

## **Spill Over of Militants and Criminals from Federally Administered Tribal Areas to Adjacent Areas of Khyber Pakhtunkhwa**

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### **Abstract**

This paper addresses the precarious condition of law and order situation aggravated by the interplay of militants and local criminals in Federally Administered Tribal Areas of Pakistan and its spill over to adjacent areas of Khyber Pakhtunkhwa. Post-2001, with the influx of militants (some foreign and others created), crimes within FATA and on the periphery transformed into complicated and sophisticated one, which is now beyond the control of security apparatus. This work explores that how militant groups with the help of local criminals are committing different kinds of crimes in FATA as well in the surroundings of Khyber Pakhtunkhwa to generate funds. Also discusses the spillover of malevolent elements from tribal areas to settled districts that transform the adjacent peri-urban and urban areas of Khyber Pakhtunkhwa into "Fatacized space and Fatacization"<sup>1</sup>, a process where urban areas resemble the dynamics of FATA regarding security and administrative measures.

**Keywords:** FATA, Crimes, Militants, Security Apparatus and Violence.

### **Introduction**

To militants, destruction of prevailing social structure/order (unjust) and imposing their system (just and fair) achieved only through instilling fear and violence. Therefore, they promote their social structure/order/agenda by bombing government places and public spaces, killing intelligentsia/politician/security personal, abducting rich/powerful for ransom, discrediting people in governance/security, gain supporters by nurturing them and helping petty criminals to cover certain spaces (Rule, 1988). The study of political science defines such disorder created by militants and criminals a collective violence. Later, research work was conducted in the fields of theology, sociology, psychology and criminology too. However, criminology of terrorism models and theorists discuss militants, criminals' activities and their objectives in detail that

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<sup>1</sup>Fatacization is a term coined by Iftikhar Firdous while working on violence related activities in Khyber Pakhtunkhwa. The province is under siege with innumerable check posts like FATA; however, it failed to preserve peace and experience severe urban violence.

stand relevant in the context of militant and criminal linkages. Borges on and Valeri in their work discuss several theories, discussing criminology theory that it associates militants with anarchists that reject any form of central or external authority and replace it with their form of governance through violence or instilling fear. However, discussing fascist theory in the context of terrorism, it states that it does not only instil fear and reaction but also through conspiracies and propaganda convinces supporters to believe or follow a certain ideology. However, they concur that presently the theological philosophy is a popular theory used and abused by the militants for their desired goals and objectives. Moreover, it is the most dangerous model where the state itself ridicules secularism and modernism; thus facilitate militants, which through religion manipulate many other vulnerable groups (Borges on & Valeri, 2009).

Economic deprivation theory and globalisation discuss the growing gap between rich and poor; hence develop another pertinent rationale behind the militants' activities against the state and its discriminatory policies in certain areas or towards the particular ethnic group. In poor conflict-ridden areas, several armed struggles are considered justified against the unjust state. It is on the record that suicide bombing is carried out by people from the poor, radicalised strata of society (homeless, illiterate "radicalised/misguided", and unemployed). And militants are not only manipulating their socio-economic situation but also termed them skilled labour and performing the sacred duty (Caplan, 2006).

Similarly, sociological and psychological theorists have also based their argument on class difference, deprivation, and labelling that leads to frustration, aggression, identity crises and moral disengagement. Therefore any rebellion against the state is justified by militants and criminals on the premise of sociological order that is ingrained in his mind as bad, unjust, discriminatory and draconian (Caplan, 2006). In FATA and Khyber Pakhtunkhwa, militants with the assistance of criminals are using the philosophical theory of religion and socio-economic deprivation, thus manipulating radicalised and poor for their nefarious activities.

There is a huge scholarship available on militants, outlaws, criminals, and their activities. However, no academic work is available on the spill over and interplay of such elements involved in committing crimes against both the state and its citizens in Pakistan. There are several reasons for this omission; one is the disagreement amongst many scholars and experts on the convenient alliances of militants and local criminals, and secondly in FATA due to the absence of police and the judicial system no record available of malevolent elements. Therefore many

academicians and researchers failed to draw any differentiation between militant and criminal in FATA. Due to this confusion, the spillover of malevolent elements to urban areas is interpreted only as creating fear factor and imposing a new system. However, in reality, Khyber Pakhtunkhwa is now a Fatacised space; resembles FATA in which nexus of militants and criminals with sophisticated weapons and techniques committing violent activities (urbanicide and generating funds) and the local police are left alone to deal with it.

The debate of nexus and spillover to other places and its impact started by Bill Clinton administration in 1995, directing in Presidential Decision Directive 42 that such linkages of militants/terrorists and criminals are a national security threat to states. Therefore, serious actions and proper strategy shall be formulated at a national and international level to handle such elements. Many practitioners and experts on militancy and criminology agree that the relationship of such malevolent elements exists and it is not a merger but a convenient association of different groups for certain fringe benefits and economic reasons. Nevertheless, the objectives of all such crime-committing groups are to cooperate only for criminal activities and generate fear amongst locals. In such arrangements, either of the group grows weaker or stronger, obeys and obliges the powerful and in some cases develops issues with each other. While in certain cases both militants and local criminals behave politically and commit crimes, thus create confusion about the activities of such groups (Picarelli, 2007).

In FATA, all such types of nexuses are present. However, it is like a marriage of convenience amongst militants and local criminals, thus manipulating situation from agency to agency. For example in Kurram Agency, they used a blanket of sectarianism and portrayed it a war between two sects, but a major objective was looting and plundering by different groups (Buneri, 2013). While in Khyber Agency, they posed to be a moral brigade not only within the agency but in the suburbs of Peshawar too, although they were together in criminal activities such as drug peddling, arms smuggling, and extortions (Express Tribune, 2013). Such groups have divergent goals, methods and execution strategies but political motives of militants and profit motives of criminals converge on creating fear factor and material gains. Both groups create fear and harm local population in FATA and adjacent areas, criminal affiliation with the militant group is like a mercenary, concerned about quick money making while terrorising people for a militant group that is challenging a state. In Khyber Pakhtunkhwa, criminal groups such as "Meelo" (Pashto word means Black Bear) and Charg (Cock bird) formed a nexus with militants groups such as Al-Qaida and

Taliban, hence committed every crime that created violence and instilled fear as well generated funds (Firdous, 2016). The police officers of all the provinces in the Senate's Standing Committee on Interior recorded that criminals have formed organised gangs with terrorists and terrorising and looting local population (Ali, 2013).

### **FATA Ungoverned Space and Sanctuary of Malevolent Elements**

Presently, there are five parent militant groups (Tehrik-e-Taliban Pakistan, Tehrik-e-Taliban Afghanistan, Tehrik-e-Taliban affiliate Daesh, Lashkar-e-Jangvi, and Daesh) and forty-six affiliate sub-groups are operating in different agencies of FATA (FATA Annual Assessment Report, 2015). These forty-six affiliate sub-groups have a combination of militants and local criminals, thus creating mayhem that leaves a very thin line between militants and criminals. These malevolent groups are engaged in many heinous crimes against the state and people. Although, several military operations are conducted in FATA but even then such groups through different strategies and attacks make their presence felt to both state and local people. Ironically, the most vulnerable are the security apparatus personals, which both militants and criminals target (Rana, 2010). Unfortunately, some of the militants affiliated with international terror organisation have provided linkages to local criminals with transnational criminal groups too (Oehme III, 2008).

In FATA's such networks of militants and criminals are committing crimes such as murder, kidnapping, smuggling, robbery, vehicle snatching, human and drug trafficking, extortion, street crimes and money laundering (FATA Annual Assessment Report, 2015). Militants with the help of local criminals (their familiarity with area) are committing terror-related crimes such as Improvised Explosive Devices (IEDs), attacks on security personals through firing, missile attacks on villages and vehicles (both private and government), hand grenade attacks, mines, mortars, rockets, target killings, bombs, suicide bombing and cross-border attacks (Daily Situation Reports, 2011-12-13-14-15-16). According to a yearly report of FATA Annual Assessment 2015, 1,490 crimes committed and 693 incidents of terror occurred in the tribal belt (FATA Annual Assessment Report, 2015). Moreover, it is also observed that there is a gradual rise in both criminal and militant's activities in FATA, following tables explain that how this nexus strengthen both crimes and militancy activities. Unfortunately, from 2007 to 2010, official or any newspaper-consolidated data is not available due to tribal region dis-connectivity with media and researchers.

**Table I Five Years Criminals' Activities with the assistance of Militants**

Year	2011	2012	2013	2014	2015
Murder	226	264	201	211	249
Attempt to murder	76	115	77	98	168
Kidnapping	164	108	50	80	45
Robbery	7	13	1	3	19
Street crimes	3	7	3	1	3
Extortion	2	0	0	0	3
Vehicle snatching	18	10	4	14	6
Smuggling	2	20	2	9	17
Arms smuggling	31	29	12	40	49
Narcotics trafficking	30	71	54	90	238
Terrorism	774	759	591	557	693

The above table shows that in some lucrative activities; criminals and militants strengthen themselves such as narcotics, smuggling and murder for money and through terror create fear to control specific area.

Similarly, militants' activities recorded from 2007 to 10 but were not classified agency wise, such as Terrorism Watch displayed six casualties of FATA in the year 2007, however completely ignoring Kurram's sectarian violence ignited by militants; that resulted in more than 1000 deaths (Naseer, 2015). In 2008, total recorded casualties suffered at the hands of militants in FATA were 619; in 2009 total casualties were counted as 644 and it reached to highest 904 in the year 2010. Following table shows 2011 and onwards shows militancy record (FATA Annual Assessment Report, 2015).

**Table II Agency Wise Five Years Militancy Data**

Agency/FR	2011	2012	2013	2014	2015
Bajaur	104	88	72	132	206
Mohmand	114	107	66	61	92
Khyber	220	221	143	147	114
Orakzai	58	67	41	32	29
Kurram	77	87	79	72	63
North Waziristan	133	138	133	64	86
South Waziristan	39	39	48	43	94
FR Peshawar	2	2	4	2	1
FR Kohat	27	6	3	0	0
FR Bannu	0	3	2	0	5
FR Tank	0	0	1	4	1
FR Lakki	0	1	0	0	2

The above data shows that the most vulnerable agencies are the Bajaur, Khyber, South Waziristan and Mohmand regarding militant activities. Last six months of 2016 experienced a surge in the activities of both militants and criminals in these agencies. The recorded crimes in the months of March and April in FATA were 198 and incidents relating to terrorism were 96. A sharp increase of militancy related incidents in Mohmand Agency recorded that is from 9 to 16 in recording period. Agency wise monitoring showed that militancy incidents recorded in Bajaur were 16, Mohmand 16, Kurram 6, Khyber 30, North Waziristan and FR Tank 2 each and Orakzai & South Waziristan 1 each (FATA Annual Assessment Report, 2016). It is pertinent to mention that since 2002, Pakistan's military solution displaced almost 3 million tribals while carrying out 14 major operations including Zarb-Azb, but it failed to preserve peace and order in FATA (Rana, 2014).

### **Malevolent Elements Spill Over To Adjacent Settled Areas of Khyber Pakhtunkhwa**

Khyber and Mohmand proximity with Khyber Pakhtunkhwa have its worst spillover effects on its cities and towns. Moreover, different militant groups are also using the six Frontier Regions of FATA adjoining to settled areas of Khyber Pakhtunkhwa as their sub-headquarters (Yamin & Malik, 2014). Thus, from 2007 to 2016, Khyber Pakhtunkhwa and its capital experienced the worst violence ignited by militants and criminals (both local and tribal) and proved deadly for Khyber Pakhtunkhwa police that was ill prepared for such mayhem. Sajjad Khan, a police officer, served in different districts of Khyber Pakhtunkhwa, stated that initially our force, which is the first line of defence but was not ready for such criminal nexuses that crept near to the settled areas (FRs and suburbs of Khyber Pakhtunkhwa). Hence, Khyber Pakhtunkhwa's police department lost 1,212 police persons; however, in 2015 standard operating procedures were set up to assist security apparatus in dealing with the menace of militancy and crimes<sup>2</sup>.

Following Table 3 shows the details of casualties from the year 2007 onwards in Khyber Pakhtunkhwa. Data is collected from different sources such as National Police Bureau, Islamabad, Crimes Branch, Central Police Office, Peshawar, Khyber Pakhtunkhwa, Khyber Pakhtunkhwa Assessment- South Asia Terrorism Portal, Monthly Security Report- The Conflict Monitoring Centre. And also from national newspapers such as Express Tribune, The News, Urdu Daily Ajj, Mashriq and Dawn. A police officer and a researcher Mr. Fasihuddin in his published work "Criminology and Criminal Justice System in Pakistan" explicitly stated that data related to crime rate is not recorded properly due to several reasons; hence, different sources are consulted to establish authenticity.

**Table III Militants Inflicted Casualties from Year 2007 and Onwards in Khyber Pakhtunkhwa**

2007	109
2008	982
2009	1438

<sup>2</sup>Minutes recorded with Mr. Sajjad Khan at Islamabad in 2016, a Chevening scholar, served as a DPO in Swat, Hangu, Sawabi, and also worked in Special Branch because of his work on militant-criminal nexus.

2010	836
2011	820
2012	401
2013	936
2014	542
2015	224
2016 (Jan-June)	112

Although every incident was horrific and tragic, however, the most horrific and tragic incidents were Meena Bazar bombing, Shah HasanKhelvolleyball ground bombing, FC Centre Shabqadar Tehsil bombing, Bacha Khan Airport attack, All Saints Church bombing, Army Public School and Bacha Khan University attack. Also, jailbreaks and attacks on a police station in settled areas of Khyber Pakhtunkhwa have made police vulnerable in such circumstances (Khan, 2016). During these years, the crime rate also increased, thus made settled areas unsafe for dwellers. Local security apparatus of settled areas had to deal with two tasks; one was dealing with militants armed with sophisticated weapons and other was controlling law and order situation aggravated by local criminals (got support, training, and protection by the militants) of Khyber Pakhtunkhwa. Hence, several types of crimes such as abductions, kidnapping for ransom, child lifting, burglary, car snatching/theft, dacoity, extortion, and murder increased. In the following table, the details of crimes are not mentioned but through numbers, tried to map out and understand the spillover effects from FATA to settled areas.

**Table IV Crimes Stats from Year 2008 and Onwards in Khyber Pakhtunkhwa**

2008	20,838
2009	40,900
2010 (includes attacks on police too by criminals)	1,36665
2011	1,45856
2012	1,47788



2013	1,42,757
2014	59,839
2015	57,189

The most affected settled district of Khyber Pakhtunkhwa is Peshawar city; it gives birth to urbicide<sup>3</sup>, converting the settled district into Fatacized space that is under siege by the heavily armed military, however without peace. Following table shows the crime stats (Data Central Police Office, 2016).

**Table V Crimes Stats from Year 2009 and Onwards in Peshawar**

2009	22830
2010	25861
2011	23797
2012	23912
2013	22727
2014	27190
2015	34207
2016 (Jan-June)	27108

### **Funding Strategies by Malevolent Elements**

The militants generate funds/money for anti-state activities while local criminals support them for material gain through crimes such as drug trafficking, weapon smuggling, human trafficking, timber mafia and activities related to ransom and extortion (UNODC Report, 2011). FATA's geographical location<sup>4</sup> and its governance system are ideal for crimes like drug and weapon trafficking, and these are the most lucrative illegal economic activities that are not only funding terror but helped militants in gaining the support of other violent elements too. According to UN reports, Afghanistan sharing a border with FATA produces approximately 70% (400 to 500 billion dollars) of the illicit drugs, channelized through different routes including

<sup>3</sup>Urbicide is a term coined for urban violence in the cities by western academia and used it in the "Cities Under Siege The New Military Urbanism" by Stephen Graham.

<sup>4</sup>FATA shares longest and porous border with Afghanistan militants' infested five wilayats (provinces). In addition, it is also devoid of proper local security apparatus and courts system to deal with both criminals and militants but under siege by military.

tribal belt and its adjacent areas (Business Recorder, 2016). The exact amount of drugs or money generated through FATA has no official record due to money transfer through Hawala system. However, a study conducted in 2009 by MianAsif stated that militants collect 4 billion Pakistani rupees through different crimes in FATA annually. In his work, he mentioned that besides drugs and weapons, FATA's natural resources and forests are generating finances for both militants and local criminals (Mian, 2009).

Human trafficking and smuggling (illegal immigration to Europe, South America than US and Middle East) is another important source of revenue. In this trade, local criminals are operating actively in the protection of local militant commander. Many people from FATA and Khyber Pakhtunkhwa for jobs and refuge overseas are paying a huge amount to smugglers (\$5000 to \$14,000 depending on destination) with no guarantees beyond certain areas (Mehsud, 2016). US State Department reported in "Trafficking in Person Report" that non-state actors (militants) are involved in children trafficking, using them for different anti-state activities such as spying and in extreme form as suicide bombers (US State Dept, 2011-16).

Recently, in Khyber Pakhtunkhwa's settled districts, both militants and criminals are actively engaged in kidnapping for ransom and extortion. According to different reports, forty-two different militants and local criminal groups are involved in such activities while their bases are in FATA (Ahmed, 2013). There are unofficial details that approximately Rs. 10 million is collected through extortion from Peshawar city, hence forcing people to migrate to other cities and provinces for business and jobs (Daily Times, 2016). The victims and targets are government officials (such as high profiled kidnapping of universities vice chancellors), doctors, lawyers, businesspersons and others with money and resources. The police department has termed such crimes extremely challenging due to several reasons. However, the major cause stated is that the handlers are in FATA or in the adjacent periphery, which is out of the jurisdiction of Khyber Pakhtunkhwa police and intelligence agencies (See Khyber Pakhtunkhwa Police – Official Portal, 2016).

Demographic change in Khyber Pakhtunkhwa due to the influx of internally displaced people from FATA is also adding to disorder in the settled districts. Peshawar's population doubled in last one decade, today its estimated population is approximately 3.3 million (Mosel & Jackson, 2013). Such huge demographic change

has not only affected the meagre resources of the city but has also increased the crime rate (Yousafzai, 2013).

To handle such criminal activities in settled areas, Khyber Pakhtunkhwa's law enforcing agencies devised certain specialised training, groups, and units. For capacity building of police, training related to the investigation, intelligence, explosive handling and public disorder management are conducted under reviewed courses and centres. Special departments, forces, and units such as counter-terrorism department, rapid response force, special combat unit, women elite commando unit, canine unit, bomb disposable unit, and cellular forensic cells are formed to deal with crimes committed by militants with the assistance of local criminals. Recently, IT based policing tools are also introduced to handle high-tech crimes; moreover, community engagement is replaced with other informal channels for public liaison with the local police. Khyber Pakhtunkhwa's government also introduced verification of persons through police department to control the spill over of violent actors (Khyber Pakhtunkhwa Police – Official Portal, 2016). Along with the empowerment of police department, intelligence agencies, anti-terrorists courts were also strengthened to deal with the menace of militancy in the province (Peshawar High Court, 2016).

## **Conclusion**

FATA needs a new set of administrative and governance laws to handle malevolent elements that are not harming tribal people, but its spillover has affected settled districts of Khyber Pakhtunkhwa too. The present poor administrative setup of Frontier Crimes Regulations, Khassadars, Levis, Traditional Jirgas and local militia (lakhker/lashkar) are ill equipped to handle complicated crimes committed by the nexus of militants and local criminals. Moreover, the present system does not match with the current socio-political and economic realities of the region and lack capability of dealing with the emerging challenges.

In addition, the prevailing governance system in FATA has transformed tribal areas into a sanctuary for both militants and criminals. The Khyber Pakhtunkhwa's geographical connectivity with the tribal areas has transformed its urban periphery into a Fatacized space, hence experienced urbanicide that swallowed thousands of innocent lives. The inaccessibility of local police and intelligence to FATA facilitates both militant and criminals to strike anytime in Khyber Pakhtunkhwa's cities and hide conveniently in different places of tribal areas.

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