYE (2012), *Op. Cit.*: 26: "(…) Canadians complain that living next to the United States is like sleeping with an elephant. (…) if the monster turns, it will lead to harm".

[60] Especially Lebanon, Egypt, Syria and Iran, as well as the "old" threat from Palestinian terrorism.

[61] Israel Defense Forces: Israel Defense Forces is a term which includes the country's Army, the Navy and the Air Force. See www.idf.il/.

[62] Message always included at the end of news report related to terrorist action against Israel. In this sense, the "targeted killing" action, within the scope of counterterrorist response, is always publicly acknowledged by Israel.

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Hamas terror organization is solely responsible for any terror activity emanating from the Gaza strip"[63].

Up to a point, we could consider the operation "Wrath of God"[64] a distinctive feature in *targeted killing* actions by the State of Israel. The operation "Wrath of God", carried out by the *Mossad*, had a specific mission: "Committee X[65] made the historic, but top secret decision to assassinate any Black September terrorists involved, directly or indirectly, in planning, assisting, or executing the attack at the Olympics. (…) The mission was not to capture anyone. It was out-and-out revenge – to terrorize the terrorists"[66].

More recent cases, as the elimination of Hamas military leader *Mahmoud al-Mabhouh* in Dubai, in January 2010, or the recent case of the Iranian nuclear scientist, *Mostafa Ahmadi-Roshan*, this January, make evident, on the one hand, the difficulties faced by counter terrorist strategies in which the role of *Intelligence* is that of objective efficiency and, on the other, legal, diplomatic and political restraints which, in unsuccessful cases as those mentioned, may weaken the image and positioning of a State within the international community.

The next figure (figure 3) shows the encompassing and coordinated Israel Intelligence community.

Considering that most terror activity occurs in areas controlled by the Palestinian Authority, Israel attributes great importance to the protection of its territorial borders and to actions aiming to infiltrate them. Frequently, IDF penetrates Palestinian jurisdiction areas for arrests or armed interventions against terrorist targets, which can be an individual or a physical structure in which it is known they are hidden. In the latter case, operations even contemplate air support (preferably helicopters) for total destruction of the location. These actions are referred to as "*house demolitions*"[67]. This type of intervention may imply huge collateral damages, i.e., the physical elimination of civilian targets and the physical destruction of adjoining buildings. In general, they are a response to rocket launching from the Gaza Strip against the State of Israel.

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[63] See *"IAF aircraft target two Global Jihad affiliated-terrorists in northern Gaza who prepared attacks on Israel-Egypt border"*, (27.12.2011): http://www.idf.il/1283-14340-EN/Dover.aspx.

[64] "Wrath of God" Name of the operation carried out by *Mossad* against those responsible for the terrorist attacks on the 1972 Israeli Olympic team in Munich - Black September group, whose leader, *Ali Hassan Salameh* ("The Red Prince"), would only be eliminated on 22 January 1979 in Lebanon, seven years after the beginning of the retaliation by "the long arm of the Israeli Justice".
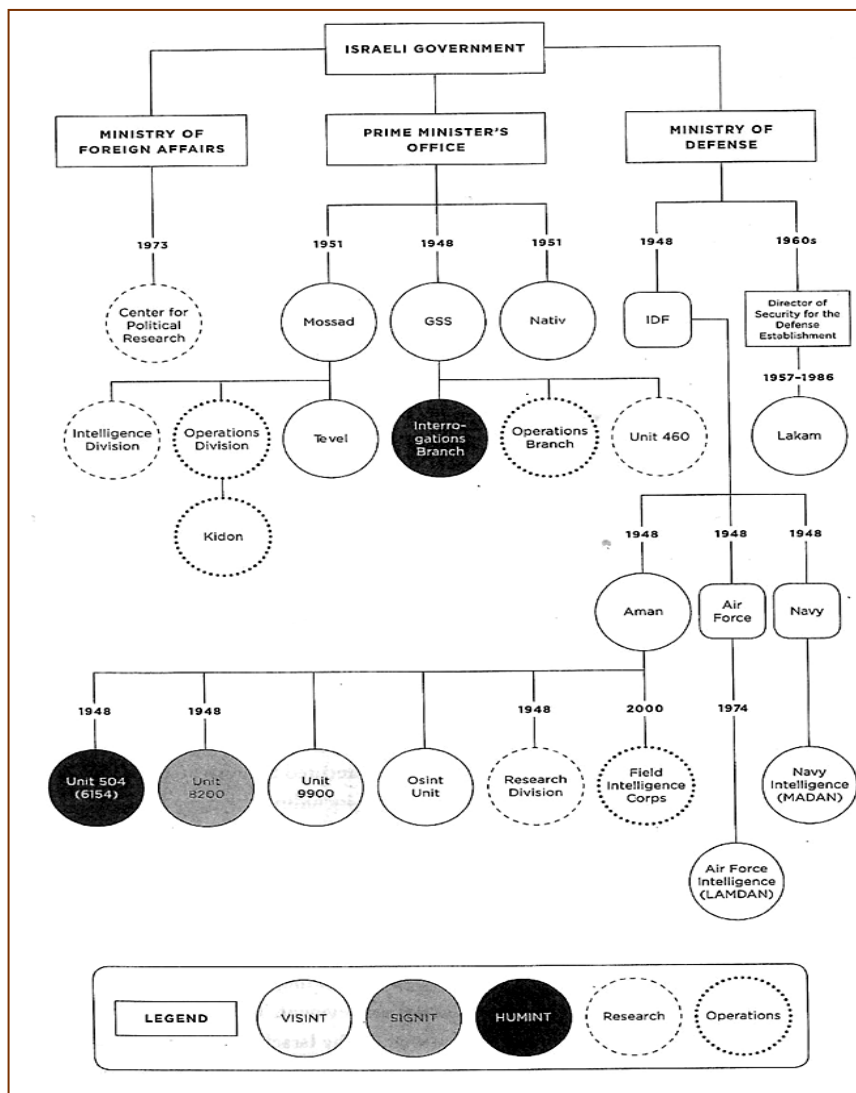
[65] "Committee X", presided by Golda Meir and Moshe Dayan, was top secret.

[66] See Raviv, Dan, Yossi Melman (1990) *Every Spy A Prince, The Complete History of Israel`s Intelligence Community.* Boston: Jaffe Book, p. 186; Payne, Ronald (1990) *Mossad, Israel`s Most Secret Service.* New York: Bantam Press.

[67] See Benmelech, Efraim *et alli.* (2009), *"Counter-Suicide-Terrorism: Evidence from House Demolitions"*, Cambridge: National Bureau of Economic Research, Working Paper n.º 16493: 1-4.

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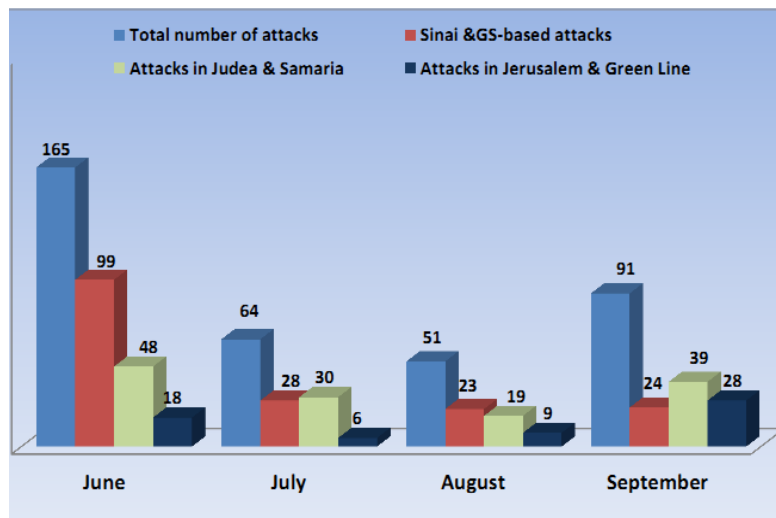**Figure 3 - Israel Intelligence Community**

Source: Pedahzur (2010: p. 4)

Besides this "heavy fire" method, the most lethal threats against Israeli targets are bombs and suicide attacks. Figure 4 shows the terrorist activity against Israel between June and September 2012, in "demarcated" areas such as Judea and Samaria, Sinai and the Gaza Strip and Jerusalem. Though the number of attacks is significant, their lethal degree is rather low or null, except for a few cases, as a result of Israel's long experience in terrorism as well as of the country's increase in protective measures and offensive response, which has been in place for long.

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Figure 4 - Perspective of terrorist attacks in Israel (June – September 2012)[68]

Source: www.shabak.gov.il

According to the report mentioned above, and though there was an increase in terrorist activity in October when compared to July and August, the total number of successful attacks was much lower than 165, the number of attacks in June.

However, for this period, and taking into account the total of 371 attacks within the four months, "only" one military from the Defense Forces of Israel was killed and another wounded, and four police officers suffered minor injuries.

Conclusion

Within the scope of more offensive counter terrorist strategies, other techniques could be mentioned as related to *targeted killing*, as is the case of "*shoot to kill policing*", generally more used by police forces in urban context[69], or "*extraordinary renditions*"[70] which may be particularly useful in *Intelligence* because of the timely information they can provide on terrorist activity.

However, no counter terrorist strategy has proven complete efficiency in terms of response to terrorism. Even the use of most offensive models has been unsuccessful in the cancelling or predicting events such as those which occurred in Madrid, London or, more recently, in Oslo and Toulouse.

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[68] Israel Security Agency (2012), *Monthly Summary – September 2012 Report*, p. 2. Available at: www.shabak.gov.il. [Retrieved on October 10].

[69] The most relevant example is that of Jean Charles de Menezes, shot in London on 22 July 2005, after the successful attacks on July 7 and the failed attacks on July 21, due to mistaken identity. The British police, believing he was a terrorist and due to his reluctance to abide to police request to stop - increasing police suspicion - shot and killed him (about 5 to 9 close range shots to the head).

[70] "extraordinary rendition occurs when American Authorities render an individual without the consent of the host country. (…) Renditions, extraordinary or otherwise, have advantages. First and foremost, rendition is one way of removing terror suspects from the streets. (…) The act of rendition may also disrupt terrorist plots in their planning phases, as individuals critical to the successful planning of a terrorist operation are incapacitated". See Peritz, Rosenbach, 2012: 64.

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A qualitative analysis (successful *vs.* unsuccessful attacks) of the independent cells' efficiency, for example in Europe, would allow us to conclude that these are less efficient than those which, though autonomous - as the Madrid and London cells - establish links with other terrorist structures. Diffuse and poorly organized structures, limited to one individual as in the case of individual (lone-wolf) terrorism, may present a serious obstacle to security forces and services monitoring and controlling their activities.

The recent case of Mohammed Merah, French citizen of Algerian descent responsible for the murder of seven people in the French region of Toulouse, among which three Jewish children, evidences the threat of "spontaneous" or "trigger" terrorism.

Only time will allow us to understand this individual's links to other terrorist groups or his frequently claimed role in an attempt by DCRI[71] or DGSE[72] to infiltrate extremist groups. We aim to further discuss this issue.

Meanwhile, "The failure may be content; the victim may claim damages; and the loser may get ready for the next round. On the contrary, extreme losers hide away, become invisible, care for their ghosts, gather energy and wait for their turn. (...) they are, for once, masters of life and death" (Enzensberger, 2008: 10 and 17).

This is, thus, an invisible, silent threat... which we are not ready for. This army of "extreme losers" are, even if just once and for one last moment, at the head of the game.

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[71] Direction Centrale du Renseignement Intérieur.
[72] Direction Générale de la Sécurité Extérieure.

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