

Bin Laden Killing Highlights Defects of Intelligence in Japan

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Soon after U.S. commandos killed Al Qaeda leader Osama bin Laden on May 2, the Japanese government issued the prime minister's statement that welcomed the "remarkable progress in counter-terrorism" and noted that it "directed its relevant ministries and agencies to further strengthen measures including information gathering." Even apart from the Japanese government's lack of political will to conduct any surprise assault on terrorists, its intelligence gathering and judicial arrangements are still gravely defective.

Bush's contributions : "enhanced interrogations"

The U.S. forces had always been capable to assault and kill bin Laden if his hideout was identified. The key to the latest operation to kill the terrorists' network leader was intelligence. Central Intelligence Agency Director Leon Panetta admitted that "enhanced interrogations," which were conducted by the Bush Administration for some terrorists and harshly criticized by President Barack Obama, contributed to obtaining the crucial information to identify an emissary to bin Laden.

Terrorists should be treated in judiciary processes as well as interrogation in a special manner that is different from that for ordinary suspected criminals. In a negative example, the Clinton Administration used ordinary judiciary processes for the mastermind of the 1993 World Trade Center bombing, forcing prosecutors to submit a list of suspected accomplices in the attack as requested by defense lawyers and allowing investigative intelligence to be leaked to bin Laden and other terrorists. Therefore the Bush Administration maintained overseas terrorist detention camps and established the military commission to try suspected terrorists through closed proceedings.

President Obama criticized the Bush approach and promised to close the overseas detention camps and transport suspects to the United States for open trials. But he has eventually changed his policy. The problem is how Japan can do. As far as Japan is bound by the Constitution's Article 76-2 prohibiting any "extraordinary tribunal," it may have no choice but to follow the Clinton-Obama approach.

Special intelligence agency required

Former Defense Secretary Donald Rumsfeld in his memoir says that he emphasized the significance of "enhanced interrogations" while opposing such

interrogations by military personnel. Military personnel are required to interrogate tens of thousands of suspected terrorists at various levels particularly in Iraq and Afghanistan, while the CIA focuses on alleged Al Qaeda leaders.

"Some techniques that might be appropriate for a very small number of high-value terrorists by a highly trained and professional group of CIA interrogators in a controlled environment were not appropriate for use by military personnel," Rumsfeld says in "Known and Unknown." This means that military personnel should refrain from abusive interrogations even under tensions, while the fight against international terrorism requires an intelligence agency for special interrogations that military personnel or police are not allowed to undertake.

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