
CROSS-BORDER TERRORISM AND PAKISTAN'S INTERNATIONAL LIABILITY AFTER THE 26/11 MUMBAI ATTACKS: MEDIA, INFORMATION WAR AND POLITICS OF ACCOUNTABILITY

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ABSTRACT

The series of attacks on Mumbai on 26th of November 2008 were a major for cross border terrorism and also posed serious questions of state responsibility at international law. The attacks were primarily carried out by the non- state group called as Lashkar-e-Taiba; however, it is alleged that the entire operation was planned, trained, financed, and coordinated from Pakistani territory. This article evaluates whether such situations would impose international responsibility on Pakistan, under the system of the International Law Commission's ARSIWA. It mainly deals with the principles of attribution, effective control, and due diligence, and ascertains whether the behavior in question constitutes an internationally wrongful act.

The research is based on doctrinal analysis of law and the materials of primary legal sources such as UN Security Council Resolutions 1373 and 1456, the International Convention regarding suppression of financing the terror acts which was held in 1999, the SAARC convention which was about regional convention on terrorist suppression, and ICJ jurisprudence such as the Nicaragua and Corfu Channel cases. Besides that, a qualitative analytical method is also used to analyse documents like the Government of Indias 2009 Dossier, David Headleys testimony, FATF grey, listing developments, and media reports. Further, the literature comprises writings of Rishi Gulati, Chanda and Verma, Husain et al., the OHCHR Fact Sheet on terrorism and human rights, and the UNODC counter, terrorism module.

The results show that in terms of effective control standards, there are a lot of grounds for direct attribution or, alternatively, for liability due to the failure to exercise due diligence. Nonetheless, the article argues that even if it is the fact that it is a significant matter of legal responsibility, the practical enforcement of these rights is, however, limited by the geopolitical realities, dynamics of the Security Council, and strategic information warfare.

Keywords: Cross-Border Terrorism; Pakistan State Responsibility; ARSIWA; Due Diligence; 26/11 Mumbai Attacks; Information Warfare.

1. Introduction

On 26 November 2008, the attacks altered the perception of cross, border terrorism in South Asia as well as in the international community. A number of armed men landed in Mumbai by sea-route and carried out a series of targeted shootings and bombings in the most populous public places. Four major places which were targeted were the landmark Hotel Taj mahal, the Trident Oberoi Hotel, the terminal named Chhatrapati Shivaji in the Mumbai Railway Station, and the house of the nariman. The city was under siege and lockout for almost three days. The attack was not a one, off crime as the scale, planning, and method of the attack revealed. It was a cross, border terrorism act with major international implications¹.

Investigations conducted both in India and overseas have linked the attackers to the Pakistan, based Khan LeT militant group. The evidence has given a pointer that planning, training, and the provision of logistical support for the attack were happening outside India. This, therefore, raised a significant legal question right away: considering possibility of a terrorist attack being planned in one country and done according to plan in another country, is it only the terrorist organization that is responsible, or can a state be held accountable as well if the attack was launched from its territory?

“International law prohibits the state from turning a blind eye to harmful activities that originate from its territory”². There is a widely accepted obligation for a state to not allow its territory and geographical area to never be used to cause huge injury to another state. This rule is part of customary international law³ and has been further supported by various counter, terrorism conventions and United Nations resolutions. So, cross-border terrorism cannot be called only the part of criminal law but also the part of the state responsibility.

The 26/11 attacks bring out two very important legal concepts; they are attribution and due diligence. Attribution is about cases in which the acts of the non-state organisation or a group can be legally considered as acts of the state. This basically asks for some evidence that the group was under the "effective control" of state authorities⁴. Once such control is confirmed,

¹ S. Paul Kapur, *Jihad as Grand Strategy: Islamist Militancy, National Security, and the Pakistani State* 102–110 (2016)

² James Crawford, *State Responsibility: The General Part* 214–220 (2013)
https://assets.cambridge.org/97805218/22664/frontmatter/9780521822664_frontmatter.pdf

³ *Military and Paramilitary Activities in and against Nicaragua (Nicar. v. U.S.), Judgment, 1986 I.C.J. 14*
<https://www.icj-cij.org/case/70>

⁴ Christian J. Tams, *The Use of Force against Terrorists*, 20 Eur. J. Int'l L. 359, 372–380 (2009)

the wrongful act of the group will eventually turn into an internationally wrongful act of the state itself. Conversely, even if direct control cannot be demonstrated, a state might still be held responsible if it has not exercised due diligence. Due diligence means that the state has not taken reasonable steps to prevent, investigate or punishing the terrorist acts originating from their territory⁵.

The discussion of cross, border terrorism in the literature often revolves around the perplexing relationship between armed groups and state institutions. Regarding the 26/11 incident, apart from a few scholars and investigative reports who have probed various facets of the event, they have also looked into whether there were (direct or indirect) ties between Lashkar, e, Taiba and some elements of Pakistan's security or intelligence setup. To support their thesis, some studies cite instances when certain militant groups enjoyed the indifference or even covert support of state agencies for broader strategic reasons in the region. While others emphasize that Pakistan formally proscribed the outfit and, following the increased international pressure, took legal action against some of the personalities involved.

International law in this regard is somewhat unclear. One side of the argument is that a country might loudly and publicly deny any involvement through its officials; however, the same country might irresponsibly neglect to expel those operatives from terror organizations within its territory. If the facilities to train terrorists, the ways of laundering money, and the networks for recruitment as well as the execution of operations are still allowed and functioning at the highest level even though there has been a formal ban, then it becomes very questionable whether the authorities are really sincere when they say that they have taken action. The issue is not only about supply of direct support; a positive attitude, lack of action, or a weak enforcement regime equally add to the problem.

The diplomatic existing discussions and conference between India and Pakistan which are related to 26/11 indirectly reveal the problems of relations between the two countries. India always held that these were not mere private individuals' random acts but components of a larger cross, border plot. Pakistan totally rejected the theory of state sponsored attacks but at the same time it was under great pressure from the world community to take tougher steps against the organization and the leaders of the group. Pakistan's efforts to stem the financing

<https://ejil.org/pdfs/20/2/1793.pdf>

⁵ *Corfu Channel Case (U.K. v. Alb.)*, Judgment, 1949 I.C.J. 4, 22 <https://www.icj-cij.org/case/1>

of terrorism were later assessed by international organizations including money laundering and terror financing monitoring bodies. These episodes demonstrate how cross, border terrorism can lead to reputational losses, sanctions, and more intensive international scrutiny.

The 26/11 attacks, thus, represent a significant illustration of how terrorism can go beyond the sphere of criminal accountability to that of international liability. It is no longer enough to hold only the individuals responsible when non-state actors carry out their activities in multiple countries. The current terrorism is characterized by training, funding, communication networks, and ideological support that may be operating within a state's borders. If a state has already failed or is failing to exercise "effective control" over such networks, then it may be subjected to allegations that it has breached its international law obligations.

At the same time, from a legal perspective, it is a difficult process to set up state liability. International tribunals require convincing evidence of control or instruction. In addition, it is the political factors that decide the angle at which states operate formal legal actions against each other. Thus, in reality, the matter of accountability is a matter of diplomatic pressure, sanctions, or domestic prosecution, rather than the courts of international law.

The 26/11 incidents, therefore, bring up vital issues relating to the dividing line between non, state terrorism and state responsibility. They suggest considering more deeply the connection between terrorist groups and government officials or agencies, particularly where strategic interests, regional conflict, and internal security doctrines are intertwined. Cross, border acts of terror debunk the notion that sovereignty is an absolute right. Rather, such acts underscore the corollary that sovereignty entails accountability. Thus, if the violence does not recognize borders, the legal liability that attends the violence may very well disregard borders too.

2. Research Questions

- To study if the 26/11 Mumbai attacks are legally liable for the state responsibility under the principles of international rules and the laws, mainly under the Articles on the state responsibilities (ARSIWA).
- To discuss the evidence that links Pakistan based actors and state organs with the preparation and commission of the Terror attacks.
- To assess to what extent Pakistan has fulfilled its obligations under the various

international counter, terrorism treaties and UN Security Council Resolutions.

- To investigate how media, information warfare, and diplomatic strategy have influenced the politics of accountability after 26/11.

3. Review of Literature

1. The 26/11 Mumbai Terrorist Attacks: Assessing Pakistan's Responsibility in International Law (2011)- Rishi Gulati- Indian Journal of International Law

Rishi Gulati's 2011 article titled "*The 26/11 Mumbai Terrorist Attacks: Assessing Pakistan's Responsibility in International Law*" published in the *Indian Journal of International Law (IJIL)*⁶ is one of the earliest academic works that closely studies Pakistan's possible responsibility for the Mumbai attacks under international law. Gulati describes the 26 November 2008 attacks as a clear example of cross-border terrorism where a non-state group, Lashkar-e-Taiba, planned, trained, and operated from inside Pakistan to carry out a major strike in India. He points out that Lashkar-e-Taiba has long enjoyed a supportive environment in Pakistan, where it could raise funds, run training camps for fighters, and keep an organised structure strong enough to coordinate operations across borders. Gulati also highlights that the Mumbai attackers left Karachi by sea route, then hijacked the Indian fishing boat MV Kuber, and stayed in regular contact with handlers who remained in Pakistan during the entire 60-hour siege in Mumbai.

Gulati discusses the evidence collected by Indian police and investigation forces and international investigation teams and Interpol, such as Kasab's confession, intercepted 'voice over internet protocol (VoIP) calls, GPS information, details of the sea route, and other technical intelligence'. All of this evidence strongly shows that the operation was planned and launched from Pakistan. He also notes that the Indian courts treated the attack not only as a major act of terrorism but also as an act similar to wage a armed war against the Government of India. Gulati then turns to the principles found in the ARISWA. These principles form the main legal framework used to decide whether Pakistan can be held internationally responsible for the events related to the 26/11 attacks. They explain about when does a state can be held liable for the actions of non-state organisations and what duties a state has to prevent such

⁶ Rishi Gulati, *The 26/11 Mumbai Terrorist Attacks: Assessing Pakistan's Responsibility in International Law*, Indian Journal of International Law (2011). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2046864

groups from using its territory to carry out cross-border violence.

Gulati also discusses four main concepts, “attribution, aid, assistance and the duty of due diligence”. He gives opinion, “even if Pakistan did not actively direct the attack, the scale and sophistication involved suggest that such an operation could not have occurred without at least some level of tolerance or passive approval by Pakistani authorities”. He emphasises that the obligation of due diligence required Pakistan to prevent groups such as Lashkar-e-Taiba from using its territory to threaten the security of neighbouring states.

According to Gulati, Pakistan’s failure to prevent the group from functioning freely raises serious questions under both general international law and regional instruments such as the SAARC Convention. He concludes that the Mumbai attacks expose the weaknesses in the international legal framework in holding states accountable when non-state actors launch cross-border attacks from within their borders.

2. Critical Evidentiary Analysis of 26/11 Attacks with Reference to Cyber-Terrorism (2022)- Abhijit Chanda and Muskaan Verma- International Journal of Health Sciences

Abhijit Chanda and Muskaan Verma provide a different perspective in their 2022 article titled “*Critical Evidentiary Analysis of 26/11 Attacks with Reference to Cyber-Terrorism*” published in the *International Journal of Health Sciences (IJHS)*⁷. They argue that the Mumbai attacks must be understood not only as a traditional terrorist operation but also as one of the earliest examples of hybrid terrorism that integrated physical violence with cyber-enabled planning.

The authors explain that the attackers relied heavily on digital tools such as “GPS devices, Google Earth satellite imagery, internet-based maps, satellite phones and encrypted Voice over Internet Protocol platforms” to execute their movements and remain in continuous contact with Pakistani handlers. This allowed the attackers to receive real-time instructions regarding which floors to target, where to set fires, how to take hostages and how to respond to Indian security forces.

Chanda and Verma mentions that the terrorists used hotel computers and internet services in

⁷ Chanda A and Verma M, *Critical Evidentiary Analysis of 26/11 Attacks with Reference to Cyber-Terrorism*, International Journal of Health Sciences (2022).
https://www.researchgate.net/publication/360778289_Critical_evedenciarcy_analysis_of_2611_attacks_with_reference_to_cyber-terrorism

Mumbai to collect details about foreign guests, follow live news updates, and watch police movements while the attack was still going on.

A major strength of their study is the detailed look at the digital forensic trail left behind by the attackers. Chanda and Verma explain that the investigators traced the Internet calls used during the attacks to Austrian virtual phone numbers, which were routed through servers in several different countries before reaching to the handlers in Pakistan. They also point out that the GPS data which was recovered from the hijacked trawler showed precise location points. These coordinates matched the exact route taken from Karachi, which was across the Arabian Sea, to the Mumbai coastline.

Data which were recovered from the laptops, along with the browsing history and call records, clearly showed that the entire operation relied heavily on advanced technology. The authors also point out that the India did not have well-developed cyber-forensic systems way back in 2008, which led to delays in the investigation and forced authorities to depend mainly and largely on foreign agencies such as the FBI and investigators in the United Kingdom. They further note that the Supreme Court of India, in the Kasab judgment, clearly acknowledged the major role that technology played in planning out and executing the 26/11 attack. The Court recognised that without these digital tools, the attackers would not have been able to coordinate their actions so effectively and it would have been very difficult.

Chanda and Verma believe that the 26/11 attacks were important decisive moment in the evolution of terrorism. In their opinion, it underlines the necessity for stricter cyber laws, enhanced digital forensic tools, better intelligence sharing, and more international cooperation at a closer level to prevent future technology, dependent attacks.

3. Identifying the Global Terror Hubs and Vulnerable Motifs Using Complex Network Dynamics (2019)- Syed Shariq Husain- arXiv and Elsevier preprint

Syed Shariq Husain and his co, authors give a more comprehensive global perspective in their 2019 paper "*Identifying the Global Terror Hubs and Vulnerable Motifs Using Complex Network Dynamics*" that was released as an arXiv and Elsevier preprint. Their work applies network science to study the global patterns of terrorism spanning 46 years using data from the Global Terrorism Database.

The authors conceptualized terrorist organizations as source nodes and their targets as destination nodes, thereby considering global terrorism as one networked system rather than isolated incidents. Their results indicate that only a handful of terrorist organizations carry out a majority of attacks all over the world. Besides, they pinpoint the traditional terror hubs in Pakistan, Afghanistan, India, Iraq, and Colombia where terrorism has been at a high level for several decades⁸.

The authors use the network reduction algorithm method to pick out the most important connections in the global terrorism network and show that terrorist activity often spreads in clear and predictable ways. Their computer simulations reveal that if the top 33 percent of the most active terrorist groups are removed, the entire global network becomes much weaker and begins to break apart. This result suggests that well-planned international actions aimed at the most dangerous groups can greatly reduce the overall strength of terrorist organisations, including groups like Lashkar-e-Taiba.

The importance of this study for 26/11 research comes from its data-based finding that Pakistan is a long-standing global terror hub. This supports the view that Pakistan has a continuing duty to break down the terrorist networks working inside its borders. It also strengthens the argument that repeated failure to act is a violation of its international responsibilities. Husain and his co-authors give a scientific base that fits well with legal discussions by showing how Pakistan's role in global terrorism follows larger worldwide patterns of cross-border attacks.

4. Human Rights, Terrorism and Counter-Terrorism (Fact Sheet No. 32) 2010- Office of the United Nations High Commissioner for Human Rights

The conceptual and normative dimensions of state responsibility are elaborated in the 2010 publication by the Office of the United Nations High Commissioner for Human Rights titled "*Human Rights, Terrorism and Counter-Terrorism (Fact Sheet No. 32)*"⁹. The document shows how terrorism directly harms human rights which are basic in nature, some of them are like the right to life which is a very important one, then freedom, after that, personal safety, and one of the main basic right, that is dignity. It also explains how these rights are affected

⁸ Syed Shariq Husain, Kiran Sharma, Vishwas Kukreti & Anirban Chakraborti, *Identifying the Global Terror Hubs and Vulnerable Motifs Using Complex Network Dynamics*, arXiv / Elsevier Preprint (2019). <https://arxiv.org/abs/1802.01147>

⁹ Office of the United Nations High Commissioner for Human Rights, *Human Rights, Terrorism and Counter-Terrorism: Fact Sheet No. 32* (2010). <https://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>

during terrorist acts.

The Fact Sheet mentions that, “under international law, states are required always to take positive steps to protect citizens who are living under the law, from terrorist attacks”. A key component of this document is its very clear explanation of the concept of due diligence. This is the principle saying, “a country can be held responsible under international law even if it was not a direct participant in a terrorist act provided that it did not take steps to prevent private groups from utilizing its territory to carry out acts of violence”. The implication of this principle in relation to the Mumbai attacks is that it brings up significant issues regarding whether or not Pakistan had a sufficient level of control over Lashkar, e, Taiba. Besides, it questions whether Pakistan took adequate and reasonable measures to prevent the group from planning and executing cross, border attacks. Therefore, based on the premise of due diligence, Pakistan's actions before and during the 26/11 attacks are subject to serious scrutiny.

It is also mentioned in an OHCHR document that countries should have competent criminal justice systems in place, conduct proper and effective investigations, bring to justice those responsible for terrorist acts, and employ preventive measures that address the root causes of terrorism. The document emphasises that, “counter-terrorism and human rights are not contradictory objectives, but they are responsibilities that should be mutually reinforcing”.

This principle is even more crucial when one examines Pakistan's behaviour post the 26/11 attacks, the depth of the investigation, the progress of the legal proceedings, and the measures taken to control or restrict the activities of terrorist organizations within its territory.

The Fact Sheet provides a solid theoretical foundation that supports the notion that Pakistan could be internationally responsible not only for a direct role but also for failing to prevent terrorist activities that were initiated or continued from its territory.

5. Counter-Terrorism in the International Law Context (2021)- UNODC

The 2021 UNODC part titled “*Counter-Terrorism in the International Law Context*”¹⁰ gives another useful viewpoint by explaining what states are legally required to do to prevent terrorism. The part says that, “governments must make sure their land is not used by any non-

¹⁰ United Nations Office on Drugs and Crime, *Counter-Terrorism in the International Law Context* (2021). https://www.unodc.org/pdf/terrorism/CTLTC_CT_in_the_Intl_Law_Context_1_Advance_copy.pdf

state groups to plan or carry out any type of attack on other countries". This duty comes from several counter-terrorism treaties and also from the human rights laws which are international in nature, which protects the right to life of every human being.

The module mentions that, "a state can be held responsible if it controls, supports, or even knowingly ignores terrorist activities carried out from its land". This idea directly connects to the 26/11 attacks, because investigations showed clear operational links between the attackers in Mumbai and the handlers who were based in Pakistan. The UNODC module also states that one of the requirements of the states is to cooperate in investigations, provide adequate remedies to victims, and use fair and human rights, compliant counter, terrorism measures. These principles set up a comprehensive framework for assessing the response of Pakistan after the Mumbai attacks. They facilitate determining if Pakistan indeed exercised due diligence and if it made a genuine effort to dismantle the terrorist networks that were, allegedly, operating in its territory.

6. Mumbai Terrorist Attacks: Dossier of Evidence (2009)- Government of India

The Government of India released a report in 2009 named "*Mumbai Terrorist Attacks: Dossier of Evidence*" which is the most comprehensive and detailed document that links the 26/11 operation to the individuals and organisations based in Pakistan. The dossier details the whole sequence of events starting from the attackers' training in Pakistan, their leaving Karachi, and their hijacking of the Indian fishing boat MV Kuber. It also includes GPS data recovered from the vessel, which clearly revealed a route from Karachi to Mumbai that was pre, set. The dossier also features pictures of the materials that were found on the boat such as fuel containers, food packets, clothes, and navigation instruments, many of which were identified as being produced in Pakistan. Moreover, it also contains the transcripts of the voice over the internet protocol communications between the terrorists and the handlers who were sitting in Pakistan and giving live commands. These are direct evidence that the instructions from the remote command were issued from Pakistan throughout the completion of the operation. These communications included advice on hostage, taking, the way to move through the Hotel Taj, and prolonging the interval of the siege in order to increase the impact and create fear and widespread terror.

The dossier also includes the confession of Ajmal Kasab, who has described the training camps he attended in Pakistan and identified senior Lashkar-e-Taiba figures, such as Zaki-ur-Rehman Lakhvi, as he is the main organisers of the attack. The combination of digital evidence, physical

materials, and Kasab's testimony strongly supports the conclusion that the Mumbai attacks were planned, coordinated, and executed from Pakistani territory. If we see from the Point of view and global perspective, the dossier has provided essential factual information for assessing whether Pakistan fulfilled its obligation to prevent terrorism. It also has assisted in determining whether Pakistan's failure to stop these activities could make it internationally responsible for cross-border terrorism connected to the 26/11 attacks.

4. Methodology

Research Article adopts Doctrinal Legal Research Method and Qualitative Analytical Method.

(A) Doctrinal Legal Research Method

The doctrinal method is adopted here for dissecting the following:

- ARSIWA
- UN Security Council Resolutions 1373 and 1456
- ICSFT 1999
- SAARC summit about suppression of terrorist acts
- ICJ jurisprudence including Nicaragua Case and Corfu Channel Case

This method looks into primary legal sources such as treaties, resolutions, judicial decisions, and state practice to check if Pakistan's conduct meets the legal standards for both attribution and breach.

The doctrinal approach is very important because at the heart of the study lies a question of legal accountability, which can only be evaluated by the established rules of international law rather than political rhetoric.

(B) Qualitative Analytical Method

This research rely on qualitative methods to understand:

- Government of India Dossier (2009)

- Testimonies such as David Headley's US court deposition
- Media narratives and political statements
- Developments of FATF Grey listing
- Scholarly literature referenced in the research

Using this method, one can focus on patterns, state responses, information warfare strategies, and delays in institutions. It is especially useful for understanding how politics influence law enforcement where the law is only one of the factors and enforcement is selective.

The mixture of doctrinal and qualitative methods provide the limitations of theoretical law as the only understanding to the study but also real, world application, enforcement gaps, and geopolitical constraints.

5. Hypothesis

Mumbai attacks were not just acts of non-state terrorism, they constitute a case of internationally wrongful conduct on the part of Pakistan attributable to principles of effective control, involvement of a state organ, and failure of due diligence.

6. Evidence, Facts, Treaty Violations, International Legal Frameworks, Due Diligence and Media Attribute

6.1 Evidences and Facts

6.1.1 The attacks

The degree of planning and execution with which the 26/11 attack was carried out made it different from most earlier cases of non, state terrorism. The attackers received their training on assault tactics, swimming, and navigation from militant camps of LeT in Pakistan.

To reach Mumbai, The Terrorist Group hijacked a fishing trawler Kuber and killed the crew. After that, they used the trawler to cross the sea from Karachi to Mumbai.

Besides killing the crew of the trawler, the attackers killed the fishing boat crew. During the

attacks, the attackers were regularly guided through real, time instructions from their backers in Pakistan. The communication was established through Voice over Internet Protocol (VoIP) satellite calls¹¹. The mentors were guiding their movements and media consumption, at one moment, even instructing them to watch news channels and change their tactics accordingly. It looks like the fusion of live media monitoring and operational command was a hallmark of the attackers' style of engagement in modern information warfare: the attackers and their handlers exploited worldwide television coverage as a real, time intelligence feed.

According to David Coleman Headley, the whole operation was carried out with extreme care for at least two years. Headley, a US, Pakistani working for LeT, made several trips to Mumbai for infiltration between 2006 and 2008 during which he watched the Taj Hotel, Nariman House, the CST station, and other sites. Additionally, Headley has confirmed during court proceedings in the US that he was in regular contact with ISI officers throughout that period. The officer he identified as 'Major Iqbal' provided \$25,000 to fund the reconnaissance and coordinated communications for the attack .

6.1.2 Evidence of state involvement

The evidentiary record implicating the Pakistani state is multi, sourced. Besides, it is cross, corroborated and, by the standards of international legal proceedings, unusually robust. It contains the following categories:

Firstly, Ajmal Kasab's confession, which was recorded and verified by Indian investigators, identified LeT as the group responsible¹², and he gave details of the Pakistan, based training and command infrastructure. Kasab named his specific handlers and described the operational briefings he had received at LeT facilities in Pakistan, administered territory.

Secondly, David Headley's sworn statement in the US District Court which is situated in North Illinois revealed that, "ISI had been involved at an operational level". Headley said that he had met six different ISI officers during his work with LeT and that Major Iqbal was the main ISI contact for the Mumbai operation¹³. The US Department of Justice has used these findings in

¹¹ Affidavit in Support of Criminal Complaint, United States v. Headley, No. 09-CR-830 (N.D. Ill. Oct. 18, 2009) <https://icct.nl/sites/default/files/import/publication/terrorcase.pdf>

¹² *Mohd. Ajmal Amir Kasab v. State of Maharashtra*, (2012) 9 SCC 1 (India) <https://indiankanoon.org/doc/193792759/>

¹³ *United States v. Headley*, No. 09-cr-830 (N.D. Ill. 2016) <https://icct.nl/sites/default/files/import/publication/terrorcase.pdf>

its case.

Thirdly, Pakistani investigators' inter, agency reports, which were given to Indian authorities in 2009, admitted that, “the probe had 'established beyond any doubt that defunct LeT activists had conspired, abetted, planned, financed and set up a communication network to carry out terror attacks in Mumbai’”¹⁴.

Fourth, among the different types of evidence, admissions by Pakistani political leadership are arguably the most notable ones. Back in May 2018, in an interview with the Dawn newspaper, the then Prime Minister Nawaz Sharif acknowledged that some groups "had crossed from Pakistan to carry out the Mumbai attacks" and he also admitted that the Pakistani actors were responsible. Although later on, the Sharif's office tried to downplay those remarks, they were not taken back. In a speech at the UN General Assembly in 2019, former Prime Minister Imran Khan admitted that “there were "30,000 to 40,000-armed militants" in the Pakistani territory trained by the state and then left unaccounted for”.

Fifth, the designation records of the inter, agency of LeT and its above, ground arm, Jamaat-ud-Dawa, tell a story. In 2002, LeT was officially banned by Pakistan after being overwhelmingly pressured by the international community following the attack on the Indian Parliament. Meanwhile, JuD, in fact, from the same Muridke headquarters, the same founder, Hafiz Muhammad Saeed, the same personnel and infrastructure, was considered by the Pakistani government as a completely different charitable and social welfare organisation. The UN Security Council, US, EU, India, and Russia, have all applied the same terrorist label to JuD as the LeT front, Pakistan's holding onto this fiction is, in a way, a part of their information management strategy: it involves making a nominal legal separation to allow for plausible deniability, on the other hand, they keep their operations going uninterrupted.

6.2 The International Legal Framework for State Responsibility

6.2.1 The doctrine of state responsibility

“The international law of state responsibility is mainly laid down in the International Law

¹⁴ Stephen Tankel, *Storming the World Stage: The Story of Lashkar-e-Taiba* 189–214 (2011) https://ndupress.ndu.edu/Portals/68/Documents/jfq/jfq-68/JFQ-68_106_Fernandes.pdf

Commission's Articles on the Responsibility of States for Internationally Wrongful Acts”¹⁵, which were finalized in 2001 and subsequently endorsed by the UN General Assembly. According to Article 1, “the international responsibility of a state is triggered by any of its internationally wrongful acts, which are defined as its conduct that can be attributed to the state and that constitutes a breach of the state's international obligations”. The entire setup applies equally if the main obligation violated is a treaty, International Law Customs, or binding resolutions passed by Security Council.

The key issue of analysis in the 26/11 incident is attribution: “whether the actions of LeT, a formal non, state actor, can be attributed to Pakistan as a state”. ARSIWA provides for several options¹⁶.

6.2.2 Attribution through state organs: Article 4

Article 4 of ARSIWA stipulates that “the actions of any state organ, whether from the legislative, executive, judicial, or any other branch, are attributable to the state”. The ISI is a state organ of Pakistan. If ISI officers directly participated in financing, planning, and providing operational support for the 26/11 attacks, as Headley's testimony confirms, “their conduct is clearly attributable to the State of Pakistan under Article 4, even if those officers acted 'ultra vires' or were in breach of internal Pakistani law”.

The issue is not whether the entire Pakistan government authorised the operation, but whether the state organs were involved.

6.2.3 Attribution through direction and control: Article 8

Article 8 of ARSIWA stipulates that, “the acts of private persons or groups are to be considered as acts of the state if they are 'acting on the instructions, or under the direction or control of, that State’”. ICJ in the Nicaragua case¹⁷ set the standard for the attribution of conduct by holding that the state must have used 'effective control' over specific operations for the state to be held responsible. The bar is very high: it is not enough to prove that the state generally supported or

¹⁵ Int'l Law Comm'n, Draft Articles on Responsibility of States for Internationally Wrongful Acts, U.N. Doc. A/56/10 (2001) https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf

¹⁶ James Crawford & Anne-Marie Slaughter, State Responsibility and Attribution in International Law, 97 Am. J. Int'l L. 1 (2003) <https://www.ilsa.org/Jessup/Jessup06/Respondent.doc>

¹⁷ Nicaragua, 1986 I.C.J. at 115 <https://www.icj-cij.org/case/70>

financed the group¹⁸; it must be demonstrated that the state directed or controlled the very acts at issue.

The application of the effective control test to the 26/11 case reveals an extraordinary level of clarity. The ISI did not only give general support to LeT; it earmarked \$25, 000 for the Mumbai reconnaissance, set up the communications infrastructure for the operation, and, through handlers in Karachi, gave real, time instructions to the attackers during the assaults. It may be argued that the threshold established in Nicaragua and reaffirmed in the Genocide Case remains exceptionally high, and that testimonial evidence alone may not satisfy the evidentiary burden before an international tribunal.

6.2.4 Responsibility for failure of due diligence

Even if there is a dispute about a direct attribution, a particular state can still be held liable for not preventing terror acts that are organised from its territory. The due diligence principle, which comes from the ICJ's Corfu Channel judgment and has been confirmed in subsequent practice¹⁹, “requires a state not to allow its territory to be used for actions that violate the rights of other states”. Pakistan's ongoing tolerance of LeT/JuD activities from its area, its non-prosecution of the organisation's leaders, and its keeping up the JuD pretense are all instances of a due diligence failure that lead to an independent state responsibility.

6.2.5 Treaty violations

Pakistan's actions have infringed on certain specific treaty obligations as well.

UNSC Resolution 1373, was adopted under Chapter 7 in 2001 and which bound all member states of UN, among others it mandates that, “the countries prevent and suppress the financing of terrorist acts²⁰, deny safe haven to terrorist organisations, and bring the perpetrators to justice”. Pakistan's documentation and consistent record of failure in relation to LeT/JuD leadership on each of these counts are evident and undeniable.

¹⁸ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosn. & Herz. v. Serb.), Judgment, 2007 I.C.J. 43, para 398–407 <https://www.acerislaw.com/wp-content/uploads/2024/04/Application-of-the-Convention-on-the-Prevention-and-Punishment-of-the-Crime-of-Genocide.pdf>

¹⁹ Corfu Channel, 1949 I.C.J. at 22 <https://www.icj-cij.org/case/1>

²⁰ S.C. Res. 1373, 2, U.N. Doc. S/RES/1373 (Sept. 28, 2001) https://www.unodc.org/pdf/crime/terrorism/res_1373_english.pdf

Moreover, Resolution 1456 (2003) restated these obligations and also included the requirement to punish those who offer safe havens to terrorists²¹ (which obviously is a direct accusation on Pakistan's treatment of Hafiz Saeed who was released from jail by a Pakistani court in June 2009 for lack of evidence, however, stayed free for more than a decade thereafter.)

Moreover, Pakistan is a member to the ICSFT 1999²², which envisions, “the criminalisation of the financing of terrorism and the extradition or prosecution of offenders”. The alleged ISI, LeT cash transfers for the 26/11 attacks are hypocrites breach the agreement.

Besides this, within the South Asian regional framework, Pakistan's duties under the SAARC Suppression of terrorist acts Summit (1987)²³ and the extra Protocol of 2004 to the latter, which are towards cooperation, have also not been fulfilled.

6.3 Information Warfare and Media Management

6.3.1 The concept of information warfare in the 26/11 context

One of the meanings of the term 'information warfare' includes the deliberate use of both information and disinformation as tools in a power struggle^{24,25}. State, sponsored terrorism gives rise to two levels of information warfare. One of them is the tactical level, which is media intelligence incorporation into operational decisions in the flesh, as 26/11 attackers' handlers' use of live television feeds to direct have demonstrated. Another one is the strategic level, that is, the management of the domestic and international pretexts to keep attribution away and to avoid accountability.

After 26/11, Pakistan's strategic information warfare was not only high profile but also multi-faceted. From such a perspective, narrative denial, institutional obfuscation, diplomatic

²¹ S.C. Res. 1456, U.N. Doc. S/RES/1456 (Jan. 20, 2003) <https://main.un.org/securitycouncil/en/s/res/1456-%282003%29>

²² International Convention for the Suppression of the Financing of Terrorism, Dec. 9, 1999, 2178 U.N.T.S. 197 <https://treaties.un.org/doc/db/terrorism/english-18-11.pdf>

²³ SAARC Regional Convention on Suppression of Terrorism, Nov. 4, 1987 <https://www.saarc-sec.org/images/areas-of-cooperation/ESC/Security%20Files/SAARC%20Regional%20Convention%20on%20Suppression%20of%20Terrorism%20and%20its%20Additional%20Protocol.docx#:~:text=The%20SAARC%20Regional%20Convention%20on,ratification%20by%20all%20Member%20States.>

²⁴ John Arquilla & David Ronfeldt, *Cyberwar Is Coming!*, 12 *Comp. Strategy* 141 (1993) https://www.rand.org/content/dam/rand/pubs/reprints/2007/RAND_RP223.pdf

²⁵ Thomas Rid, *Active Measures: The Secret History of Disinformation and Political Warfare* (2020) https://profilebooks.com/wp-content/uploads/wpallimport/files/PDFs/9781788160759_preview.pdf

leveraging, and juridical delay were at least four distinct ways through which it functioned.

6.3.2 Narrative denial

Pakistan's first reaction to 26/11 was to outrightly deny that the state was involved. The official line which was that LeT was a banned organization that carried out the attack without state involvement, was spread through Pakistani state media, the Foreign Office, and diplomatic channels. Pakistani TV and print media, many of which are reportedly under the formal and informal influence of the ISI, echoed this narrative. The focus on maintaining the JuD, LeT separation was pivotal in this strategy: by taking JuD as a legitimate social welfare organisation that, among other things, helped with flood relief and education, Pakistani media management painted a picture of civic beneficence that was at odds with the terrorist tag given internationally.

This narrative strategy was not only for local consumption. Pakistan's foreign minister and ambassador to the United States regularly portrayed the attacks as, “those of a non, state actor with no connection to the state, presenting the 'banned organisation' status only as evidence of non, involvement of the state”. This reasoning was accepted to some extent by a number of Western capitals, notably Washington, where the strategic dependence on Pakistani cooperation for the Afghanistan supply chain gave political motives to the officials for staying away from confrontation²⁶.

6.3.3 Institutional obfuscation and juridical delay

Pakistan's domestic legal proceedings against the 26/11 accused are a classic example of what Lahore, based legal scholar Zahid Hussain called 'performative prosecution': the facade of the legal process without real accountability. Seven accused individuals were charged in anti-terrorism court in 2009. As of 2024, those court proceedings have been left hanging for fifteen years, disrupted by judicial recusals, witness intimidation, evidence going missing, and adjournments being made²⁷. Zaki ur, Rahman Lakhvi, the alleged operational commander of

²⁶ Husain Haqqani, *Magnificent Delusions: Pakistan, the United States, and an Epic History of Misunderstanding* (2013) https://archive.org/download/faraib-na-tamam-by-jumma-khan-sufi-urdukutabkhanapk/Magnificent%20Delusions-%20Pakistan%2C%20the%20United%20States%2C%20and%20an%20Epic%20History%20of%20Misunderstanding%20By%20Hussain%20Haqqani_urdukutabkhanapk.pdf

²⁷ Human Rights Watch, “Pakistan: Bring Mumbai Attack Masterminds to Justice” (2020) <https://www.hrw.org/world-report/2020/country-chapters/pakistan>

the attacks, was given bail by a Pakistani court in 2015 despite Security Council sanctions naming him a terrorist.

Hafiz Saeed's legal journey also sheds light on the situation. Getting out of house arrest in June 2009, Saeed remained at the helm of JuD and continued to organize public rallies, including election campaigns for his political front, Milli Muslim League. He was listed on the UN 1267 Committee's consolidated sanctions list; Pakistan complied with asset²⁸, freeze requirements while still allowing his public activities. In 2019, under severe FATF pressure that brought the threat of placing Pakistan on the blacklist, the Pakistani government arrested Saeed for domestic terrorism financing offenses, and thereupon sentenced him to eleven years in prison. This belated prosecution, when taken in conjunction with the fifteen, year non, prosecution of the 26/11 accused, demonstrates how external information and financial pressure influence Pakistani judicial compliance: prosecution as a form of diplomatic performance rather than a display of judicial commitment.

6.3.4 The media ecology of cross-border terrorism

Live coverage of the 26/11 attacks was witnessed by the entire world via media networks. The siege was nonstop broadcast for over two days Indian, Pakistani, international, and social media platforms, resulting in an unprecedented level of live coverage for the terrorist attack which was still unfolding. The political consequences of the attacks were influenced in significant ways by this media ecology. The worldwide attention to the attacks resulted in direct international pressure on Pakistan, but at the same time, it also allowed Pakistan to launch an information counter, campaign. Not long after the attacks, Pakistani media were already suggesting that the attacks might have been a 'false flag' operation, questioning the identity of the attackers and the reliability of the Indian intelligence claims²⁹.

This counter, narrative which was Pakistan diasporas, and sympathetic media outlets further disseminated, gave the Pakistani state denial strategy enough time to be developed.

Through the satellite phone intercepts, forensic evidence, and Kasab's confession, the false, flag narrative was progressively discredited in international media. Nevertheless, the

²⁸ S.C. Comm. Pursuant to Res. 1267 (1999), Consolidated List of Individuals and Entities Subject to Measures Imposed by the Security Council, https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list

²⁹ Zahid Hussain Rana, Pakistan's Militant Organizations and the Media, in *Military Inc.: Inside Pakistan's Military Economy* 211 (Ayesha Siddiqi ed., 2015)

information war capability had already fulfilled its short, term goal: to manufacture enough doubt during the crucial first days to prevent an Indian military response and when Pakistan then framed their 'investigative cooperation' as a 'goodwill gesture' rather than 'accepting guilt'. This pattern has been pointed out by Rid as one of the features of 'active measures' in information warfare: the intention is not to convince all the audiences but to generate so much ambiguity that the target state and the international community will be unable to take decisive actions.

6.3.5 FATF and the information-financial nexus

The Financial Action Task Force (FATF) Grey Listing of Pakistan in June 2018 serves as the best example to understand the relationship between information accountability and legal compliance. The FATF process is basically an information audit: countries, through documentary evidence and institutional reporting³⁰, have to show that their frameworks for counter, terrorism financing are not just on paper³¹.

Pakistan's Grey Listing, which led to a drop in Pakistan's financial market, raised the country's borrowing costs, and made it difficult to get IMF and World Bank financing, was the biggest compliance pressure Pakistan had felt since 26/11³².

Pakistan's reaction was quite indicative. The country adopted a number of anti-money laundering and counter-terrorism financing legislative amendments, went after Hafiz Saeed, and filed comprehensive FATF action plan reports. In October 2022, Pakistan was taken off the Grey List³³. The detractors, among them the Indian government and various Western intelligence reports, claimed that the compliance was mainly on paper: the laws were passed but not enforced; and the core ISI, LeT connection was still there³⁴. This pattern brings out a

³⁰ Emile van der Does de Willebois et al., *The Puppet Masters: How the Corrupt Use Legal Structures to Hide Stolen Assets and What to Do About It* (World Bank 2011) <https://documents1.worldbank.org/curated/en/784961468152973030/pdf/The-puppet-masters-how-the-corrupt-use-legal-structures-to-hide-stolen-assets-and-what-to-do-about-it.pdf>

³¹ Financial Action Task Force, *Mutual Evaluation Report: Anti-Money Laundering and Counter-Terrorist Financing Measures – Pakistan* (Oct. 2019) <https://www.fatf-gafi.org/en/publications/Mutualevaluations/Mer-pakistan-2019.html>

³² International Monetary Fund, *Pakistan: 2021 Article IV Consultation—Press Release; Staff Report* (IMF Country Report No. 21/118, 2021) <https://www.imf.org/en/publications/cr/issues/2022/02/04/pakistan-2021-article-iv-consultation-sixth-review-under-the-extended-arrangement-under-the-512715>

³³ Fin. Action Task Force, *Pakistan Removed from Grey List* (2022) <https://www.ifac.org/knowledge-gateway/discussion/case-study-pakistan-s-journey-fatf-grey-list-and-role-institute-chartered-accountants-pakistan>

³⁴ U.S. Dep't of State, *Country Reports on Terrorism 2021: Pakistan* (2022)

crucial understanding point for persons studying media and conflicts: the pathway towards international legal accountability for terrorist acts, is increasingly reliance on the information channels, be it through the processes, audits, reports, designations, which are of course just as vulnerable to the strategic manipulation that characterises the information warfare.

7 Findings

The data from this research suggest that one should not consider the 26/11 Mumbai attacks as non, state terrorism acts isolated from the issue of the state's responsibility. The evidentiary material, which was the subject of this research, points to a well, organized operational pattern that surpasses solely the capacity of a private terrorist group. The fact that the attackers were trained in Pakistan, embarked on their mission by sea from Karachi, hijacked the vessel MV Kuber, and both the attackers and the handlers in Pakistan were in continuous communication in real, time all indicate a coordinated cross, border operation. The use of digital technology such as satellite phones and Voice over Internet Protocol (VoIP) systems along with the operational planning shows that, “the level of sophistication was one that can be equated with a well, established infrastructure capable of organized support rather than with the impromptu actions of militants”.

One of the most significant elements to come out of the comprehensive legal review is that the threshold for attribution in Article 4 and Article 8 of the ARSIWA appears, on the face of the available record, to be largely fulfilled. There is strong evidence that, “persons associated with Pakistan's intelligence service apparatus were involved, even to the extent of financial assistance for reconnaissance and coordination of the operation, which makes it more likely that the conduct is attributable to state organs”. However, even if one adopts a very cautious approach and assumes that “it is still not clear whether the state had direct command over the acts in question, the effective control standard, as understood by the International Court of Justice in the Nicaragua case, is met here with great clarity because the attackers were being given instructions in real time during the siege”.

The manuscript has brought out a breach of the due diligence principle quite explicitly beyond the mere attribution to one party. States under international law are bound to not to allow their territories and geological locations to be used for acts which harms the rights of other states

and that even if they know about it. The fact that Lashkar-e-Taiba and its affiliate Jamaat-ud-Dawa continue to operate from Pakistani soil, there are hardly any significant legal actions against the top leaders, and the constant cycle of release and re, arrest only under the pressure of outside sources, all these evoke a deep, rooted failure of terrorist infrastructure. Such negligence should not be taken as mere administrative laxity but to be either the case of an inability or an unwillingness to exercise effective control leading to international responsibility in any case.

The research article substantiates the claim that, “Pakistan has violated its treaty obligations”. UNSC Resolution 1373 outlines the duties of Pakistan that, “the country should have taken steps to eliminate the financing of terrorism, not give terrorists safe haven, and prosecute the offenders”. It appears the judiciary has been wanting and there have only been a few limited enforcement measures that seem to have been done out of the situation rather than the law.

The compliance with FATF requirements reveals that, “genuine enforcement efforts were largely a response to economic pressures rather than a reflection of the legal commitment itself”.

The findings also highlight that information warfare is one of the important factor in influencing the construction of accountability. Denying the fact of the story, accrediting it at the diplomatic level, and maintaining the internal separation of the organisations thus the banning of the latter and the functional continuations as the tools for creating the ambiguity that is strategically led. This piece of information, strategy, has weakened the seriousness of international legal consequences to a great extent. Therefore, the level of legal liability was heavier at that time, but its enforcement has been an issue of geopolitical considerations and the management of strategic communication.

8. Discussion

These revelations, if analysed, certainly have impacts not only on international law but also on media and conflict studies. The 26/11 terrorist attacks have shown that the problem of blaming one state for the acts of terrorists can easily get mixed up with the rapidly evolving methods of warfare.

However, nowadays, terrorism involves cross, border activities that are more than just physical

attacks on people; these also include activities such as use of cell phones for coordination, intelligence, money, and even media warfare. Even though the traditional legal framework might seem theoretically sound, it is quite evident that it is still lacking in terms both of concepts and practical instruments for dealing with, e.g., state, sponsored terrorist groups hiding their real faces behind the hybrid warfare environment.

The high level of proof necessary to pin down the responsibility is mainly the point that, through this case, has been revealed as one of the issues. ICJ's effective control standard was intentionally left as a buffer for states to keep the expansion of state liability at an unreasonable level. Nevertheless, in cases of secret intelligence cooperation, national security secrecy and diplomatic sensitivity make the direct documentary evidence sometimes unattainable. Thus, in rare cases, heavy circumstantial evidence combined with testimonial evidence still might not be enough for a tribunal of international law, to deliver a judgement.

This creates a loophole where states can exploit the inherently secret nature of intelligence operations. Moreover, the matter of legal accountability can hardly be seen as separate from the political environment, as the case demonstrates.

Extensive documentary material is available, but formal legal proceedings have been prevented due to a lack of compulsory jurisdiction before the ICJ and the veto powers within the UNSC. However, financial measures such as the FATF review have proven to be quite effective as they have caused actual economic losses. Therefore, it appears that in the current international climate, financial transparency regimes may be considered as indirect tools of enforcement even when the judicial ones have failed³⁵.

On top of that, the issue of information warfare further complicates tenure of accountability. A state, by managing the public discourse, discrediting attribution stories, and dragging out domestic court hearings, can effectively lower diplomatic pressure and disintegrate international agreement. Denial politics thus gains as much weight as the responsibility law. Consequently, the 26/11 incident acts as a catalyst for a wider reconsideration of international law's relationship with media ecosystems and strategic communication in scenarios of cross, border terrorism.

³⁵ Daniel W. Drezner, *The Sanctions Paradox: Economic Statecraft and International Relations* (1999) <https://assets.cambridge.org/97805216/43320/sample/9780521643320wsc00.pdf>

9. Conclusion

The 26/11 Mumbai attacks remain an illustrative instance of how cross border terrorism undermines the core principles of sovereignty and state responsibility in international law³⁶. Studies show that the attacks were more than just the criminal acts of isolated individuals but were, in fact, part of a transnational operational network that was largely, if not entirely, based in Pakistani territory. The evidence examined here points towards the appropriateness of the attribution under Articles 4 and 8 of the ARSIWA. The provision of live tactical support, financial facilitation, and the maintenance of a training infrastructure together quite decisively take the case beyond mere generalized support to structured involvement.

However, it should be noted that, “even if there is no incontrovertible proof of direct command authority, Pakistan might still be held responsible for the act through the principle of due diligence”. According to international law, “states have a duty to prevent their territory from being used as a springboard for violations of another state's territory”. The continued activities of Lashkar-e-Taiba and other groups in Pakistan and the delayed, reluctant, and mostly externally driven prosecution of these activities are clearly indicative of a failure on the part of Pakistan to comply with this obligation. In fact, these violations go even further into treaty law, especially the obligations under UN Security Council resolutions and the Financing Convention.

However, the main paradox uncovered by this research is that, “there is a great discrepancy between legal responsibility and capabilities of practical enforcement”.

On the one hand, international legal mechanisms cannot operate freely as they are heavily dependent on jurisdictional consent, political veto power, and diplomatic calculation. In the absence of binding adjudication, the cases of accountability have been mostly indirect such as FATF grey, listing rather than formal judicial determination. This shows that, “the effectiveness of international law is often less a function of normative clarity and more of political and economic leverage”³⁷.

The 26/11 incident has also shown that information warfare is becoming an important part of

³⁶ Pierre-Marie Dupuy, *The International Law of State Responsibility: Revolution or Evolution?*, 11 *Eur. J. Int'l L.* 105 (2000) <https://files01.core.ac.uk/download/pdf/232710565.pdf>

³⁷ Jack L. Goldsmith & Eric A. Posner, *The Limits of International Law* 13–36 (2005) <https://iuristebi.wordpress.com/wp-content/uploads/2011/07/the-limits-of-international-law.pdf>

the international accountability process. The use of narrative denial, strategic ambiguity, and procedural delay has become a means to lessen the reputational damage and the extent of the pressure from outside. Responsibility cannot be separated from communication strategy in an era when conflicts take place both physically and informationally³⁸.

Lastly, the attacks call into question the concept of traditional sovereignty as the supreme power within the territorial boundaries. Sovereignty is about being accountable. The vendetta being the consequence of the invasion of one border by the other and the legal consequences of the same must, in turn, go beyond the borders. However, international institutions of enforcement need to be separated from the paralysis of geopolitical situation and be further supported with compulsory mechanisms, in that case, 26/11 will be more of an illustration of a disquieting reality: that international responsibility may be legally established yet politically unresolved.

³⁸ Anne-Marie Slaughter, *Global Government Networks, Global Information Agencies, and Disaggregated Democracy*, 24 *Mich. J. Int'l L.* 1041 (2003) <https://scispace.com/pdf/global-government-networks-global-information-agencies-and-1dezt4o4jl.pdf>

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