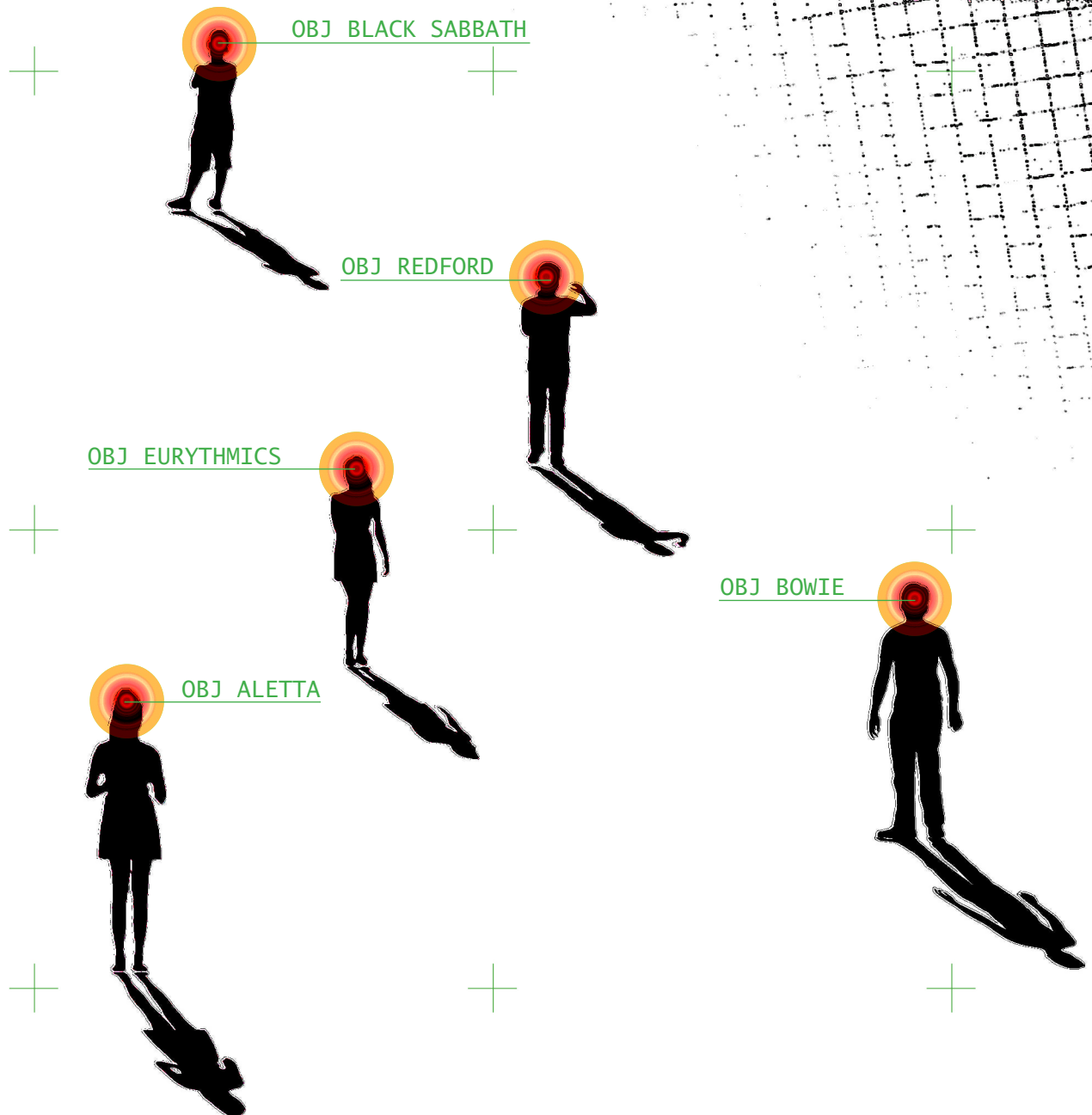


REPRIEVE

BRITAIN'S KILL LIST



OFFICIAL DISSEMBLING IN THE DEVELOPMENT OF A LIST OF PEOPLE
WE WANT TO ASSASSINATE AND THE NEED FOR A FULL AND
TRANSPARENT INVESTIGATION

A REPORT BY REPRIEVE

*“The sovereign who makes use of
such execrable means
should be regarded as an enemy
of the human race.”*

de Vattel (1758)

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EXECUTIVE SUMMARY

On September 7th, 2015, Prime Minister David Cameron came to Parliament and announced a “new departure” for Britain, a policy of killing individuals the Security Services and the military do not like, people placed on a list of individuals who the UK (acting along with the US and others) have identified and systematically plan to kill. The mere admission that there is a Kill List certainly *should*, indeed, have been a “departure” for a country that prides itself on decency. Unfortunately, it was not a “new departure” at all, as we had been doing it secretly for more than a decade.

Predictably, the Prime Minister chose a deeply unpopular figure – Reyaad Khan, a deranged British man who had boasted on YouTube of his involvement in ISIS horrors – as the first admitted target of this policy. (History teaches us that it has always been easiest for advocates of the death penalty to sell their case to some by highlighting the face of a serial killer who is captured on film committing his atrocities.)

But bad cases make bad law, and bad policy. And when the wider facts come to light, sober minds may pause.

If there is one lesson we should have learned in the American-led “Global War on Terror”, declared by President George W. Bush in response to 9/11, it is this: It is dangerous to jettison decades of gradual evolution of human rights and the rule of law in the heat of the emotional moment. Detention without trial in Guantánamo Bay, and torture in Abu Ghraib, were recruiting sergeants for extremism. Rendition (a euphemism for kidnapping) drained away goodwill. Droning villages in Pakistan’s tribal areas turned the United States into the region’s most hated nation. And then invading Iraq without a UN resolution helped to create chaos in the Middle East.

Lacking any transparency, so much of the official justification of these dreadful policies was essentially propaganda. The detainees in Guantánamo Bay were not the “worst of the worst” terrorists in the world, as promised by US Secretary of Defense Donald Rumsfeld: it took several years, but when lawyers eventually reached the prison base, more than 9-in-10 were cleared as “no threat to the US or its allies.” Far from the marvellously precise killing machines that were loudly advertised by their proponents, the drones in Pakistan killed an average of *nine innocent children* for each “High Value Target” singled out for death.

Every time the US has encouraged the world to renounce our basic principles – and the UK has followed – our hypocrisy has served as the yeast that fomented further radicalism.

In this *Report*, we consider the Prime Minister’s claim that the UK had only just come up with the idea of a terrorist Kill List. First, we now know he deceived Parliament, and the people. Revelations just last week by VICE, following up on a case originally investigated by *Reprieve*, demonstrate that the UK was deeply involved in a Kill List in Yemen, notwithstanding repeated British denials. But the Yemen Kill List was not the first time the British government dabbled in Twenty-First Century Assassination: today, we reveal shocking and even more disturbing contours of the first iteration of the British Kill List.

To set it in context, we must consider the evolution in law and morality concerning assassination: what was good enough for the Borgias in the late Middle Ages had already been condemned by the Seventeenth Century as barbaric. Indeed, even in World War Two, with the very existence of the nation under threat, the British eschewed assassinations as unwise as well as immoral: the one time the British did conspire to assassinate an individual Nazi (Reinhard Heydrich) the reprisals were horrific, and he was replaced in post by someone even worse. We should pause for reflection before

we take a course in the “War on Terror” that we rejected when threatened with total destruction in World War Two.

This *Report* demonstrates that Britain conspired in a US-inspired Kill List soon after 9/11. Starting in 2002, working closely with the Americans, Britain had played a leading role in the euphemistic *Joint Prioritized Effective List (JPEL)*. As with Yemen, the *JPEL* Kill List was not even limited to a war zone – it spanned over into Pakistan, which was an ally, not an enemy at war.

The pretext for the Kill List was terrorism. However, the *JPEL* soon spilled over as British law enforcement was desperate to use the invasion of Afghanistan to attack the Afghan-Pakistan narcotics trail. Thus, the targets included drug traffickers, with the “War on Terror” leaking into the “War on Drugs.” Britain is a nation with a collective, moral abhorrence for the death penalty even after a fair trial, especially for non-violent offenders. It is extraordinary, then, that the *JPEL* Kill List allowed for the execution of narcotics traffickers without a trial at all.

Neither was the Prime Minister the only one to sow deception over the *JPEL* Kill List. The Serious Organised Crime Agency (SOCA) was sued by an Afghan man who lost five members of his family to an attempted assassination where flawed intelligence confused his father-in-law’s phone number for that of the intended target – taking “Sorry you have the wrong number” to a very sad extreme. SOCA appeared in a British court to deny any involvement in the *JPEL* targeting. This *Report* demonstrates that SOCA’s assertions in court were designed to divert attention from the very significant role SOCA (now the NCA) was playing in identifying narcotics traffickers for inclusion on the *JPEL* Kill List.

It has been said by an anonymous British serviceman, and it would appear from circumstantial evidence, that other people were included on the Kill List based on perceived criminality linked to mental disorders, such as paedophilia - an extraordinary notion for a country that prides itself on opposing the use of capital punishment.

Indeed, the naming process of the “targets” on the Kill List is extraordinary and would, as the serviceman suggests, horrify the public – for the dehumanisation of the process, as well as the puerile quality of the nomenclature. Some people who are slated for what may be instant death by a Hellfire missile are codenamed based on pornography stars, or prophylactics; some are cartoon characters; some are musicians and actors who might well object to having their names used on a Kill List.

Importantly, some codenames reflect different slang for cannabis, suggesting that these individuals are on the list for their narcotics activities. And a series of the names are unique to Britain, suggesting that these persons were placed on the list by agents of the UK.

The purpose of this *Report* is not to deliver the last word on Kill Lists, but to demand transparency. Members of the Conservative party rightly criticised the Blair administration for its complicity in the US torture programmes; if this government now seeks to dragging the UK back to Medieval times with an assassination project, it is only right that it should be fully discussed with Parliament and the public.

- *Reprieve, London, April 11, 2016*

I. REVELATIONS IN THIS REPORT DEMONSTRATE THAT PARLIAMENT HAS BEEN MISLED, AND HENCE THROUGH NO FAULT OF THEIR OWN THE ANTICIPATED REPORT BY THE JOINT COMMITTEE ON HUMAN RIGHTS MAY BE TOO NARROWLY FOCUSED

On September 7th, 2015, Prime Minister David Cameron told parliament that the idea of a “Kill List” was a “new departure” for Britain:

It was, the prime minister conceded in a statement to the House of Commons on September 7th, “a new departure” for Britain. David Cameron said the decision to target and kill Reyaad Khan in Syria, an Islamic State (IS) fighter from Cardiff, had been taken at a meeting of the National Security Council some months earlier.¹

The Government claimed, at the time, that this targeted killing was justified on a theory of self-defence.²

That the Joint Committee on Human Rights (JCHR) is expected to issue its initial report soon is very welcome: it is vital that there be transparency in the principles that purportedly guide the UK “Kill List.” The recent history of secretive abrogation of long-held principles – whether Britain’s sliding back into the abuse of “torture” or turning back the clock to “detention without trial” – is disturbing on many levels, not least of which the fact that politicians have been allowed to take these retrograde steps without public debate and, seemingly, with no awareness of the hard-learned lessons of History.

However, it would seem clear that the JCHR, along with everyone else, has been misled by the Prime Minister. The JCHR terms of reference make clear that it believed that drones were only being used “in countries where the UK was involved in an international armed conflict”.³ Notwithstanding this, it is undoubtedly true, as Harriet Harman stated, that

[t]he Government’s policy on the use of drones for targeted killing has significantly changed, but there is no clarity about what that policy is, what legal framework applies, how decisions are taken in practice and what accountability there is for such important decisions about the use of lethal force by the State.⁴

Yet the Prime Minister had not been forthright with the JCHR, or anyone else. The UK has been deeply engaged in a “Kill List” for more than a decade. The first iteration of the Kill List was euphemistically called the Joint Prioritized Effects List (JPEL); it is still in use, and at any one time involves more than 600 people who are slated for potential “elimination” in Afghanistan and – significantly - in Pakistan, where Parliament had certainly not authorised intervention in a war,⁵ any

¹ *Britain’s Jihadi Kill List*, The Economist (Sept. 12, 2015), at <http://www.economist.com/news/middle-east-and-africa/21664154-killing-drone-strike-british-jihadist-syria-will-not-be>.

² When announcing the UK drone strike in Syria to Parliament, the Prime Minister said: “As part of this counter-terrorism strategy, as I have said before, if there is a direct threat to the British people and we are able to stop it by taking immediate action, then, as Prime Minister, I will always be prepared to take that action. That is the case whether the threat is emanating from Libya, from Syria or from anywhere else.” Hansard 7 Sep 2015, Column 25 <http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150907/debtext/150907-0001.htm#1509074000366>

³ See *The Joint Committee on Human Rights, chaired by Rt Hon Harriet Harman MP, announced an inquiry into the UK Government’s policy on the use of drones for targeted killing*, October 29, 2015, at <http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news-parliament-2015/uk-drone-policy-evidence-15-16/>

⁴ *Id.*

⁵ There was a branch of the Kill List that later evolved to cover Yemen. This has very recently been the subject

more than they had in Yemen or, at the time of the Reyaad Khan strike, in Syria.

Meanwhile, in the case of an Afghan man whose five family members were killed in terrible failure of intelligence, the Serious Organised Crime Agency (SOCA – now rebranded as the National Crime Agency, or NCA) assured the British courts that it had no role in the targeting of people on the JPEL kill list. The evidence in this *Report* demonstrates that this assurance was simply false.

As a result, the discourse in parliament has been - to date - too narrow. It is important that our elected MPs and the public understand the way in which the UK had been deeply involved in a “Kill List” long before the populist grandstanding by the Prime Minister on September 7th, 2015. The Prime Minister may have believed that the effort to kill notorious individuals like Reyaad Khan would ensure minimal opposition; but what would the British people think if they knew that there were *hundreds* of people on a “Kill List,” spilling over from terrorism to narcotics and other crimes, based on deeply flawed intelligence, resulting in numerous civilian casualties? What would they think if, in the words of some close to what is going on, for every person we target and kill, we create “40 to 60” new enemies, because we killed their innocent children and relatives in the process?⁶

This *Report* is an effort to fill a gap in that knowledge. Ultimately, though, it is up to the Government to be transparent if the UK is to have a “Kill List” of people we wish to assassinate.

of an exposé by VICE, working closely with Reprieve. See Namir Shabibi & Jack Watling, *Britain's Covert War in Yemen: A VICE News Investigation* (April 7, 2016), at <https://news.vice.com/article/britains-covert-war-in-yemen-a-vice-news-investigation>. The UK government has long said that it had nothing to do with drone assassinations in Yemen and that what happened there was “matter for the Yemeni and US Governments” who they expected to act in accordance with international law. Namir Shabibi & Jack Watling, *Exclusive: How the UK Secretly Helped Direct Lethal US Drone Strikes in Yemen* (April 7, 2016), at <https://news.vice.com/article/exclusive-how-the-uk-secretly-helped-direct-lethal-us-drone-strikes-in-yemen>. However, this is just not true, and has not been since 2010. The former US Ambassador to Yemen, Stephen Seche, stated that even though Yemen was not a “war zone” at the time, “[w]e had a targeting list with names that we could pursue... It was very useful for both [Britain and America] to sit and help triangulate what we were hearing from our different sources.” *Id.* Sadly, the UK has been replicating in Yemen the very mistakes that had been initiated in the Afghanistan and Pakistan region eight years before, and that continue to be made to this day.

6 Namir Shabibi & Jack Watling, *Exclusive: How the UK Secretly Helped Direct Lethal US Drone Strikes in Yemen* (April 7, 2016), at <https://news.vice.com/article/exclusive-how-the-uk-secretly-helped-direct-lethal-us-drone-strikes-in-yemen> (“Nabeel Khoury, US deputy chief of mission in Sanaa from 2004 to 2007, wrote in 2013 that: ‘Drone strikes take out a few bad guys to be sure, but they also kill a large number of innocent civilians. Given Yemen’s tribal structure, the US generates roughly 40 to 60 new enemies for every AQAP operative killed by drones.’”).

II. A BRIEF HISTORY OF THE SORDID PRACTICE OF ASSASSINATION LISTS

Even if one were to believe that the war in Afghanistan continues long after the UK withdrew,⁷ it is important to recognize that the JPEL “Kill List” not only targets people who are taking no part in warfare, but also spills over into Pakistan, which is a separate country that is an ally of the US and the UK. Be that as it may, even in warfare, disdain for the use of assassination lists goes back millennia, although the evolution to what was, fifty years ago, legal and moral opprobrium took hundreds of years.

For example, in their dealings with their enemies, the Romans strongly “disdained all such frauds and deceptions”⁸ although they did indulge rather vigorously in domestic assassinations of their own politicians. Likewise, in the Middle Ages there were various notorious examples of assassination lists being used as political policy:

Although the chivalric code exercised a moderating influence on the conduct of war during this period and into the Renaissance, it failed to dampen the practice of assassination. The city-states of Italy were particularly notorious. Thus ... “the Republic of Venice, from 1415 to 1525, planned or attempted about two hundred assassinations for purposes of its foreign policy.”⁹

However, Italian excesses were notorious for the very reason that they were deemed immoral. Even 400 years ago some legal commentators believed that civilization had already developed an absolute prohibition against assassination. In 1612, Alberico Gentili classified it as nothing more than murder. He “considered three possible situations: (1) the incitement of subjects to kill a sovereign; (2) a secret treacherous attack upon an individual enemy; and (3) an open attack on an unarmed enemy not on the field of battle. Gentili concluded that each of these was to be condemned.

He argued:

If it is allowed openly or secretly to assail one man in this way, it will also be allowable to do this . . . by falsehood . . . If you allow murder, there are not methods and no forms of it which you can exclude; therefore murder should never be committed.”¹⁰

Indeed, in words that echo in the 21st century, Gentili recognized that assassination was generally pointless as well as being illegal and immoral, since the calculated murder of a leader would inflame the enemy and only result in the substitution of another leader:

Gentili expressly rejected the suggestion that, by killing a single leader, many other lives might be saved, believing that such an argument ignored considerations of

7 The last British combat troops left Afghanistan in October 2014, with an extraordinary 68% of British people thinking that the sacrifices made by the soldiers were “not worthwhile.” *Last British troops leave Helmand*, BBC (October 27, 2014), at <http://www.bbc.co.uk/news/business-29784195>.

8 Ward Thomas, *Norms and Security: The Case of International Assassination*, 25 Int’l Security 105 (2000), <http://www.jstor.org/stable/pdf/2626775.pdf?acceptTC=true>.

9 Morgenthau, *Politics among Nations*, at 225, quoted in Ward Thomas, *Norms and Security: The Case of International Assassination*, 25 Int’l Security 105 (2000), at <http://www.jstor.org/stable/pdf/2626775.pdf?acceptTC=true>.

10 A. Gentili, *De Jure Belli Liberi Tres*, (1612), reprinted in *The Classics of International Law* 166 (J. Rolfe trans. 1993), at <http://heinonline.org/HOL/Page?handle=hein.journals/milrv134&div=8&id=&page=&collection=journals>.

*justice and honour. Moreover, he questioned the ultimate result - that is, a new leader would emerge, with followers all the more inflamed by their previous leaders death.*¹¹

Commentators agree that it was around that time – some 400 years ago – that the rule against assassination was cemented into general acceptance:

*In the early seventeenth century, attitudes toward assassination began to change dramatically. Historians and political philosophers began to condemn assassination, even of tyrants and religious enemies. Moreover, this change was reflected in both the rhetoric and actions of the era's political and military leaders, resulting from a marked decline in the number of assassinations and a distaste for the act that bordered on contempt.*¹²

By the middle of the Eighteenth Century, the rule against assassination was clear:

*The norm against international assassination grew stronger as the violence of the religious wars receded and by the eighteenth century was firmly entrenched in international society. In his 1758 treatise on international law, Emmerich de Vattel wrote: "I give, then, the name of assassination to treacherous murder . . . and such an attempt, I say, is infamous and execrable, both in him who executes it and in him who commands it.... The sovereign who makes use of such execrable means should be regarded as an enemy of the human race, and all Nations are called upon, in the interests of the common safety of mankind, to join forces and unite to punish him."*¹³

Likewise, Thomas Jefferson, one of the founders of the American Republic, wrote to another founder, James Madison in 1789:

*"Assassination, poison, perjury... All of these were legitimate principles in the dark ages which intervened between ancient and modern civilizations, but exploded and are held in just horror in the eighteenth century."*¹⁴

Indeed, when the very existence of Britain was threatened by Napoleon, the condemnation of assassination was already so well-established that the British government responded very firmly to the suggestion that the Napoleonic wars could be short-circuited by targeting him directly:

*In 1806, when British Foreign Secretary Charles Fox was approached with a plan to assassinate Napoleon, Fox not only rejected the offer but arrested the would-be assassin and informed the French foreign minister of the plot.*¹⁵

In the middle of the Nineteenth Century, the US law of war was clear in its prohibition of assassination:

11 *Id.*

12 Ward Thomas, *Norms and Security: The Case of International Assassination*, 25 Int'l Security 105 (2000), <http://www.jstor.org/stable/pdf/2626775.pdf?acceptTC=true>.

13 Emmerich de Vattel, *Le droit des gens*, p. 289 (1758), quoted in Ward, *op. cit. supra*.

14 Stephen F. Knott, *Secret and Sanctioned: Covert Operations and the American Presidency at 171* (New York: Oxford University Press, 1996), quoted in Ward, *op. cit. supra*.

15 Ward, *op cit. supra*.

*The prohibition on assassination was also included in the law of war that began to be codified in the late 1800s . . . Among the most influential was the U.S. Army's Lieber Code of 1863, which echoed the prevailing view when it stated: "Civilized nations look with horror upon offers or rewards for the assassination of enemies as relapses into barbarism."*¹⁶

It is often the exception that proves the rule – just as horror at the My Lai massacre underlined the legal and moral objections to genocide, so (when it came to light) the highly secretive Phoenix program illustrated the folly as well as the immorality of a military kill list. Certainly the Phoenix program did not achieve its goals; it further provoked Vietnamese opposition, and the US lost the war.

Indeed, the secretive instances of assassinations by the CIA in Africa and South America led to the specific prohibition against assassination. In November 1975, the *Senate Select Committee to study Governmental Operations with respect to Intelligence Activities* issued an interim report on alleged assassination attempts in which it found that the United States Government was implicated in five assassinations or attempted assassinations against foreign government leaders since 1960:¹⁷

*"It is sometimes asserted, for example, that the United States is exceptionally averse to assassination because it does not conform to American values of justice and fairness. This was the position taken in 1976 by the Church Committee, which investigated the involvement of the CIA in assassination plots. The committee found fault with assassination because it 'violates moral precepts fundamental to our way of life . . . [and] traditional American notions of fair play.'"*¹⁸

Whether it has anything to do with "fair play" or not, there are many historical reasons why assassinations often create consequences adverse to the assassin's goals. Certainly, the CIA efforts to assassinate Fidel Castro helped to cement his domestic popularity and would have justified a number of illiberal security policies. One result of the Church Committee was Executive Order 11905, signed by President Ford on February 18, 1976, which offered an official ban on political assassination:

"No employee of the United States Government shall engage in, or conspire to engage in, political assassination."

In reaffirming and extending President Ford's order, President Carter removed the limitation to *political* acts. President Carter's Executive Order 12036 in 1978 provided:

*"No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination."*¹⁹

In this way, all assassination was banned. The same wording was used by President Reagan in

16 Zengel, *Assassination and the Law of Armed Conflict*, p. 622, quoted in Ward, *op cit. supra*.

17 See U.S. S. REP. No. 465, 94th Cong., 1st Sess. (1975).

18 Ward, *op cit. supra*.

19 See Carter Executive Order No. 12036, Ex. Ord. No. 12036, Jan. 24, 1978, 43 F.R. 3674, as amended by Ex. Ord. No. 12139, May 23, 1979, 44 F.R. 30311, which related to United States foreign intelligence activities, was revoked by Ex. Ord. No. 12333, Dec. 4, 1981, 46 F.R. 59941: "2-305. Prohibition on Assassination. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination." <http://fas.org/irp/offdocs/eo/eo-12036.htm>.

Executive order 12333 on December 4, 1981, and this language is in force today.²⁰

The recent history of Britain's approach to assassination is similar to the US. Even in World War 2, the UK was involved in just one direct assassination – that of Reinhard Heydrich - and the consensus is that his death “wasn't worth the countless victims that Nazi terror produced over the following weeks”:

Nazi reprisals were savage. In the village of Lidice, thought to be linked to the assassins, 173 men over the age of 16 were killed, every woman was sent to a concentration camp, every child dispersed, every building levelled.

Furthermore, however bad Heydrich had been, his successor turned out to be even more savage.²¹

Thus, while it is sometimes said that terrorism blurs the line between war and peace, law and practice have evolved to the point where it is illegal to target individuals on a kill-only list even in war.²² The UK was accused of such a policy in dealing with the IRA, and the policy in operation at the time was found to have been illegal.²³

Regardless, in the case of the JPEL Kill List, the pretext of terrorism cannot be used to target those who are better defined as simple criminals, such as drug traffickers.

Most worryingly, perhaps, because of the politically expedient definition of terrorism, nations that do not adhere closely to the rule of law may rather rapidly stretch the most defined “Kill List” to their own purposes:

*If America can legitimately kill its citizens in Yemen, why can't Russia do the same in London? A few wonder if it already has, pointing to the poisoning of Alexander Litvinenko.*²⁴

And, waiting in the wings, many other countries would like to have their own Kill Lists.

III. THE FIRST 21ST CENTURY UK KILL LIST: *JPEL* IN AFGHANISTAN AND PAKISTAN

It transpires that, long before the Prime Minister told parliament of a “new departure” in British policy involving the killing of Reyaad Khan in Syria, the UK had been deeply involved in developing and executing a Kill List in Afghanistan and Pakistan, a list that remains active.

A. A Brief Introduction To The *JPEL* List

The iteration of the *Joint Prioritized Effects List (JPEL)*,²⁵ part of the Edward Snowden files, is from

20 See Reagan Executive Order 12333--United States intelligence activities Source: The provisions of Executive Order 12333 of Dec. 4, 1981, appear at 46 FR 59941, 3 CFR, 1981 Comp., p. 200: “2.11 Prohibition on Assassination. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.” <http://www.archives.gov/federal-register/codification/executive-order/12333.html>.

21 Gordon Corera, BBC Security Correspondent, *Licence to kill: When governments choose to assassinate* (March 17, 2012), at <http://www.bbc.co.uk/news/magazine-17353379>.

22 Geneva Conventions Protocol I, §40 (“It is prohibited to order that there shall be no survivors, to threaten an adversary therewith or to conduct hostilities on this basis”).

23 *McCann v. United Kingdom*, 21 ECHR 97 GC (1995).

24 Corera, *Licence to kill*, *supra*.

25 <http://www.spiegel.de/media/media-35508.pdf>

August 2010, and includes 669 targets. Since the list has been in effect since 2002, and is updated monthly, it is fair to assume that in its entirety, thousands of individuals have been included on the *JPEL* Kill List at one time or another.

The *JPEL* list is still in use today. In September 2015, the New York Times ran an investigation alleging that two European countries – Germany and Sweden – were “directly participating in so-called kill decisions against insurgents in Afghanistan despite rules prohibiting them from doing so.”²⁶ One official said: “They were sitting around there giving thumbs up or down, like gladiators in a stadium.” Sadly, we now know that this is what has been happening for 14 years, and British thumbs have frequently been turned down, for death.

The list very clearly shows that its targets are not limited only to those in Afghanistan, but that they also include Pakistani targets in Pakistan. Equally important, these Pakistani targets were either placed on the list by the UK (i.e. the Target nominating force) or the UK is the force tasked as lead agency in their targeting, or both.

The *JPEL* divided people into those who should be used for intelligence, those who should be captured, those who may be either captured or killed, and those who should only be killed.²⁷ The “Kill Only” tag is further corroborated by “a top [US] military expert”:

*“the Pentagon has created elaborate formulas to help the military make such lethal calculations. A top military expert, who declined to be named, spoke of the military’s system, saying, “There’s a whole taxonomy of targets.” Some people are approved for killing on sight.”*²⁸

The US has always claimed that lists such as *JPEL* only target the ‘worst of the worst’, the so-called High-Value Targets (HVTs).²⁹ The *JPEL* list, however, proves otherwise; rather, the US, the UK and other allies were also going after mid- and low-level members of the Taliban on a large scale, such a large scale that the list at any time included hundreds of people. Furthermore, amongst those on the list are alleged drug dealers and paedophiles, included on the pretext that they are associated with the insurgents.³⁰ (Much more about them below.)

B. How The *JPEL* Kill List Operates

There are a number of issues that arise from an analysis of the *JPEL* list involving how people are listed to be killed, and the unreliable intelligence that forms the basis for any designation.

1. *JPEL* Restrictions – To Kill Or Not to Kill?

There are various options on the *JPEL* menus. Indeed, it is described as a “whole taxonomy of targets”.³¹ Of the 669, some 127 are subject only to monitoring or intelligence collection.³² Beyond

26 http://www.nytimes.com/2015/09/05/world/asia/afghanistan-kill-decisions-us-sweden-germany.html?_r=0

27 The document shows the former three categories but does not reflect the latter, which was revealed in a confidential interview with *Reprive* staff. It seems likely that the “Kill Only” tags are redacted due to the fact that such a designation is clearly illegal.

28 Jane Mayer, *The Predator War*, *The New Yorker* (Oct. 26, 2009), at <http://www.newyorker.com/magazine/2009/10/26/the-predator-war> (emphasis supplied).

29 US Military Joint Publication 3-60 (31 Jan. 2013), 2015_06_23_PUB Joint Targeting.pdf, at I-9.

30 <http://www.spiegel.de/international/world/secret-docs-reveal-dubious-details-of-targeted-killings-in-afghanistan-a-1010358.html>.

31 *Id.*

32 These are *JPEL* ##96, 264, 316, 376, 377, 378, 379, 522-533, 535-542, 544-559, 561, 563-571, 573-575,

this, there are 31 people who are subject to capture only, not killing.³³ Among these, just two (JPEL 217, 623) are subject only to “non lethal action capture only” – in other words, lives may be taken in capturing the others. Some are “kill only” – a patent violation of International Humanitarian Law (IHL) and International Human Rights Law (IHRL).

Certain JPEL targets were to be kept secret from the Afghans, presumably because of corruption within the authorities.³⁴ However, if people were captured and turned over to the Afghan authorities, there was every chance that they would be tortured.³⁵

Of the 669 targets, 657 were subject to a 90-day rule. In other words, the “authorization” for “executing” whatever the directions are for the individual remained good for 90 days. However, 12 are exempt from the 90-day rule altogether.³⁶ With these, the tautological “imminence” of the danger they pose – if killed – is extended indefinitely.

1. **JPEL Objectives (Targets) Are Chosen Utilising The Same Highly Unreliable Methods Once Used To Place So Many Innocent People In Guantánamo Bay**

The materials give an indication of how targets are added to *JPEL* and how “executions” are conducted.

Guantánamo Bay is perhaps the best “experiment” in terms of how accurate the evidence is behind the “Kill List”. The difference is that in Guantánamo the intelligence officers actually had the target in custody and subject to interrogation – often for many years. Originally, all 779 prisoners were labelled the “worst of the worst” by Secretary of Defense Donald Rumsfeld.³⁷ Prior to June 2004,

577-602, 604-622, 624-634, 636-649, 651-665, 667-669. With all these there is a clear “no kill or capture” proviso. Notably, this includes five of the 24 deemed significant enough to merit bounties: JPEL 569, who has bounty on his head of \$10,000, 604 (\$50,000); 607 (bounty sum unspecified); 621 (\$25,000); and 645 (\$10,000). In each of these cases, JPEL says “Intel collection only, Kinetic action of Capture prohibited.” With JPEL 645 there is an additional note, “do not remove this target from JPEL.”

33 These are JPEL ##14, 20, 53, 103, 115, 147, 161, 166, 172, 235, 293, 324, 339, 349, 359, 394, 409, 426, 431, 452, 456, 485, 543, 560, 562, 572, 576, 603, 635, 650, & 666. Note that a request for a restriction only has been made on JPEL #20. The ANP (the Afghan National Police) has asked for a restriction on JPEL 270.

34 There is a notion with respect to JPEL 306 (Haji Naim) that his “JPEL status be restricted from NDS elements.” Haji Naim would appear to be someone who was a leader of the Kuchai tribe who had previously been in US custody, and held incommunicado for some months in 2003. See <http://www2.amnesty.se/uaonnet.nsf/dfab8d7f58eccc-102c1257011006466e1/3656fdc5383d0a72c1256cf600338df8?OpenDocument>. JPEL ##480, 482, 651 are also listed as “restricted from NDS elements”. With JPEL 512, “JPEL status not releasable to NDS.” JPEL 342: “D not share with NDS and GIROA [Government of the Islamic Republic of Afghanistan].”

35 The NDS (the Afghan National Directorate of Security) and the Afghan National Police (ANP) are both notoriously corrupt. For example, one UN study reports: “Of 324 persons identified as conflict-related detainees, 196 were detained only by the NDS, 69 by NDS and ANP, and 8 by the NDS and the Afghan National Army-ANA. An investigation found evidence that the abuse suffered by 125 of 273 persons who had experienced mistreatment while in detention would be classified officially as torture. Of those interviewed, 19 juveniles made statements which indicated they had experienced torture by NDS employees while under-going interrogation.” United Nations Assistance Mission in Afghanistan. *Treatment of Conflict-Related Detainees in Afghan Custody* (PDF). UN Office of The High Commissioner for Human Rights, October 2011, Kabul. Retrieved 2015-07-30.

36 Those exempted from the 90 day limitation are JPEL ##2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, & 14 (although JPEL 14 is restricted to capture only).

37 See Ken Ballen & Peter Bergen, *The Worst of the Worst? They told us to overlook the abuses because Guantánamo housed “the worst of the worst.” But new statistics prove that the vast majority of prisoners detained there never posed any real risk to America at all*, Foreign Policy (October 20, 2008), at <http://foreignpolicy.com/2008/10/20/the-worst-of-the-worst-4/>.

when the US Supreme Court ordered a review of the status of all prisoners, the US military had released 154 (19.8%) people who they unilaterally determined to have been wrongfully detained. Secretary Rumsfeld said they were all “captured on the battlefield” in Afghanistan, but when the allegations against them all were made public by Wikileaks, it transpired that 92% were not even alleged (let alone *proven*) to have been taken on the battlefield.³⁸ As of April 11, 2016, 720 (or 92.4%) have been released or cleared for release from Guantánamo. Clearance now requires a finding by a combination of all six main US intelligence agencies that they are not a threat to the U.S. or its coalition allies.

Thus, while the available intelligence would likely have placed the overwhelming majority of such Guantánamo detainees on the *JPEL* list had they not been in custody, sober reflection, even on the basis of what is a deeply flawed Guantánamo legal process, has resulted in the effective exoneration of 92% of the detainees. And not a single one has yet been convicted of a criminal offence at a trial.

In some ways, of course, the procedures in Guantánamo should be far more reliable than those being used for the *JPEL* Kill List: prisoners there have been held for a decade and interrogated scores of times by US intelligence officers. And still the system has been a catastrophe.

There were various factors that led to the mistakes in Guantánamo. First, the fact that bounties were offered, and collected, resulting in a majority of the detainees being turned in by potentially venal locals for money. Second, the reliance on highly suspect human intelligence (HUMINT), particularly from informants who were either receiving benefits themselves, or had their own motives for wanting to do harm to their target. Unfortunately, these mistakes have been replicated in the *JPEL* list, which is unsurprising since the list was initiated at the same time as the detainees were being sent to Guantánamo. However, there has been the additional element of SIGINT – the potentially amorphous tracking of electronic data, referred to rather grandly as Signals Intelligence – which has injected its own dehumanised variables into the process. We have, as we shall see, killed people because we confused people’s telephone numbers. Under such circumstances, it is not sufficient to say, “Sorry, wrong number...”

(a) **HUMINT from Informants And Rewards: An Unreliable Way To Identify Who To Kill**

There are 406 references to “tips” in the *JPEL* list as the source of information for “targets” – reflecting 392 of the 669 names, or 59% of the total.³⁹ Given the unreliability of “tips” from the sources experienced in Afghanistan – most notably documented with respect to the Guantánamo prisoners where the “tips” proved to be fantastically unreliable – there can be little confidence that such tips result in reliable identification of those who (under someone’s rules) need to be summarily atomised.

Rewards are offered on a total of 24 names, ranging from \$10,000 to \$10 million, with the sum not listed in two instances.⁴⁰ There must be a very strong suspicion that many who end up on the *JPEL* list could be the objects of false “tips” that are made against enemies and rivals, or simply to cash

38 See Candace Gordon, *Guantanamo Myth No. 2: Caught on the Battlefield* (May 25, 2011), http://www.huffingtonpost.com/h-candace-gorman-/guantanamo-myth-no-2-caug_b_43970.html.

39 There are references to three tips for one person, and two tips for 13, and one for the rest. See <http://www.spiegel.de/media/media-35508.pdf>.

40 These where rewards are offered are *JPEL* ## 1, 3, 6, 8, 17, 18, 19, 21, 35, 233, 255, 264, 273, 310, 313, 463, 506, 527, 569, 604, 621, 645; the other two being 399 & 607.

in on a reward.

(b) **SIGINT: Executing a Mobile Telephone (“Sorry! Wrong Number.”)**

Much of the SIGINT apparently comes from GCHQ and other British sources. The tragic mistakes made with SIGINT are well illustrated by the case brought in 2013 by Habib Rahman, an Afghan man, against SOCA. Five of Mr. Rahman’s family members were killed while out campaigning during the election season on 2 September 2010. The drone strike was intended to hit and kill Muhammad Amin, of the Islamic Movement of Uzbekistan. A report by the Afghanistan Analysts Network revealed that the strike had been taken based upon flawed SIGINT. They had *mixed up the telephone numbers* of Habib Rhaman’s father-in-law, Zabet Amanullah, and the intended victim, Mr Amin. The mix up resulted in the deaths of Mr. Rahman’s family members.⁴¹

There are other examples of strike based on SIGINT:

*“Zerok receiving SIGINTS in the vicinity of the unkn passengers/people update: 03:25 GMT the 2 unkn passengers/people are now 3 with the 3rd passengers/people carrying something update: going to fire on imm threat due to SIGINT”.*⁴²

Here, the use of GMT for an incident happening in Afghanistan suggests the use of British intelligence.

Below, we will discuss further how the British have been significant – if not the primary – providers of SIGINT for JPEL assassinations.

(c) **Admissions of error by the Proponents of the JPEL Kill List**

Most of the errors in Guantánamo came to light when some adversarial process was permitted, resulting in a modicum of transparency. There has been no transparency to date in the case of the *JPEL* Kill List; rather, there has been much official dissembling. However, it is clear from the official documents that have been leaked that errors have been made even in identifying the “bad guys”, let alone in killing them.

For example, the Wikileaks War Diaries fill in some of the holes left by the August 2010 JPEL list, demonstrating how people have been unilaterally removed from *JPEL*. In other words, even the creators of the list concede that some of the people they wished to kill actually, on reflection, appeared not to merit it. For example, JPEL 263 is taken off the list when it appears he may be innocent, and therefore be “reintegrated” – presumably into society.⁴³

In one *JPEL* case, the log notes that an individual named Sar Gul is a significant target, listed as one of the seven people to be eliminated in Operation Deadwood:

41 See <https://www.afghanistan-analysts.org/publication/aan-papers/the-takhar-attack-targeted-killings-and-the-parallel-worlds-of-us-intelligence-and-afghanistan/>; see also the full report here http://www.afghanistan-analysts.org/wp-content/uploads/downloads/2012/10/20110511KClark_Takhar-attack_final.pdf

42 “(FRIENDLY ACTION) ARTY RPT TM WHITE CURRAHHEE : 2 UE KIA”, WikiLeaks War Diaries, 10 October 2008. <http://wardiaries.wikileaks.org/id/080e0000011cdd761efa160d6650ac13/>

43 There is a notation that he was “ADDED TO JPEL 02AUG09. UPDATE 20FEB10. # NO ACTION UNTIL FURTHER NOTICE AS HE MAY BE REINTEGRATED # TIP UPDATE 14APR10. TIP UPDATE 26JUN10”.

*Sar Gul ID# RTAF1342, JPEL Nephew of Haji Hanif, a HiG Financier operating out of Rahim Kalay. Sar Gul receives information regarding CF and ANSF movements and identifies these routes for future IED emplacements. He is likely the brains behind IED emplacements along RTE Bandsaw and RTE Torch.*⁴⁴

However, from another document it transpires that Sar Gul⁴⁵ “has recently been removed from the JPEL due to lack of hard reporting regarding his activities.”⁴⁶

The notes allege, even after he has been removed from the list, that he “remained in Kohi Safi as the prominent Taliban leader.”⁴⁷ This tends to suggest – as has been seen so often in context of Guantánamo – that those who put him on the list perhaps cannot bring themselves to admit that it was a mistake in the first place. After all, if he remains a prominent member of the Taliban – the enemy – why would he be taken off?⁴⁸

It is clear that the sources were unreliable, as we have seen in so many cases in Guantánamo and elsewhere. For example, an individual named Mullah Matin

*showed up to the OCC-P [Operational Coordination Center, Provincial] at Forward Operating Base Shank to clear his name from our target list ... He stated that the information Coalition Forces have on him to support his JPEL packet was given to Coalition Forces by an individual that Matin has a land dispute with. Matin was allowed to leave the OCC-P to retrieve this paperwork.*⁴⁹

Again, given the region, this should come as no great surprise: notoriously, a large proportion of criminal cases in Afghanistan and Pakistan involve false statements and violence over land disputes.⁵⁰

There are also more obvious mistakes. For example, in one incident, a drone fired a Hellfire missile at a suspected weapons shipment. It turned out to be farm equipment.⁵¹

2. There Is Uncontroverted Proof That There Are JPEL Targets In

44 26 DEC 07 TF Bushmaster OPERATION Deadwood "Wachlengi Amaliat" CONOP IVO Khost 2007-12-26 16:00:00 Wikileaks War Diaries.

45 The name sometimes appears as Sour Gul.

46 “240430Z; Task force Gladius Conducts Parwan PSC”, WikiLeaks, 24 September 2007. <http://wardiaries.wikileaks.org/id/33BF0D06-8D0B-4AE1-A769-BFC8CC2AC633/>

47 “240430Z; Task force Gladius Conducts Parwan PSC”, WikiLeaks, 24 September 2007. <http://wardiaries.wikileaks.org/id/33BF0D06-8D0B-4AE1-A769-BFC8CC2AC633/>

48 Of course, there are any number of possible explanations for someone being deemed innocent of the original charges – or, here, the original secretive reason why they were listed for death. But without any transparency, it is impossible for an innocent person to be exonerated, and for MPs and citizens of Britain to assess what their officials are up to.

49 “(FRIENDLY ACTION) OTHER Report OCC-P AT Forward Operating Base SHANK : 0 INJ/DAM”, WikiLeaks, 8 December 2009. <http://wardiaries.wikileaks.org/id/20565608-b6d6-47ba-b498-fbc4e00854a6/>

50 See, e.g., Ikram Junaidi, *Land Disputes on the Rise in Capital*, Dawn (Feb. 9, 2012), at <http://www.dawn.com/news/694354/land-disputes-on-the-rise-in-capital> (“Many people have been eliminated over land disputes and incidents of murder and kidnapping for land have become common, putting a question mark on the efficiency of the law enforcement agencies”; “An official of the district courts requesting not to be named said: ‘Over 30,000 cases are under trial at the district level out of which 40 per cent (12,000) related to land disputes.’”).

51 “(FRIENDLY ACTION) ATTACK RPT TF WINGS : 0 INJ/DAM”, WikiLeaks, 27 April 2009. <http://wardiaries.wikileaks.org/id/3E46198A-29FB-433B-A935-0906C7D9CA01/>

Pakistan, A Country That Has Never Been Even Arguably A War Zone

The JPEL Kill List includes targets listed as being in Pakistan,⁵² which is obviously very troubling since Pakistan is not, and never has been, a part of any war zone. The version of the JPEL list at issue here is from 2010, and there were other versions in each month that preceded and followed it. However, in this edition of the JPEL Kill List, five are identified as being actually *in* Pakistan.⁵³ Seven are listed as being *from* Pakistan.⁵⁴

There were certainly other targets who were based in Pakistan, and attacked there. According to the War Diaries, Abu Layth al Libi was *JPEL* OBJ Lane,⁵⁵ and was “based in Mir Ali, Pakistan”. He is not on the August 2010 iteration of the Kill List. In an earlier, unsuccessful, attack on him the War Diaries reflect that more than one child was killed⁵⁶ and goes on to say, in something of an understatement, that the local “people regret the loss of life among the children.” Al Libi would have been on an earlier *JPEL* list, as he was killed by a drone strike on January 28th or 29th, 2008.⁵⁷

There are direct references “several Pakistan Insurgents injured and currently being treated.”⁵⁸

Sometimes the Hellfire missiles fire rather improbably close to the Pakistan border – improbably, since the border – the Durand Line - is by no means clearly marked. The first TF-42 operation listed in the War Diaries is an air strike on 12 October 2008 against “insurgents”, killing nine, reportedly 53 metres from the Pakistan border.⁵⁹ The force used Hellfire missiles, Guided Bomb Units 12 and 38, and strafing runs – meaning that it is highly improbable that any drone or other aircraft did not enter Pakistan.

In some instances, NATO forces admit to crossing the border accidentally.⁶⁰ In one case, a US colonel crossed the border without permission from his commanders.⁶¹ There are suggestions

52 “The JPEL List in Anonymized Form”, Der Spiegel, 28 December 2014. <http://www.spiegel.de/media/media-35508.pdf>

53 Those listed as actually in Pakistan are JPEL #1, 3, 4, 6, & 8, and four have large rewards on their heads (JPEL #1 is \$200,000; JPEL #3 is \$50,000; JPEL #6 is \$ 1 million; & JPEL #8 is presumably Bin Laden, Mullah Omar or Al Zawahiri, listed at \$10,000,000). JPEL #6 is an Afghan who is living in Pakistan, with \$1 million on his head. But his ID is an IS one, which may mean a regular Pakistani one, or it may be related to the ISI.

54 Those from Pakistan are JPEL #1, 3, 4, 8, 9, 10, and 134.

55 172100Z TF 373 OBJ Lane 20070617 19:00:00 Wikileaks War Diaries.

56 *Id.* (“The Governor echoed the tragedy of children being killed, but stressed this could’ve been prevented had the people exposed the presence of insurgents in the area.”). *Id.* (“The assault force was able to uncover 1 x NC child from the rubble. The MED TM immediately cleared debris from the mouth and performed CPR to revive the child for 20 minutes.”)

57 *A strike against al-Qaeda*, The Economist (Feb. 1, 2008), at <http://www.economist.com/node/10632193> (“Mr Libi’s death is unlikely to have much of an impact on the insurgency in Afghanistan, which is being waged mainly by Pashtun tribesmen who have had ample experience of irregular warfare”).

58 “(FRIENDLY ACTION) CAS RPT (Bomb) TF GLADIUS : 13 UE KIA”, WikiLeaks, 24 February 2008. <http://wardiaries.wikileaks.org/id/98277E71-C9F2-424F-8111-F10D245D5E3E/>

59 “(FRIENDLY ACTION) OTHER Report Task force 42 : 9 UE Killed in Action”, WikiLeaks, 12 October 2008. At: <http://wardiaries.wikileaks.org/id/96DFA0F4-684A-4FF8-9A2B-50D29D52D049/>

60 “Pakistan Liaison Officer received a report from GHQ that a 4x vehicle US Mobile Check Point was set up inside Pakistan next to Khotta Khel BP ... Task force Vigilant was contacted and believed they were still within Afghanistan. All US personnel moved back 2 KM to ensure they were inside the Afghan border.” OTHER Jalalabad Airfield, WikiLeaks, 4 May 2006. <http://wardiaries.wikileaks.org/id/17401B14-E4FF-400B-BB11-6A5CC5BD5886/>

61 “White Currahee reported that Col Aziz, the area support group commander at Observation Post South, took an element into Pakistan to positive i.d. possible individuals at a known point of origin site inside Pakistan. This was done without authorization or knowledge from White Currahee.” (FRIENDLY ACTION) PATROL RPT TF WHITE CURRAHEE: 0 INJ/DAM, WikiLeaks, 30 July 2008. <http://wardiaries.wikileaks.org/id/79D01144-E776-A1B4->

that NATO forces may at times fire into Pakistan without entering it – “Combined Joint Special Operations Task Force received effective fire from Pakistan and have eyes on a Point of Origin site ... Forward Base Shkin responded with 7x 105mm rounds.”⁶²

Of course, much is known – and has been revealed in previous *Reprieve* reports, and work by the Bureau of Investigative Journalism about what were assumed to be CIA Drone Killings in Pakistan, but the JPEL list and the Wikileaks War Diaries demonstrate that this was not the separate operation that has been suggested. Indeed, Abu Laith al Libi was clearly killed by what was previously thought to be a CIA drone strike, but we now know that he was a target on the *JPEL* list – which, as will be discussed in greater below, was closely coordinated between the Americans and the British.

C. The Evidence Of How *JPEL* Operations Are Executed Reflects That, Inevitably, Mistakes Are Being Made And Only Through Transparency Can This Be Fully Evaluated

The War Diaries include several plans for operations against JPEL targets. These detail the human sources used to identify and locate the target, the coalition forces who will carry it out, and the intelligence sources and assets used to locate and identify the target. Some mention the use of signals intelligence (SIGINT), without specifying the type - i.e. whether this is gathered from metadata, radio chatter, or some other form of surveillance.

One illustrative operation against a JPEL target was against Mullah Faizoni (RTAF 0554), known as “Objective Rattler”.⁶³ Cats are said to have nine lives, but there were *nineteen failed “kinetic” attempts against him* before he was captured in July 2008.⁶⁴ This is something of a record: other studies of drone attacks against HVTs suggest that it takes an average of three strikes successfully to execute an attack, and that an average of nine children die before the HVT operation is successful.⁶⁵ Only time will tell how many children died for Objective Rattler – and then only if there are transparency.

There is a plan dated 11 September 2007, concerning Abdul Rahman Akhundzada, whose number on the list is given as RTAF0021.⁶⁶ While the document does not admit it, the mission clearly failed, as someone by the same name is described in a threat report the following year.⁶⁷

40C42BD4F90366AF/

62 “IDF Shkin”, WikiLeaks, 18 September 2005. <http://wardiaries.wikileaks.org/id/0F7D-CFB3-F1EC-4FF0-9857-3D0B8BA1EF9A/>. In some instances, they have permission from the Pakistani military. “1630z: PAKMIL requests to check fire. TF Eagle checked fire. 1637z: Approved to fire into Pakistan. Request PAKMIL to stay inside BCPs.” 221315z TF Eagle imminent threat at FOB Bermel, WikiLeaks, 22 June 2007. <http://wardiaries.wikileaks.org/id/918A801E-1399-400A-AA4B-B73E5F710947/>. See also D7 151100Z TF EAGLE DF TIC MALEKSHAY COP 20071015 09:18:00 (“A second group of targets were fired upon. One being inside Pakistan, and the other 2 in Afghanistan. Adjustments were made and fired again into the area. Predator was used in support of the operation. Six more personnel were spotted inside Pakistan.”)

63 “212100Z TF Bushmaster/203rd Corps Commandos OPERATION Zar Par "Golden Feather" OBJ Rattler IVO Andar, Ghazni”, WikiLeaks, 21 December 2007. <http://wardiaries.wikileaks.org/id/401C436A-EEB9-4807-8650-6A2E55B9A834/>

64 John A. Kendall, “Afghanistan: The Importance of Political Maneuver in Counterinsurgency Operations”, Small Wars Journal, July 2010. <http://smallwarsjournal.com/blog/journal/docs-temp/478-kendall.pdf>

65 Reprieve Report, *You Never Die Twice: Multiple Kills in the US Drone Program* (2014), at http://www.reprieve.org/uploads/2/6/3/3/26338131/2014_11_24_pub_you_never_die_twice_-_multiple_kills_in_the_us_drone_program.pdf.

66 “11 SEP 2007 Task force Bushmaster Observation Post Serpent Justice Level II CONOP”, WikiLeaks, 11 September 2007. <http://wardiaries.wikileaks.org/id/385D3A0B-A683-49C7-9742-3EBF607E1F9E/>

67 “(THREAT REPORT) ATTACK THREAT Report Jeldak”, WikiLeaks, 12 October 2008. <http://wardiaries.wikileaks.org/id/780B38C5-2219-0B3F-9F388B901D8A3500/>

In one air operation, four guided bomb units were targeted on a JPEL target referred to only as "IS0696". The military claimed "eight insurgents" dead, but it later became clear that there were "reports from multiple sources alleging Civilian casualties." The Afghan Army organised an impromptu meeting with elders to discuss the event.⁶⁸

Then there is Objective Doody, one of the examples of a JPEL targeting process that went very wrong. First, there is the offensively puerile nature of the name: "*Doody* is defined as a slang term for feces. An example of doody is the name a toddler may assign to bowel movements."⁶⁹ (This, as we will see below, is sadly typical.) The real name of the target was Niaz Muhammed, and the case is described as follows:

*The Afghan, who has been given the code name "Doody," is a "mid-level commander" in the Taliban, according to a secret NATO list. The document lists enemy combatants the alliance has approved for targeted killings. "Doody" is number 3,673 on the list and NATO has assigned him a priority level of three on a scale of one to four. In other words, he isn't particularly important within the Taliban leadership structure.*⁷⁰

An aerial operative codenamed UGLY 50 conducted a strike but got it wrong, and "mistakenly targeted 2 x civilians."⁷¹ This turned out to be a father, who was injured, and his son, who was instantly killed.

These mistakes call to mind the admission by the American embassy official under similar circumstances in Yemen: for every person we target and kill, we create "40 to 60" new enemies, because we killed their innocent children and relatives in the process"⁷²

IV. MERGING THE "WAR ON TERROR" WITH THE "WAR ON DRUGS": THE EXTRAORDINARY DECISION TO INCLUDE DRUG TRAFFICKERS ON THE JPEL KILL LIST.

Of the many extraordinary revelations that appear in the JPEL Kill List, there is perhaps none more troubling than the ease with which advocates of a Kill List blended the "War on Terror" with the "War on Drugs." However, a review of the history of the "War on Drugs" reveals that this is actually nothing new for this policy's tenacious advocates. It is worth reviewing that history in some detail.

A. The United States Historically Conflated The "War On Drugs" With

68 "(THREAT REPORT) ATTACK THREAT Report Combined Joint Special Operations Task Force : 8 UE Killed in Action" WikiLeaks, 16 February 2009. <http://wardiaries.wikileaks.org/id/8C7DF674-972B-42CD-B69D-D6F-3F72AC8C4/>

69 See <http://www.yourdictionary.com/doody>.

70 <http://www.spiegel.de/international/world/secret-docs-reveal-dubious-details-of-targeted-killings-in-afghanistan-a-1010358.html>.

71 <http://www.spiegel.de/media/media-35507.pdf>.

72 Namir Shabibi & Jack Watling, *Exclusive: How the UK Secretly Helped Direct Lethal US Drone Strikes in Yemen* (April 7, 2016), at <https://news.vice.com/article/exclusive-how-the-uk-secretly-helped-direct-lethal-us-drone-strikes-in-yemen> ("Nabeel Khoury, US deputy chief of mission in Sanaa from 2004 to 2007, wrote in 2013 that: 'Drone strikes take out a few bad guys to be sure, but they also kill a large number of innocent civilians. Given Yemen's tribal structure, the US generates roughly 40 to 60 new enemies for every AQAP operative killed by drones.'").

Terrorism Long Before 9/11

The current legal pretext for maintaining a Kill List is that there is some kind of global “War” and people are subject to assassination no matter where they may be. This legal pretext is rolled out in an effort to confect a legal justification for a practice that has been generally condemned for many decades, if not centuries.

Even with a limited goal, the proponents of a Kill List find that they must equate (often dubiously) counter-terror work with a “War”. Terrorism is held up as a novel existential threat – as opposed to the sad truth, which is that terrorism is a problem that has been with us forever. The Kill List is justified on the basis that assassinations are necessary to protect society and make society safe.

Somehow, in this strange eventful history, the US, the UK and their allies leapt to the conclusion that drug traffickers should be included on a list of “terrorists”. This is an extraordinary extension of the extraordinary original theory and yet, when analysed, it is perhaps predictable.

While certain elements of law enforcement have long militarised the issue of counter-narcotics, labelling it the “War on Drugs,” the issue is timely today. At a meeting just this month - on April 19th, 2016 - it appears that the UN General Assembly Special Session (UNGASS) may call for an end to a manifestly failed “War” that began 45 years ago, given that the number of illicit drug users is projected to rise by an additional 25 percent by 2050.⁷³ Indeed, over several decades, battling drugs has often been less about ending addiction than a proxy for fighting left-wing politics in South America, or even black radicalism in the US.⁷⁴ Paradoxically, now, a new front has opened up in association with the “War on Terror.”

In this regard, it is important to assess various threads: first, how does the definition of “terrorist” allow the conflation of the “War on Terror” with the “War on Drugs”? The GTI defines terrorism as:

*“the threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious or social goal through fear, coercion, or intimidation.”*⁷⁵

This is a very broad definition. It clearly includes such entities as the Mafia as well as any violent drug gang from Colombia, through Mexico to Los Angeles or New York. It also includes most civil wars, since the side that is not recognised – the Taliban in Afghanistan, almost anyone in Libya, and even arguably the forces of President Assad in Syria – would be deemed a “non-state actor” trying to obtain a goal through violence.

The US Drug Enforcement Agency (DEA) long ago elided narcotics with terrorism by coining the term “narco-terrorism”:

“Historically, DEA has defined narco-terrorism in terms of Pablo Escobar, the classic

⁷³ Stuart Rodger, *The War On Drugs Could Finally Come to An End at This UN Summit*, Vice Media (March 24, 2016), at http://www.vice.com/en_uk/read/end-of-war-on-drugs-ungass?utm_source=vicetwitteruk.

⁷⁴ *A Former Nixon Aide Admitted the ‘War on Drugs’ Was Designed to Screw Over Black People and Hippies*, Vice News (March 22, 2016), at http://www.vice.com/en_uk/read/a-former-nixon-aide-admitted-the-war-on-drugs-was-designed-to-screw-over-blacks-and-hippies-vgtrn.

⁷⁵ Global Terrorism Index at 6, at <http://economicsandpeace.org/wp-content/uploads/2015/11/Global-Terrorism-Index-2015.pdf>.

cocaine trafficker who used terrorist tactics against noncombatants to further his political agenda and to protect his drug trade. Today, however, governments find themselves faced with classic terrorist groups that participate in, or otherwise receive funds from, drug trafficking to further their agenda. In this respect, are narco-terrorists actual drug traffickers who use terrorism against civilians to advance their agenda? Or are narco-terrorists first and foremost terrorists who happen to use drug money to further their cause? Perhaps the correct answer is that narco-terrorism may apply in both situations. DEA defines a narco-terrorist organization as “an organized group that is complicit in the activities of drug trafficking in order to further, or fund, premeditated, politically motivated violence perpetrated against noncombatant targets with the intention to influence (that is, influence a government or group of people).”⁷⁶

All this was true well before 9/11, so it should come as no surprise that President Bush’s Global “War on Terror” immediately began to merge with the “War on Drugs”:

“with the attacks on the USA on 11 September 2001, the attitude toward the war on drugs gradually changed. The perceived link and cooperation between the drug trade and the terrorist organisations meant that the threat of narco-terrorism was presented as a global threat and the war on drugs was placed at centre stage, albeit within the context of the war on terror.”⁷⁷

There were, then, “increasingly blurred lines” between economic criminal organisations and political or religious extremist groups.⁷⁸

B. Various Agencies With A Vested Interest In Merging The “War On Terror” With The “War On Drugs” Pressed To View Battling Narcotics As Integral To Fighting Terrorism On The Theory That Narcotics Profits Were Supporting Terror

In understanding the extraordinary way in which official agencies rapidly moved to elide terrorism and narcotics, it is important, first, to note the motivation behind this: post-9/11, those deemed experts on narcotics (the DEA in the US, and SOCA in the UK) were, at one level, threatened by the new focus on terrorism as it was likely to draw resources away from what they viewed as a vital fight against the narcotics trade. It was, then, natural that they would think of a way to ensure that they maintained their influence and the best way to achieve this was to ensure that the two issues were seen as one.

1. **Those who wish to merge the “War on Terror” with the “War on Drugs” point to a mainly fictional overlap between narcotics and**

⁷⁶ *The DEA Perspective*, 19 Crime & Justice (Jan. 2003) <http://www.cjimagazine.com/archives/cjief73.html?id=33>. By definition, all narcotics cartels seek to influence politics – whether it is the Medellín cartel trying to intimidate the Colombian Supreme Court into refusing extraditions to the United States, or the money launderers in Panama trying to secure protection from General Noriega. Notably, then, despite the discussion of the intersection of political terrorism with narcotics, the DEA definition elides this: essentially any major cartel is going to qualify as a “narco-terrorist” group under the official definition if they resort to violence.

⁷⁷ Björnehed, Emma, *Narco-terrorism: the merger of the war on drugs and the war on terror*, 6 *Global Crime* 305, 319 (2004), <http://www.tandfonline.com/doi/full/10.1080/17440570500273440>.

⁷⁸ Makarenko, Tamara, *The crime-terror continuum: tracing the interplay between transnational organised crime and terrorism*, 6 *Global Crime* 129, 130 (2004), <http://www.tandfonline.com/doi/abs/10.1080/1744057042000297025#.VsyCTZOLRsM>.

Islamic Terrorism

Soon after 9/11, US law enforcement agencies argued that terrorism was being funded by narcotics trafficking. Steven McCraw, Assistant Director of the FBI, said in May 2003:

*“Terrorism and crime are inextricably linked. International and Domestic Terrorism Organizations and their supporters engage in a myriad of crimes to fund and facilitate terrorist activities. These crimes include extortion, kidnaping, robbery, corruption, alien smuggling, document fraud, arms trafficking, cyber crime, white collar crime, smuggling of contraband, money laundering and certainly drug trafficking.”*⁷⁹

Of course, this is both a generalization and a circular fallacy: because, as we have seen, the term “terrorism” has been defined so broadly, drug trafficking (which often involves violence) will be defined as “terrorism”. When making policy, generalizations are dangerous: many “terrorists” with a strict religious focus may be strongly opposed to narcotics.⁸⁰

The DEA was determined to show that terrorist groups were linked to drug trafficking in order that the Agency might continue to receive high levels of funding, and develop an international authority.⁸¹ Indeed, after 9/11, the DEA did receive a licence to investigate around the world. Although the agency purported to link 23 of the 58 designated terror groups to narcotics,⁸² of 30 investigations that they conducted, “after the agency brought the defendants to the United States, they were charged with different crimes [than narcotics].”⁸³ In other words, any narcotics case there may have been was not prosecuted.

In reviewing this history against reality, the first question is whether it is true that drug trafficking is *the* most significant source of financing for Islamic extremism. If it is not, then logic would dictate that a consistent policy would seek to cut off the more significant funding sources rather than, or in

79 Statement of Steven C. McCraw, FBI, to the Senate Judiciary Committee, May 20, 2003, at <https://www.fbi.gov/news/testimony/international-drug-trafficking-and-terrorism> (emphasis supplied).

80 *Id.* (“Hizballah’s direct involvement in narcotics trafficking has been limited, and the group’s leaders have condemned the drug trade on religious grounds.”). Despite this clear opinion by the US’s main law enforcement body, efforts were still made to establish the Islamic link to narcotics trafficking. See, e.g., Chris Dishman, *The Leaderless Nexus: When Crime and Terror Converge, Studies in Conflict & Terrorism*, 237, 247 (2005) (“One Hezbollah fatwa (religious edict) stated that ‘We are making these drugs for Satan America and the Jews. If we cannot kill them with guns, so we will kill them with drugs.’”); LaVerle Berry, Glenn E. Curtis, Rex A. Hudson, Nina A. Kollars, *A Global Overview of Narcotics-funded Terrorist and Other Extremist Groups*, at 5, Federal Research Division, Library of Congress (Washington DC, 2002), at https://www.loc.gov/frd/pdf-files/NarcsFundedTerrs_Extrems.pdf (“In the Middle East, Hizballah is increasingly involved in drug trafficking, according to Beers and Taylor.”).

81 Ginger Thompson, ‘Trafficking in Terror’ *The New Yorker*, December 14, 2015 issue at <http://www.newyorker.com/magazine/2015/12/14/trafficking-in-terror> (“Since the narco-terrorism provision was passed, the D.E.A. has pursued dozens of cases that fit the broad description of crimes under the statute. The agency has claimed victories against Al Qaeda, Hezbollah, the Taliban, and the FARC and established the figure of the narco-terrorist as a preminent threat to the United States.”).

82 To illustrate the bizarrely inaccurate statement bandied around by different branches of the federal government, another source claims that half of 28 designated groups (i.e., 14) rely on narcotics for funding. See LaVerle Berry et al. *op. cit. supra* at 3 (“About half of the 28 groups officially designated as terrorist organizations by the U.S. Department of State are believed to have ties to drug trafficking.”).

83 Ginger Thompson, *op. cit. supra* (“In early 2005, [John] Mackey helped to draft a statute that would give the D.E.A. the authority to chase drug traffickers anywhere in the world as long as the trafficking was connected to terrorism. When Hyde introduced the legislation, he made a point of drawing his colleagues’ attention to its reach: ‘This bill makes clear that, even without direct U.S. nexus, if these drugs help support or sustain a foreign terrorist organization, the producers and traffickers can, and should, be prosecuted for material support of terrorism, whether or not the illicit narcotics are ever intended for, or enter, the United States.’”).

addition to, narcotics. There is very little evidence of a link between Islamic terrorism and narcotics:

Though Al Qaeda is listed by the D.E.A. as a drug-trafficking organization, the 9/11 Commission found “no substantial evidence” to support that characterization. Its report said, “Although there is some fragmentary reporting alleging that Bin Ladin may have been an investor, or even had an operational role, in drug trafficking before 9/11, this intelligence cannot be substantiated and the sourcing is probably suspect.” The Senate Foreign Relations Committee came to the same conclusion in August, 2009. “A lot of people have been looking for an Al Qaeda role in drug trafficking, and it’s not really there,” one State Department official told committee members.⁸⁴

In contrast, today, ISIS “earns at least \$1-2 million a day from selling oil and at least \$20 million a year in ransoms for kidnap victims. It also amasses money ... from selling women into sexual slavery, looting antiquities, stealing agricultural products and other forms of extortion inflicted on the millions of Iraqis and Syrians under its control.”⁸⁵ Al Qaeda tends to use various fund-raising methods, including credit card fraud.⁸⁶ Al Shabaab derives its funding from a number of sources, including taxes, selling charcoal,⁸⁷ as well as piracy,⁸⁸ and sugar smuggling.⁸⁹ Boko Haram secures most of its money from robbery, extorting money and kidnappings⁹⁰ as well as sales of goods and arms.⁹¹

Paradoxically, while Afghanistan is legendary for the proportion of its GDP (on the black side of the market at least) derived from opium, it was actually the Taliban that stopped this back in 2000. The figures are stark:

“The Taliban appeared desperate to gain international recognition for their regime, and wanted the UN sanctions lifted. In July 2000, the UN pressure appeared to pay off. As the autumn planting season was to begin, Mullah Omar announced a total ban on poppy cultivation. The following spring, American satellite photos and UN ground surveys indicated that just 8,000 hectares had been planted across Afghanistan—down from more than 82,000 hectares a year earlier. Most of it was planted in areas not controlled by the

84 *Id.* (“Skepticism about the extent to which terrorists engage in the drug trade also runs deep among numerous counterterrorism and national-security officials I spoke to at the F.B.I., the Pentagon, the White House, and the State and Treasury Departments. “In all these years, there’s never been a smoking gun in any of the cases I’ve seen,” Rudy Atallah, a former counterterrorism adviser at the Pentagon, told me.”).

85 Barbara Slavín, *The Battle to Defund Islamic State*, October 23, 2014, <http://www.al-monitor.com/pulse/originals/2014/10/challenges-block-islamic-state-funds.html#ixzz4126xphgJ>. See also *Financing of the terrorist organisation Islamic State in Iraq and the Levant (ISIL)*, at 12 (2015), www.fatf-gafi.org/topics/methodsandtrends/documents/financing-of-terrorist-organisation-isil.html.

86 Makarenko, Tamara, *The crime-terror continuum: tracing the interplay between transnational organised crime and terrorism*, 6 *Global crime* 129, 135 (2004), <http://www.tandfonline.com/doi/abs/10.1080/1744057042000297025#.VsyCTZOLRsM>.

87 LTC Geoffrey Kambere, *Financing Al Shabaab*, Global Ecco https://globalecco.org/en_GB/financing-al-shabaab-the-vital-port-of-kismayo.

88 Swart, Gerrie, *Pirates of Africa’s Somali coast: On terrorism’s brink?* 37 *Scientia Militaria: South African Journal of Military Studies* 62 (2009), <http://www.ajol.info/index.php/smsajms/article/view/48737>.

89 *The Kenyan military may be indirectly funding al Shabaab attacks on Kenya*, Quartz (Nov. 14, 2015), at <http://qz.com/549498/the-kenyan-military-may-be-indirectly-funding-al-shabaab-attacks-on-kenya/>.

90 “The group claims it is permitted to do this by the Quran, as the money it takes is considered to be the ‘spoils of war.’” Walker, Andrew, *What is Boko Haram?* US Institute of Peace at 5 (2012), <http://www-dev.usip.org/sites/default/files/SR308.pdf>.

91 FATF, *FATF Report: Terrorist Financing in West Africa*, at 17 (Oct. 2013), <http://www.fatf-gafi.org/media/fatf/documents/reports/tf-in-west-africa.pdf>.

*Taliban.*⁹²

Then came the Western invasion. Just two years later, starting only three months after the US-led invasion of the country, “[i]n 2002, the total land area planted with poppy surged to 74,000 hectares, returning Afghanistan to its spot as the world’s leading opium producer.”⁹³

That is not to say that Islamic extremism does not tax narcotics or make any money from traffickers; but there seems to be little evidence that it is the major source of income for them, so as to justify killing drug traffickers to eliminate extremism.

2. **Those determined to promote a joint “War on Terror and Drugs” rely on a long-fostered and established American fear of the impact of Drugs**

Long before the “War on Terror,” we had the “War on Drugs.” President Dwight D. Eisenhower “began what The New York Times then called ‘a new war on narcotic addiction at the local, national, and international level’ with the establishment of an Interdepartmental Committee on Narcotics on November 27, 1954, which was responsible for coordinating executive branch antidrug efforts. The phrase ‘War on Drugs’ first came into common use after President Richard Nixon used it at a press conference on June 17, 1971, during which he described illegal drugs as “public enemy number one in the United States.”⁹⁴ The DEA’s budget has increased more than twenty-fold since its inception, and it is more than three times as large,⁹⁵ yet it can hardly be said that the US is winning its battle.

Nixon’s drug war was a “mere skirmish” in comparison with what came a decade later. Public concern, “bordering on hysteria,”⁹⁶ led the Reagan Administration to take refuge in a fiction – that the narcotics was mainly the purview of communist guerrillas – to justify turning what had been a rather cold ‘War on Drugs’ into a very hot one:

*“there was a conscious effort by the government to convince the American public and the US Congress of the intimate linkage between drug traffickers and leftist guerrillas. *** President Reagan signed a secret directive in April 1986 that identified the illegal traffic as a national security threat and authorised the Department of Defence to engage in numerous anti-drug operations. Other governmental agencies fighting the drug traffic (such as the DEA and the State Department’s Bureau of International Narcotics Matters) acquired or expanded paramilitary and intelligence.”⁹⁷*

92 Gretchen Peters, *How Opium Profits the Taliban*, at 14, US Institute of Peace (Aug. 2009), http://www.usip.org/sites/default/files/resources/taliban_opium_1.pdf.

93 *Id.* at 17. Note the positive and negative in this discourse, as with everything, as we need to see both sides. For example, this article contains some rather dubious theories, such as how the Taliban might have cut production just for one year, as they had lots in their storage, so it was all nonsense. This seems like a *post hoc* theory confabulated to support the thesis that the Taliban were the narco-terrorists – in 2000 and early 2001, the Taliban clearly had no idea that the world would be thrown into turmoil and they would be tossed out of office in October by the US invasion. So it seems unlikely that they were planning so short term.

94 See Tom Head, *Key Facts about the War on Drugs*, at <http://civilliberty.about.com/od/drugpolicy/p/War-on-Drugs-Facts.htm>.

95 US Department of Justice, *DEA History*, <http://www.dea.gov/about/history.shtml>.

96 Blanchard, Michael D., and Chin, Gabriel J., *Identifying the Enemy in the War on Drugs: A Critique of the Developing Rule Permitting Visual Identification of Indescript White Powder in Narcotics Prosecutions*, *The American University Law Review* (Washington, DC: American University Washington College of Law, February 1998) Vol. 47, No. 3, pp. 601-602, <http://www.wcl.american.edu/journal/lawrev/47/blanchard.pdf?rd=1>.

97 Morales, Waltraud Queiser. “The war on drugs: a new US national security doctrine?” 11 *Third World Quar-*

The US took part in various Central and South American actions where narcotics were conflated with leftist “counter terror” actions.⁹⁸

Certainly, the impact of the Colombian cartels on their own country was horrendous. “By the end of the decade [the 1990s] the homicide rate in Colombia was about 90 per 100,000 inhabitants, a rate comparable to the violent deaths experienced by countries at war.”⁹⁹ But the US was mainly concerned with the *domestic* impact of drugs back home in the USA where, according to a 2014 White House study,¹⁰⁰ it remained clear that the impact of illegal narcotics each year was immense and growing - doubling in the previous ten years:

- “According to the Centers for Disease Control and Prevention, 40,393 people died of drug-induced causes in 2010, the latest year for which data are available. The number of drug-induced deaths has grown from 19,128 in 1999, or from 6.8 deaths per 100,000 population to 12.9 in 2010.”
- “There is a drug-induced death in the U.S. every 13 minutes.”
- “Compared to other causes of preventable deaths, drug-induced causes exceeded the 31,328 deaths from injuries due to firearms and the 25,692 alcohol-induced deaths recorded in 2010. In the same year, 38,364 deaths were classified as suicides and 16,259 deaths as homicides.”
- “2.1 million youth lived with a parent who was dependent on or abused illicit drugs”

Indeed, while the US has only 4.4% of the world population, it contributes an estimated 23% to the global number of drug-induced deaths,¹⁰¹ as well as 25% to the world prison population.¹⁰² Clearly, the “War on Drugs” is a war that the US has long been losing.

Likewise, in the UK there were some 4,069 deaths attributed to illegal narcotics in 2014,¹⁰³ meaning

terly 147, 155 (1989), <http://www.tandfonline.com/doi/abs/10.1080/01436598908420178?journalCode=ctwq20>.

98 *Id.* at 166 (“Extensive US-Peruvian military exercises ... [were] justified by being classed as anti-narcotics control programmes, but the primary agenda has been counter-insurgency against the Maoist Shining Path guerrillas.”); *id.* at 1647 (in Mexico, “[t]he militarisation of internal repression has been accentuated in recent years. Calderon has sent 40 000 soldiers and police throughout the country, which have sometimes used the pretext of anti-drug operations to arrest and harass groups and individuals who oppose government policies.”); see also Bagley, Bruce Michael, *Dateline Drug Wars: Colombia: The Wrong Strategy*, 77 *Foreign Policy* 154, 156 (1989): 154-171; <http://www.jstor.org/stable/pdf/1148774.pdf?acceptTC=true> (“Barco’s recent declaration of war is certainly not the first to have been issued by a Colombian president.”); Mendel, William W., *Counterdrug Strategy—Illusive Victory: From Blast Furnace to Green Sweep*, *Military Review* 74-87 (1992), <http://fmso.leavenworth.army.mil/documents/ilusive.htm> (Counterdrug operations in Bolivia in 1992: “The disruptive effect of [Operation] Blast Furnace was short lived... The four-month operation depressed coca prices below production costs, but things returned to normal at the end of the operation.”).

99 Calvani, Sandro, *United Nations Perspective*, paper presented at *The Crime-Terrorism Nexus: How does it really work?*, Virginia, 12 March 2004, pp. 6–14. http://www.sandrocalvani.it/docs/20080920_Speeches_040312.pdf.

100 *Consequences of Illicit Drug Use in America* (April 2014), at https://www.whitehouse.gov/sites/default/files/ondcp/Fact_Sheets/consequences_of_illicit_drug_use_-_fact_sheet_april_2014.pdf.

101 United Nations Office on Drugs and Crime, *World Drug Report 2015* (United Nations publication, Sales No. E.15.XI.6). at https://www.unodc.org/documents/wdr2015/World_Drug_Report_2015.pdf

102 Washington Post Fact Checker, *Does the United States really have 5 percent of the world’s population and one quarter of the world’s prisoners?* (April 30, 2015), <https://www.washingtonpost.com/news/fact-checker/wp/2015/04/30/does-the-united-states-really-have-five-percent-of-worlds-population-and-one-quarter-of-the-worlds-prisoners/>.

103 Office for National Statistics, *Deaths related to Drug Poisoning in England and Wales, 2014 Registrations*, at 2, 21 at http://ons.gov.uk/ons/dcp171778_414574.pdf http://ons.gov.uk/ons/dcp171778_414574.pdf (“[t]here were

that in ten years we might expect tens of thousands of deaths attributed to narcotics.

Compare these figures to the statistics bandied about on the domestic impact of terrorism, and we begin to see why the law enforcement focus in the US – and in the UK – was looking to link terrorism with the long-established enemy, the drug trafficker. Domestically, thankfully, the West has lost relatively few lives to terrorism, even when we take into account the recent, ghastly events in Paris and Brussels, as well as the horrific crimes of 9/11 and 7/7. In the 15 years since 9/11, an average of fewer than five Americans have died from terrorism each year.¹⁰⁴ Even the notoriously conservative think tank, the Henry Jackson Society, concedes that in the ten years since 7/7, just one British person – Fusilier Lee Rigby – has been killed by Islamic terrorism in Britain.¹⁰⁵ That is one person too many, but still only in ten years. While the number might not have been so small without the work of law enforcement,¹⁰⁶ the same could be said of any crime – and it was *law enforcement* that claims to have prevented greater numbers of deaths, not an assassination programme spread across the world.¹⁰⁷

C. The US and The UK Have – For Over Ten Years – Already Been Targeting Narcotics Dealers Under The Pretext That They Financially Support The

3,346 drug poisoning deaths registered in England and Wales in 2014..."); National Records of Scotland, *Drug Related Deaths in Scotland in 2014*, at 5 (2014), at <http://www.nrscotland.gov.uk/files/statistics/drug-related-deaths/drd14/drugs-related-deaths-2014.pdf> ("613 drug-related deaths were registered in Scotland"); NISRA *Alcohol and Drug Deaths*, at https://data.gov.uk/data/resource_cache/5b/5bd4f75e-dc80-4111-8dbb-29b72bd58e19/default.asp30.htm (110 deaths in 2014 in Northern Ireland).

104 By 2013, President Obama had clearly taken this fact on board. The threat to America – as opposed to other countries – that was offered by terrorism was focused on a limited number of "home grown" extremists, who have attacked their fellow Americans. Paul D Shinkman, *Obama: 'Global War on Terror' is Over*, U.S. News (May 23, 2013), <http://www.usnews.com/news/articles/2013/05/23/obama-global-war-on-terror-is-over> ("Deranged or alienated individuals – often U.S. citizens or legal residents – can do enormous damage, particularly when inspired by larger notions of violent jihad. That pull towards extremism appears to have led to the shooting at Fort Hood, and the bombing of the Boston Marathon.").

105 Robin Simcox & Emily Dyer, *Terror Data: US vs. UK*, World Affairs Journal (July/August 2013), at <http://www.worldaffairsjournal.org/article/terror-data-us-vs-uk> ("Prior to the recent murder of a British soldier, in the UK, fifty-two have died—all on 7/7/05.").

106 There is an important point here: the Prime Minister based his case for the Kill List on the theory that it was being planned by, or "inspired" by, ISIS:

David Cameron revealed last month that the plots were inspired or directed by terrorist cells operating in Syria and this was used as part of his argument in favour of bombing Isis in Syria last week.

See Matt Dathan, *Syria air strikes: Senior MPs back Alex Salmond in disputing David Cameron's claim that seven UK terror plots were planned in Syria*, Independent (Dec. 8, 2015), at <http://www.independent.co.uk/news/uk/politics/syria-air-strikes-senior-mps-back-alex-salmond-in-disputing-david-camerons-claim-that-seven-uk-a6764491.html>. However, Alex Salmond, a member of the Privy Council who has therefore seen the evidence of the seven supposed plots, said "not one of the seven foiled plots was directed from Syria." *Id.* Other senior MPs agreed with this. In other words, to seek to assassinate the deranged British people who advocate the madness that is ISIS would not necessarily have any impact on the level of the threat – even if ISIS did not turn to the estimated 800 British people in Syria to find another deranged person wanting his fifteen minutes of infamy (which is what happened).

107 Certainly there is a far greater impact of terrorism abroad. Some of the statistics put about are very dubious. For example, it is difficult to credit GTI's very precise assertion that in 2014 "ISIL was responsible for 6,073 terrorist deaths." Global Terrorism Index at 4, at <http://economicsandpeace.org/wp-content/uploads/2015/11/Global-Terrorism-Index-2015.pdf>. However, there are some observations that are indisputable. Typically, the deaths from terrorism disproportionately impact poorer countries where the terror has taken root. For example, of the more than six thousand deaths attributed to Boko Haram in 2014, *id.*, none took place outside their narrow sphere of influence. "Terrorism remains highly concentrated with most of the activity occurring in just five countries — Iraq, Nigeria, Afghanistan, Pakistan and Syria. These countries accounted for 78 per cent of the lives lost in 2014." *Id.* Since 9/11 only one-in-200 (0.5%) of all deaths attributed to terrorism have occurred in Western countries. *Id.*

Taliban

The British counter-narcotics agency – now rebranded the National Crime Agency (NCA) but formerly operating as the Serious Organized Crimes Agency (SOCA) – has long been focused on the importation of heroin and opium from Afghanistan via Pakistan, with all the historical British ties to the latter nation. Part of the British problem was their total inability either to reduce poppy production in Afghanistan or to do anything about the porous border with Pakistan. For SOCA, then, the 2001 invasion of Afghanistan by the “Coalition” was a potential godsend.

1. **The British were the first to suggest that the “War on Terror” should be used as an opportunity to re-fight the “War on Drugs” in Afghanistan and Pakistan**

Seven years ago, it came to light that in 2002 the British had been “screaming” for the Coalition to take the opportunity to wipe out narcotics in Afghanistan as a side-project to the Afghan invasion:

On October 11, four days after Operation Enduring Freedom began, President George W. Bush sat down with his National Security Council, discussing, among other things, the continued search for targets. Defense Secretary Donald Rumsfeld said the Pentagon had considered hitting drug labs and heroin storage areas but did not because of concerns that there would be “collateral damage.” The CIA later concluded bombing these targets would have dramatically reduced the ability to produce opium in Afghanistan throughout 2002. “The drug targets were big places, like small towns that did nothing but produce heroin,” a CIA official said. “The British were screaming for us to bomb those targets because most of the heroin in Britain comes from Afghanistan, but they [the NSC] refused.”¹⁰⁸

In other words, the Americans initially vetoed the British plan.

What we did not know then – but we now can demonstrate – is that US anti-narcotics operatives in the NSA’s Southwest Asia Narcotics Division, based in Georgia, came to agree with the British. An NSA report, classified “Top Secret” and intended to remain so until January 2032, discusses how “SIGINT helps hobble the Taleban by cutting off their livelihood.”¹⁰⁹ The NSA suggested:

A recent UN report estimates that the narcotics “industry” in Afghanistan and Pakistan contributes \$300 million annually to the Taleban. To attack this narcotics-insurgency nexus, NSA Georgia’s Southwest Asia Narcotics Division [sic] (SWAN - FGS2F) has worked closely with a number of colleagues, focusing on narcotics trafficking networks that provide funding, weapons, and logistical support to Taleban elements in Afghanistan.”¹¹⁰

The theory was that attacking narcotics dealers was vital to winning the war on terror:

(S//SI//REL) The resulting SIGINT reporting, along with reporting from other Intelligence Community elements, made clear to national and theater leadership

108 Gretchen Peters, *How Opium Profits the Taliban*, at 15, US Institute of Peace (Aug. 2009), http://www.usip.org/sites/default/files/resources/taliban_opium_1.pdf (emphasis supplied).

109 <http://www.spiegel.de/media/media-35506.pdf>.

110 *Id.*

that the insurgency could not be defeated without disrupting the narcotics trade. Additionally, some narcotics traffickers have been identified as active insurgent commanders, directing their own fighters in attacks against the coalition, and procuring weapons and improvised explosive device (IED) materials.¹¹¹

A Senate Report describes ‘*The Regional Spillover – Problems in Pakistan*’, focusing on the drug trade across the open border between Afghanistan and Pakistan. At that time, though, no reference was made to any member of the Kill List being located within Pakistan.¹¹²

Because of the intelligence conclusions concerning the Taliban, targeting narcotics became the number one priority of the *International Security Assistance Force* (ISAF), above targeting militants themselves:

(S//SI//REL) ...And in December 2008, the Deputy Commander for Security in ISAF's Regional Command - South declared narcotics trafficking as his #1 priority.¹¹³

This was now mainly done by SIGINT – meaning that the killing of narcotics agents was mainly done with reliance on signals intelligence, with all the flaws that involves (see below), rather than direct information from informants (itself problematic enough):

Concurrent with these events, SIGINT replaced HUMINT as the primary driver of counternarcotics operations, thanks in large part to the efforts of an FGS2F analyst embedded with the Interagency Operations Coordination Center (IOCCC) in Kabul. By the end of 2008, NSA/CSS Representative Afghanistan reported that 80% of all counternarcotics operations were now SIGINT- driven. A year previously, HUMINT was the driver for almost every operation.¹¹⁴

This was no longer a political or Islamic insurgency, it was a “narco-insurgency”:

(S//SI//REL) Despite its relatively small size (18 personnel as of January 2009), FGS2F continues to be a prominent part of the fight against the narco-insurgency in Afghanistan, even as customer needs climb rapidly.¹¹⁵

Most troubling of all, a US military study of the problem determined that “proving the nexus” between insurgency and narcotics takes time and “may result in missed opportunities to target traffickers and insurgents.” Because it was not nearly efficient enough, then, the conclusion was that in light of “the need to target the narcotics ‘industry’ to defeat the insurgency ... [p]roof of the nexus should not be required.”¹¹⁶

The plan – to assassinate narcotics dealers - had been approved by NATO and the defense ministers of Western countries:

111 *Id.* (emphasis omitted).

112 <http://abcnews.go.com/images/Blotter/afghanreport.pdf> p.17.

113 <http://www.spiegel.de/media/media-35506.pdf>.

114 *Id.*

115 *Id.*

116 Cdr Jonathan R. Biehl, *Counter-narcotics Operations in Afghanistan: A Way to Success or a Meaningless Cause?* (Nov. 12, 2009), at [].

As 2009 approached, the narcotics trafficking - insurgency nexus gained prominence in ISAF's (International Security Assistance Force, i.e. NATO forces in Afghanistan) plan to defeat the Taliban. Narcotics traffickers were added to the Joint Prioritized Effects List (JPEL) for the first time, allowing them to be targeted for strikes. In October 2008, NATO Defense Ministers agreed that narcotics trafficking networks were legitimate targets for ISAF forces, due to the traffickers' ties to the insurgency.¹¹⁷

In other words, the US and at least all of NATO are complicit in the project – to use Hellfire missiles against those growing and transporting poppies. If the British defence minister at the time – Des Browne handed over to John Hutton on October 3rd, 2008 – sanctioned this, then it must have been agreed at the highest levels of government, and yet was certainly not made public.

2. The basis for including Narco-Traffickers on the JPEL Kill List was an inaccurate suggestion that Narcotics were the primary source of funding for Islamic extremism.

The NSA document advocating the extension of the Kill List to narcotics traffickers is very troubling, and illustrates the need for transparency in various ways, starting with the rather basic mistake when it purports to rely on a “recent UN report” for the conclusion that narcotics traffickers should be killed: while there was a UN report at that time,¹¹⁸ the report from which they derive their figures and part of their theory is by Gretchen Peters from the US Institute for Peace. She, in turn, describes various factors that undermine the NSA theory that killing narcotics dealers will help to end the “narco-insurgency”.¹¹⁹

There is no evidence that the assassination programme has in any way limited the narcotic trade, or that limiting the narcotics trade would undermine the “terrorism” that is supposedly the target of the Kill List. There is no evidence that whatever amount of money going to those deemed ‘Taliban’ has declined in any way – indeed, the ‘Taliban’ controls an ever-larger geographical space in Afghanistan. Thus, while the US, UK and the rest of the West may have murdered a few people, these people have simply been replaced with others, and the Kill List policy achieves nothing.

Second, while it may be that elements of the ‘Taliban’ make some money from drugs, so do corrupt officials in the Kabul government that has been established with support from the US and the West:

It is widely alleged that corrupt officials within the Kabul government, the Afghan National Police (ANP), and various provincial administrations are also in the pay of opium traffickers, and recently a 2008 British study reported, many Afghans in the country's south believe that state actors earn greater profits from the drug trade than the insurgents.¹²⁰

117 <http://www.spiegel.de/media/media-35506.pdf>.

118 See UNODC, *Afghanistan Opium Survey 2008*, at http://www.unodc.org/documents/crop-monitoring/Afghanistan_Opium_Survey_2008.pdf.

119 See Gretchen Peters, *op. cit. supra*.

120 Gretchen Peters, *op. cit. supra*, citing David Mansfield, *Responding to Risk and Uncertainty: Understanding the Nature of Change in the Rural Livelihoods of Opium Poppy Growing Households in the 2007/08 Growing Season* (report, Afghan Drugs Inter Departmental Unit of the UK Government, July 2008), URL=www.davidmansfield.org/data/Field_Work/UK/FINAL_UK_DRIVERS_REPORT_08.pdf (accessed May 15, 2009).

If this is the case, then there is likely to be plenty of corruption within government that will skew any theory that the government's intelligence on who to kill is rationally related to anything that might undermine the "Taliban".

While the progenitors of the Kill Policy speak of the 'Taliban' as if it were some monolithic anti-American block of terrorists, most are Afghans who have two interests – economic and nationalistic. In other words, only a very small percentage of those fighting Western and Kabul troops (estimated to be around 5 percent, or one-in-20) do so based on religion and ideology, the remaining 95 percent being motivated primarily by money:

This study does not intend to suggest that the Taliban leadership has put aside its intention of driving Western forces from Afghanistan or implementing their strict version of sharia law. However, this study will demonstrate that insurgent actors in many Afghan villages today behave more like mafiosi than mujahideen. More than 80 percent of those surveyed for this project believe Taliban commanders in the south now fight for profit rather than religion or ideology. And according to recent NATO military intelligence, as few as 5 percent of insurgent commanders now fight for ideological reasons.¹²¹

Again, while the American study claims that the Taliban exact a "tax" on narcotics,¹²² just as they do on other goods, the study concedes 95% of the people who are actually growing the poppies and trafficking the drugs are doing so for economic reasons. Thus, the most that can be said of them is that under Western rules they are committing a criminal act. If this is true, then the policy of assassinating narcotics traffickers is actually nothing more nor less than the death penalty (without a trial) for drug offences.

If the West thought that they should assassinate drug producers and traders in order to cut off the 'Taliban' cash supply, then the same logic would presumably apply to other significant sources of money or 'tax':

In some areas, insurgents have extorted national enterprises: when the provincial director of an Afghan mobile phone network refused to pay his monthly "tax" in Zabul province, Taliban fighters blew three distribution towers in the Shah Joy district, cutting service there for a week. Similar forms of extortion appear to take place in other zones of the war theater. Researchers for this study heard of farmers, truckers, and small businesses paying extortion fees to insurgents across the southeastern and eastern zones of Afghanistan, while there are reports of similar practices across the border. For example, the New York Times reported in July 2007 that Taliban in the FATA's Mohmand agency have earned tens of thousands of dollars taxing a marble quarry, as well as every truck carrying white stone out of it. More recent reports have discussed the Taliban in Pakistan's Swat Valley taking

121 Gretchen Peters, *op. cit. supra*.

122 *Id.* ("Afghanistan's poppy crop represented about 75 percent of global production. Ninety-seven percent of it was grown in Taliban-held areas. Rather than combat the opium trade, the Taliban allowed local mullahs to collect a 10 percent agricultural tithe (known as ushr and derived from the Arabic ashr meaning ten) from farmers growing poppy as well as other produce. Ushr was generally collected in kind at the local level (as it is today) and then spent locally, according to Bernard Frahi, a UNODC official. In the southern provinces, the Taliban began collecting 20 percent zakat, an Islamic levy, on truckloads of opium as they left farm areas. Following a law enforcement crackdown in neighboring Pakistan, heroin refineries previously based in the FATA shifted across the border.").

*over emerald mines there and selling gemstones on the black market to support their activities.*¹²³

Instead, the JPEL Kill List continued to target drug traffickers, with no appreciable impact on either diminishing the influence of the Taliban (which continues to rise as a Sphinx from the ashes of 2001) or the amount of narcotics in the US or UK (where deaths from drugs continue to rise).

V. BRITAIN'S DIRECT AND CENTRAL INVOLVEMENT IN IDENTIFYING AND TARGETING THOSE INCLUDED ON THE JPEL KILL LIST.

Britain has a very direct and central role in the JPEL Kill List, and has from the very beginning of its secretive existence. The narcotics angle was important to the British – more, perhaps, than to the Americans. Indeed, the United Kingdom assumed the mantle of lead nation responsible for counter-narcotics activity in Afghanistan under the UN Assistance Mission in Afghanistan (UNAMA) framework.¹²⁴

A. The Evidence of Close Cooperation Between The British And The Americans In Identifying And Targeting Those On The JPEL List

The NSA identifies some of the “colleagues” helping with the project of creating the JPEL Kill List, including *GCHQ*, the *Joint Narcotics Analysis Centre* (JNAC) and the *Interagency Operations Coordination Center* (IOCC) in Kabul.¹²⁵ GCHQ, of course, is the *Government Communications Headquarters* in Cheltenham, Britain’s central intelligence and security organization. The JNAC was based in London, and was intended to help with targeting narcotics traffickers in Afghanistan.¹²⁶ The *Interagency Operations Coordination Center* (IOCC) is an intelligence processing facility located in Kabul. Staff members are drawn from multiple U.S. and UK intelligence agencies including the National Crime Agency (NCA), the successor to the Serious Organized Crime Agency (SOCA).¹²⁷

¹²³ *Id.*

¹²⁴ Vanda Felbab-Brown, *Afghanistan: When counternarcotics undermines counterterrorism*, 28 *The Washington Quarterly*, at 55 (2005), at <http://dx.doi.org/10.1162/0163660054798735>.

¹²⁵ <http://www.spiegel.de/media/media-35506.pdf> (“(S//SI//REL) These colleagues were located at NSAW, GCHQ, Field Station Utah (FSU), the Joint Narcotics Analysis Centre - London, and the Interagency Operations Coordination Center (IOCC) in Kabul.”). The NSAW is presumably the Naval Support Activity Washington centre. See also <http://www.spiegel.de/media/media-35506.pdf> (“In all, FGS2F and its colleagues at NSAW, FSU, and GCHQ has provided real-time intelligence to over 20 counternarcotics operations, netting thousands of kilograms of drugs, several detainees, and weapons.”).

¹²⁶ The JNAC was established in London to “[p]rovide direct support to the DEA Chief of Intelligence, DEA headquarters. Duties include: Providing analytical support that shall primarily concentrate on strategic programs and will require systematic interface with the IOCC in Kabul, Afghanistan. Provided support will involve four key focal missions: Threat Finance Exploitation, CN Operations, Intercept Program and Regional Affairs. The Threat Finance Exploitation analysis support shall identify and trace all funding streams and assets gained through illicit sources, in particular narcotics profits. Emphasis shall be placed on intelligence collection and analysis to support investigations where illicit funds are utilized to finance counter narcotics/ terrorism and insurgent activities in Afghanistan and the region. CN Operations analysis support shall assist the IOCC and IFC in development of target packages and evidence exploitation. Once identified, work with investigators to coordinate intelligence and evidence collection with other third nations in an effort to expand investigative efforts. Will be required to work in an international environment with personnel from other third party nations, such as; United Kingdom, Germany, France and Norway as well as U.S. and Coalition military forces. The Contractor shall be located with the JNAC staff in London, England.” See <http://www.closeprotectionworld.com/current-vacancies/23435-joint-narcotics-analysis-centre-london-liaison.html>

¹²⁷ <http://www.worthpoint.com/worthopedia/joint-narcotics-analysis-centre-456867883> (other agencies include like the National Security Agency (NSA), The Defense Intelligence Agency (DIA), and the National Geospatial Intelligence Agency (NGA)).

The IOCC was established in 2005.¹²⁸ In addition to these government agencies, private defense contracting groups like BAE also work at the IOCC.¹²⁹ Together, these groups provide intelligence on high value targets and narcotics networks that provide support to law enforcement and conduct an “effective civilian military campaign” aimed at breaking “the narcotics-insurgent-corruption nexus.”¹³⁰

In terms of understanding the critical role played by the UK in all this, it is important to understand that the IOCC is led by both a director and a deputy director. Those positions are rotated between senior managers of the American DEA and the British SOCA/NCA,¹³¹ with no other country providing candidates. For example, from January 2008, the director was a “British LE agent of the Serious Organized Crime Agency.”¹³² In addition to the civilian organization, the IOCC also had at least four military personnel – one US officer and three British officers.¹³³ Among the British officers was British Royal Air Force Wing Commander Tom Wood, who served as the IOCC chief of staff in 2009.¹³⁴

In addition to their own direct work, the British member of the IOCC work closely with the legendarily corrupt Counter Narcotics Police of Afghanistan, or the CNPA. Within the CNPA are the National Interdiction Unit and the Afghanistan Special Narcotics Force. Together, these two units comprise the “action arms” of the IOCC. The NIU is a specialized unit under the Counter Narcotics Police and is funded by the UNODC.¹³⁵ The ASNF is trained by Britain’s Special Air Service and also conduct missions.

Analysts at the IOCC utilize data gathered to create Target Information Packets on “High Value Individuals” and “High Value Targets.” These packets are comprised of analysis of “narcotic networks, patterns of life, and the locations of labs and caches.”¹³⁶ Even today, Department of Defense drones provide intelligence support, surveillance, reconnaissance and force protection.¹³⁷

The TIU, or the technical investigative unit, gathers information on high value targets through wiretaps and other SIGINT methods. Additionally, the Sensitive Investigative Unit, or the SIU, utilize HUMINT to gather intelligence, and are often accompanied and protected by NIU agents on their missions.¹³⁸ Together, these three units work with the IOCC’s intelligence gathering protocol.

Among the analysts at the IOCC are analysts employed by defense contractors like BAE. BAE, a British defense contracting firm, placed a job advertisement to work as IOCC intelligence Analysts in December of 2009. Per the job description, candidates would “provide intelligence analysis primarily at the Intelligence Operations Coordination Center with rotational work schedules at the

128 Office of Inspector General, US Department of State and US Department of Defense, Interagency Assessment of Counternarcotics Program in Afghanistan, July 2007, p. 48.

129 <http://jf.jobfetch.com/candidate/processcandviewjob?docid=A3493-0UUY>

130 <http://www.drugcaucus.senate.gov/hearing-7-20-11/DASD%20Wechsler%20Statement%20-%2020%20Jul%2011.pdf>

131 www.dea.gov/pr/speeches-testimony/2014t/011514t.pdf

132 www.dtic.mil/get-tr-doc/pdf?AD=ADA512380

133 *Id.*

134 *Id.*

135 <http://www.dea.gov/pr/speeches-testimony/2014t/011514t.pdf>

136 www.dtic.mil/get-tr-doc/pdf?AD=ADA512380, pg 25

137 <http://www.rs.nato.int/article/news/eyes-in-sky-aid-in-largest-drug-bust-in-history.html>

138 http://www.afghan-bios.info/index.php?option=com_afghanbios&id=1638&task=view&total=3052&start=2528&Itemid=2

CNPA as needed.”¹³⁹

Approximately two years later, BAE employed John Stephens. Stephens (per his LinkedIn profile) was responsible for “fusing HUMINT, SIGINT, GEOINT, and COMINT” to produce source products. Additionally, he was “directly responsible for maintain and updating Target Intelligence Packets in order to update individuals on the *Joint Priority Effects List*” while working for BAE in Afghanistan.¹⁴⁰ Stephens’ work apparently led to kill list inclusions.

A DEA Agent, a former director of the IOCC, was interviewed by US Lieutenant Commander Jonathan Biel in 2009. According to Smith, the U.S. military performed support operations for counter-narcotics operations affiliated with the IOCC. Among those support operations were “day and night helicopter lift, close air support, medical evacuation, cordon security, and intelligence support.” Later in the interview, Smith was asked whether there are added risks when the military decides to enforce the narcotics laws, and he replied that there might be “more civilian casualties due to an errant bomb.” However, he added - with no apparent sense of irony - that “[t]he people shouldn’t be negatively affected because we’re there to help the Afghans under their law.”¹⁴¹

B. Close Work Between The UK And The ASNF Also Results In Executions Of Targets On The JPEL Kill List

The *Afghan Special Narcotics Force*, or ASNF, is small paramilitary team trained by British Special Forces. According to the “National Drug Control Strategy” of the Islamic Republic of Afghanistan Ministry of Counter-Narcotics, the ASNF, otherwise known as ‘333 Force’ or ‘Commando 333’, was established as a para-military force tasked with carrying out raids against high-value targets and drug infrastructure - e.g. bazaars, and laboratories - with a view to ‘injecting’ risk into the illicit drugs trade.¹⁴²

Although the ASNF is officially a branch of the Counter Narcotics Police of Afghanistan (CNPA), they play an active role in facilitating counter-terrorism and counter-insurgency strike missions as well. “Commando 333” is a paramilitary unit that is involved with counterterrorism and insurgency work. Additionally, a former member of the ASNF on LinkedIn describes his work as a member of both the ASNF and Commando Force 333, where he also worked with British military forces.¹⁴³

¹³⁹ In greater detail, the BAE job advert stated: “Candidates will provide intelligence analysis primarily at the Intelligence Operations Coordination Center (IOCC) with rotational work schedules at the CNPA as needed. The requirements for the Intelligence Analyst positions include but are not limited to supporting execution of the DoD CN program; utilizing experience in intelligence analysis, law enforcement, and/or counter-narcotic efforts to accomplish analytic process in order to support the effective coordination of counternarcotics efforts; reading and analyzing message traffic, building analytic products and responses to tasking; developing counternarcotics related target packages reviewing analytic products for accuracy and analytic soundness; maintaining liaison with other organizations to discuss mutual analytical problems and production requirements; using various standard software packages such as: Pathfinder; AMHS/M3; Analysts Notebook; MS Office (to include Word, Excel, PowerPoint, Access, and Outlook) work with all sources of intelligence; sustaining the communications links between the IOCC and CNPA facility; establishing and documenting on-site practices and process for effective use of the IFC system by the CNPA and IOCC; provide system support for the Intelligence Fusion Center system as needed; and handle and process (TS/SCI) operational and intelligence information, maintaining a TS/SCI Security Clearance for the duration of the task order.” See BAE Document ID: A3493-0UUY Ad Number: baehodes-14697255 Published on: 12/09/2009 (now removed from the internet, but on file at Reprieve).

¹⁴⁰ <https://www.linkedin.com/pub/john-stephens/2a/990/474>

¹⁴¹ www.dtic.mil/get-tr-doc/pdf?AD=ADA512380, page 70, question 3.

¹⁴² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/36443/fco_nationaldrugcontrol-strategy.pdf, pg 44; <https://books.google.co.uk/books?id=8gu7RARjAKEC>, pg 39

¹⁴³ <https://www.linkedin.com/in/ghulam-hussain-56784864>

Indeed, the ASNF dress in “British military khakis.”¹⁴⁴

The UK has provided both training and helicopters for the ASNF to help them “hunt down Afghan drug lords.” A memorandum submitted by the UK’s Foreign and Commonwealth Office on Afghanistan explicitly states that “equipment, training, and mentoring at the Provincial level” is provided to the CNPA, which incorporates the ASNF. Equipment the UK provided to the ASNF includes “night vision goggles” and “MI-U helicopters.”¹⁴⁵

Additionally, the UK built a building for the Ministry of Counter Narcotics for £12.5 million.¹⁴⁶ The Ministry of Counter Narcotics is “responsible for the policy and coordination of the government’s counter narcotics efforts.”¹⁴⁷ As such, they play a direct role in the work of the ASNF, although the ASNF is technically under the purview of the Ministry of Interior (which was created by the US).

Together, these groups provide intelligence on high value targets and narcotics networks that provide support to law enforcement and conduct an “effective civilian military campaign” aimed at breaking “the narcotics-insurgent-corruption nexus.”¹⁴⁸ In other words, this is all about conflating the criminal investigation of narcotics with the supposed military challenge of extremism.

In addition to counter-narcotics work, sources now describe Commando Force 333 now as being a “counter insurgency”¹⁴⁹ force. For example, the US Department of Defense consider them to be a “multi-functional commando force.”¹⁵⁰ The Islamic Republic of Afghanistan’s Joint Command (ICJ) issued a report that describes Force 333 as a “counter-insurgency police commando force based in Logar Province but available for and capable of high-risk nationwide special mission employment.”¹⁵¹ They went on to say that it conducts intelligence-led counterterrorism and counter insurgency “strike operations.”¹⁵²

C. Specific Evidence That The UK Has Been Involved In Kill Operations

Prime Minister Cameron implicitly denied the existence of the *JPEL* Kill List in his September 7th, 2015, report to Parliament. The strike in Syria was not a novel “departure” from UK practice: it was certainly not the first time the UK had dabbled in a Kill List, and we now know that the UK had done so at least twice before (in Pakistan and Yemen) where there was no arguable war where the British parliament had authorised action. Likewise, the UK has repeatedly denied involvement in the US drone programme in Pakistan. The documents leaked by Edward Snowden, however, demonstrate that the UK has not only been involved in killing people in Pakistan, but that it has been involved in a ‘kill list’ for more than a decade.

It is clear that the UK was involved in assassinations in Pakistan as well as Afghanistan. Of the clear Pakistan targets on the list, two were nominated by RC-S, a region that at the time was commanded by the UK. The remaining five were nominated by units that included UK forces and so UK

144 <http://www.npr.org/templates/story/story.php?storyId=124731730>

145 <https://books.google.co.uk/books?id=WtdMAGAAQBAJ&pg=PA577#v=onepage&q&f=false>

146 <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmdfence/558/558.pdf>

147 <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB804.pdf>

148 <http://www.drugcaucus.senate.gov/hearing-7-20-11/DASD%20Wechsler%20Statement%20-%2020%20Jul%2011.pdf>

149 Whose Army? Afghanistan’s Future and the Blueprint for Civil War By Musa Khan Jalalzai, PG 81 <https://books.google.co.uk/books?id=A4tYAwAAQBAJ>

150 http://www.defense.gov/pubs/pdfs/October_2011_Section_1230_Report.pdf

151 <https://info.publicintelligence.net/ISAF-AfghanPolice.pdf>

152 https://www.rusi.org/downloads/assets/110923_-_U_-_Think_Tank_VTC_Script_RUSI.pdf

involvement is likely. More importantly, the lead agency for three of the Pakistan targets is a UK special force unit called TF-42. This means *the UK is explicitly listed as the agency responsible for killing at least three Pakistan people on the JPEL Kill List as it existed in August 2010* - and likely other people at other times.

The actual existence of TF-42 was first revealed in the War Logs released by Wikileaks in 2009. It is a secretive UK special ops group that purportedly has close links with two US special ops groups called TF-121 and TF-373. According to one analysis of the War Diaries, “the United States Special Operations Forces focused on top level targets on the JPEL while UKSF were assigned the mid-level targets.”¹⁵³ If this is true, not only was the UK taking out targets in Pakistan, but for the most part those targets weren’t even high value targets.

At the same time drug traffickers were added to the *JPEL* Kill List, HUMINT was replaced by SIGINT “as the primary driver of counternarcotics operations.” By the end of 2008, SIGINT accounted for 80% of all counternarcotics operations. This effectively means that *they were listing and killing drug traffickers purely based upon metadata* primarily from phonecalls. Moreover, GCHQ is specifically listed as having provided “real-time intelligence to over 20 counternarcotics operations,” which means they’re directly participating in ops.

There is confirmation from General Michael Hayden, former Director of the NSA and the CIA, that this is the case. In March 2014 at a debate at John Hopkins University, Hayden not only agreed with the patently inaccurate suggestion that metadata tells you everything about someone’s life, he then dropped the following bombshell: “We kill people based on metadata.”¹⁵⁴

There are various notations in the War Diaries of the efforts to interdict drugs, with discussions of “Poppy eradication and security.”¹⁵⁵ For example, on August 10, 2009:

*TF 42 was conducting kinetic operations when the components were found in the target’s compound. 66 oil drums of wet opium, 2 drug presses, and 100 sacks of ammonium chloride were also found and destroyed on site.*¹⁵⁶

This is exemplified in the document by a particular strike on an alleged drug trafficker called Mullah Multan. The report says in part:

“Though Multan survived the strike, he was driven back to Pakistan and suffered the loss of over 3 tons of opium along with six of his cohorts – a severe disruption to his narcotics network.”

It is clear that Multan wasn’t being targeted because he was an insurgent who posed a threat, but rather because he was, quite simply, a drug trafficker. The key aim appeared to be to disrupt the drug network.

VI. ADDITIONAL CIRCUMSTANTIAL EVIDENCE THAT MAY BE GLEANED FROM THE CRUDE NAMES USED IN THE *JPEL* KILL LIST

As with all data, there is additional circumstantial information that may be gleaned from the *JPEL*

153 <http://www.eliteukforces.info/uk-military-news/200810-task-force-42.php>

154 <http://www.nybooks.com/daily/2014/05/10/we-kill-people-based-metadata/>.

155 210430Z TF GLADIUS ATTENDS KAPISA PSC 20071121 03:30:00 Wikileaks War Diaries.

156 “(FRIENDLY ACTION) CACHE FOUND/CLEARED Report Task force 42 : 0 INJ/DAM”, WikiLeaks, 10 August 2009, at: <http://wardiaries.wikileaks.org/id/71C8649C-1517-911C-C5AA831F201E494C/>.

Kill List itself.

A. Circumstantial Evidence That May Be Derived From The JPEL Operations And Objectives (Targets) Names

The August 2010 edition of the *JPEL* Kill List that is currently available merits close study. There are 53 “Operations” involving a total of 76 target people.¹⁵⁷ 30 of the 76 Target people only have an Operation, and the other 46 have both an Operation and an Object name.¹⁵⁸ Some 487 “Objectives” have no Operation name. There are a total of 152 people who do not rate either an operation or an objective name, and are listed “NIL”, “N/A”, “No OP Name”, or “No Name”.¹⁵⁹ This is odd, because clearly some of the people who do not rate an Operation or an Objective name are still people who the authors want to kill.¹⁶⁰

The names of the Objectives and Operations suggest circumstantial information about who may be behind the various measures that are planned, adding to the direct evidence that assimilated from elsewhere. In September 2015, the suggestion was made by an anonymous UK serviceman that may have seemed somewhat hyperbolic:

*Targets are given a codename, rather than their own name. If the British public could see some of the names given to these figures in Afghanistan (or even the themes used to name them) there'd be an uproar. They range from celebrity names to porn stars, favourite sweets to characters in the film Anchorman.*¹⁶¹

This *Report* can now reveal that all this is true, and much more.

It is true that some target names do, indeed, reflect pornography sites - JPEL 129 OBJ Dancing Bear is a porn site which claims to be “bigger and better than the others”, says it is all amateurs and asks the vital question, “*is your fiancée or girlfriend, on here?*!”¹⁶² JPEL 130 Objective Hoang

¹⁵⁷ These are Operations Trident (2), Kastor (4), Nidhogg (6), Wain (10), Crimson Edge (11), Crimson Wind (16, 17, 217, 222, 229, 241, 465, 466, 478, 526, 528, 611, 641, 664), Rogue (18), Doo-Barra (19), Normann (21), Hildago (28), Garfield (29), Twilight (30), Lynx (39), Shaggy (41), Patricks (45), Shetland (228), Dio (231), Forge (243), Wave (245), Wona Tit (246), Elzar (248), Werewolf (251), Express (256), Bark Zadan (259), Karkinos (263), Snatch (268), Hojoom (269, 275, 286, 294, 302, 469), Morghab (276, 571), Upton (309), Truncheon (389), Padawal Parda (392), Gdynia (395), Doda (398), Charkh Attack (403), Vanguard Pul e Alam Search (407), Meghshushawel (410), Commando Phoenix (475), Yukon Hayak II (503), Hepburn (518), Atlas (522), Leader Zalzalalah V (523, 524, 525), Aram Tander II (527), Leader Zalzalalah IV (551), Russo (555), Rakkasan Hayak (563), Hickory (587), Duke (595), Champion Shield (610, 637, 665), Peach (612), Qataar Sarbazaan (622), Potts (648), and 3-G Patawall Tufaan (668). <http://www.spiegel.de/media/media-35508.pdf>.

¹⁵⁸ Few of these are the same: Operation Kastor has Objective Kastor (4), Operation Atlas has Objective Atlas (522), and Operation Russo has Target Russo (555), but most have different names.

¹⁵⁹ These are JPEL ##8, 20, 25, 26, 27, 37, 47, 50, 51, 54, 59, 60, 64, 66, 69, 72, 73, 74, 78, 85, 87, 89, 90, 91, 92, 93, 94, 95, 116, 117, 118, 119, 126, 127, 136, 137, 140, 141, 143, 144, 147, 153, 162, 163, 164, 166, 167, 168, 170, 171, 172, 173, 176, 177, 178, 182, 186, 187, 188, 190, 191, 192, 193, 208, 210, 216, 220, 235, 242, 247, 249, 253, 258, 260, 271, 274, 281, 282, 283, 287, 289, 292, 295, 297, 299, 300, 316, 324, 325, 331, 334, 335, 342, 359, 362, 363, 382, 384, 386, 387, 397, 399, 408, 412, 415, 417, 425, 429, 430, 431, 434, 438, 454, 456, 458, 470, 472, 473, 474, 485, 494, 495, 499, 500, 529, 542, 543, 545, 546, 567, 568, 570, 574, 576, 577, 578, 585, 586, 600, 601, 603, 606, 607, 632, 643, 644, 645, 646, 649, 663, 666, & 669. <http://www.spiegel.de/media/media-35508.pdf>.

¹⁶⁰ JPEL #8, for example, is a very high value target, who is exempt from the 90 day rule (the limit on authorization for his “disposition”), and who is clearly targeted for death. JPEL ## 26 & 27 (a NIL) are on the kill list. The same is true of people listed N/A (see, e.g., JPEL ## 64, 66, 69).

¹⁶¹ *A British ‘kill list’ does exist. We used it in Afghanistan*, The Spectator (September 9, 2015), at <http://blogs.spectator.co.uk/2015/09/a-british-kill-list-does-exist-we-used-it-in-afghanistan/>

¹⁶² See <http://www.xvideos.com/tags/dancing-bear>.

is a Vietnamese site.¹⁶³ JPEL 58 OBJ Aletta is likely named after the Hungarian porn star Aletta Ocean,¹⁶⁴ and JPEL 411 OBJ Kamila after a Russian porn star Camilla Kamila *aka* Petra Q.¹⁶⁵ JPEL 279 OBJ Rocco may be named after the Italian porn star Rocco Siffredi,¹⁶⁶ just as JPEL 398 OBJ Doda is very likely named after American strip tease artist Carol Doda. Along the same rather bizarre line, JPEL 79 OBJ Altavera is named after a contraceptive pill.¹⁶⁷



Hungarian porn star Aletta Ocean (OBJ Aletta)

Certainly, there are sweets, in the form of JPEL 366 OBJ Starburst,¹⁶⁸ JPEL 507 OBJ Snickers and others.¹⁶⁹

The targets who were named after characters from *Anchorman* must have come from another iteration of the list (it changed monthly) but there are various films – including JPEL 347 OBJ Paperboy¹⁷⁰ and JPEL 492 OBJ Legends Fall¹⁷¹ – as well as film and television characters. JPEL 97 OBJ Newman is the villain on ‘Seinfeld’. There is JPEL 328 OBJ Kojak,¹⁷² and JPEL 269 OBJ Pirro is based on Judge Pirro, a former prosecutor, now a TV personality in the USA, where she

163 http://www.xvideos.com/video1503255/hoang_thuy_linh_vietnam

164 “Aletta Ocean (born 14 December 1987) is the stage name of a Hungarian pornographic actress. She has appeared in Penthouse and Hungarian Playboy and won the 2010 AVN Awards for Female Foreign Performer of the Year and Best Sex Scene in a Foreign-Shot Production (Dollz House – Harmony Films). Ocean has appeared in more than 200 pornographic films.” (https://en.wikipedia.org/wiki/Aletta_Ocean).

165 Kamila is a pornstar. <http://www.xvideos.com/tags/kamila>.

166 “Rocco Siffredi (born Rocco Antonio Tano; 4 May 1964) is an Italian pornographic actor, director and producer of pornographic movies who is known for his rough sex scenes. As of October 2011, he has starred in more than 1,300 pornographic films.” (https://en.wikipedia.org/wiki/Rocco_Siffredi)

167 Altavera: Is an “oral contraceptive pill.” (<http://www.drugs.com/pro/altavera.html>)

168 “Starburst (originally known as Opal Fruits) is the brand name of a box-shaped, fruit-flavored soft taffy candy manufactured by The Wrigley Company, a subsidiary of Mars, Incorporated.” ([https://en.wikipedia.org/wiki/Starburst_\(confectionery\)](https://en.wikipedia.org/wiki/Starburst_(confectionery)))

169 While JPEL 343 Skittles could be a reference to the British game of bowling, it is more likely to be the “brand of fruit-flavoured sweets, currently produced and marketed by the Wrigley Company, a division of Mars, Inc.” [https://en.wikipedia.org/wiki/Skittles_\(confectionery\)](https://en.wikipedia.org/wiki/Skittles_(confectionery))

170 The Paperboy is a 2012 American drama film starring Matthew McConaughey. “A reporter returns to his Florida home-town to investigate a case involving a death row inmate” The plot involves a man on death row (Jon Cusack) who McConaughey tries to exonerate only to be killed by him, whereupon he is reconvicted, and sent to the electric chair” ([https://en.wikipedia.org/wiki/The_Paperboy_\(2012_film\)](https://en.wikipedia.org/wiki/The_Paperboy_(2012_film)))

171 “Legends of the Fall is a 1994 American epic drama film directed by Edward Zwick and starring Brad Pitt, Anthony Hopkins, Aidan Quinn, Julia Ormond and Henry Thomas. Based on the 1979 novella of the same title by Jim Harrison, the film is about three brothers and their father living in the wilderness and plains of Montana in the early 20th century and how their lives are affected by nature, history, war and love” (https://en.wikipedia.org/wiki/Legends_of_the_Fall).

172 The American crime drama, where the eponymous detective’s catchphrase is “who loves ya baby?”. He is also famous for his trademark lollipop, which he is often seen sucking on. <http://www.tv.com/shows/kojak/>

hosts the Fox News programme 'Justice with Janine'.¹⁷³ There are a number of actors including JPEL 345 OBJ Evigan,¹⁷⁴ and JPEL 517 OBJ Hepburn for Katherine Hepburn. There is JPEL 516 OBJ Redford for Robert Redford, as well as JPEL 55 OBJ Sundance. There is also JPEL 97 OBJ Newman, likely for Paul Newman, and JPEL 111 OBJ Cassidy would complete the film – *Butch Cassidy and the Sundance Kid*.



Hollywood actor Robert Redford (OBJ Redford)

Various targets are called after videogames, cartoons or comic book characters, including Transformers – JPEL 4 OBJ Kastor,¹⁷⁵ JPEL 29 OP Garfield,¹⁷⁶ JPEL 100 OBJ Galvatron,¹⁷⁷ JPEL 109 OBJ Rippersnapper,¹⁷⁸ JPEL 159 OBJ Blitzwing¹⁷⁹ - and others JPEL 44 OBJ Farquard,¹⁸⁰ JPEL

173 https://twitter.com/JudgeJeanine?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor.

174 Briana Evigan "is an American actress and dancer. She is perhaps best known for her roles as Andie West in the Step Up series and Cassidy Tappan in Sorority Row." (https://en.wikipedia.org/wiki/Briana_Evigan)

175 Kastor is a character from the *Age of Mythology* video game "a mythology-based real-time strategy video game developed by Ensemble Studios and published by Microsoft Game Studios" *** "Lead Atlantean Admiral, Arkantos, arrives at Atlantis after several years of warfare to see his son Kastor. However, he is ordered by the Atlantis' councilman, Krios, to sail to Troy to assist Agamemnon in the Trojan War. However, just then, the island is attacked by the Black Sails, a group of pirate bandits led by the minotaur Kamos, who is a fierce enemy to Arkantos. After Poseidon's statue trident is stolen during the raid, Arkantos raids the Black Sail settlement at an island close to Atlantis, where he recovers the trident, although Kamos escapes and vows revenge against him, before sailing away on a leviathan. Arkantos sends the trident back to Atlantis." (https://en.wikipedia.org/wiki/Age_of_Mythology#Plot). There are interesting links in many of the numbered "objectives" – for example, the trident plays a major role in *Age of Mythology* and Operation Trident is only two numbers up at JPEL 2 OP Trident. Such patterns are seen regularly in the JPEL Kill List, suggesting that the same person or persons listed a number of people who appear in sequence.

176 "Garfield is an American comic strip created by Jim Davis. Published since 1978, it chronicles the life of the title character, the cat Garfield, Jon, his owner, and Jon's dog, Odie. As of 2013, it was syndicated in roughly 2,580 newspapers and journals, and held the Guinness World Record for being the world's most widely syndicated comic strip." (<https://en.wikipedia.org/wiki/Garfield>)

177 A robot character from the 'Transformers' science fiction franchise, where the robots from two warring races have the ability to turn themselves into various mechanical objects. <http://comicvine.gamespot.com/galvatron/4005-41902/> see "Personality" section - "Galvatron seeks to destroy everything".

178 Another robot character from the 'Transformers' franchise, described as having "an inferiority complex" [http://tfwiki.net/wiki/Rippersnapper_\(G1\)](http://tfwiki.net/wiki/Rippersnapper_(G1)).

179 Another Transformers character, this one destroys stuff and laughs because he enjoys it. <http://beastwarstransformers.wikia.com/wiki/Blitzwing>.

180 <http://www.urbandictionary.com/define.php?term=Farquard> ("The ... mormonized version of fuckwad, similar to the mormon adaptation of shit ("shucks")"

<http://www.urbandictionary.com/define.php?term=What+The+Farquard>. Lord Farquaad (spelled with two As) is one of the principal villains in the popular Shrek film(2001), he is pitted against the film's hero, the ogre Shrek, to win the affections of the Princess Fiona. http://the-mystery-case-files.wikia.com/wiki/Lord_

122 OBJ Trogdor,¹⁸¹ JPEL 225 OBJ Optimus Prime,¹⁸² JPEL 248 OBJ Elzar (OP Elzar),¹⁸³ JPEL 257 OBJ Krusty,¹⁸⁴ JPEL 338 OBJ Butters,¹⁸⁵ JPEL 422 OBJ Dagar,¹⁸⁶ JPEL 424 OBJ Desolate Canyon,¹⁸⁷ JPEL 469 Iron Man,¹⁸⁸ JPEL 528 OBJ Megatron,¹⁸⁹ JPEL 519 OBJ Crom,¹⁹⁰ JPEL 573 OBJ Mr Sinister,¹⁹¹ and others.

There are fictional places like JPEL 88 OBJ Quahog,¹⁹² and JPEL 132 OBJ Naboo.¹⁹³ JPEL 183 OBJ Elm Street, is from the horror film, 'Nightmare on Elm Street' (1984) in which a disfigured villain preys on midwestern teenagers in their dreams, after which they die in reality. And there are many real cities, no doubt chosen by people with a particular connection to them. Some are somewhat more sinister, such as JPEL 77 OBJ Dearborne¹⁹⁴ named after a city renowned for the number of Arabs who have settled there, and a focus for white supremacists.

There are a number of rather sporting figures, some of whom are clearly American – some, as might be expected, wrestlers from the World Wrestling Federation (WWF) such as JPEL7 OBJ Koko B.

Farquaad

181 Trogdor the Burninator is an cartoon character from the web cartoon HomestarRunner.com. He was so popular that fans made a theme tune about him, the lyrics of which include "Burninating the countryside, burninating the peasants" <http://knowyourmeme.com/memes/trogdor>

182 This is another Transformers character, this one is robot leader who believes in freedom for all. <http://comicvine.gamespot.com/optimus-prime/4005-6467/>

183 This character from the American cartoon series Futurama, is a famous chef with a sharp tongue and four arms, who comes from the planet Neptune. <http://futurama.wikia.com/wiki/Elzar>.

184 Krusty the clown, a recurring character on the popular cartoon sitcom, The Simpsons, is a miserable kids TV host. In the episode '*Insane Clown Poppy*' season 12, episode 3, Krusty reveals that he ruined an assassination attempt on Saddam Hussein because he had an act based on Saddam, which he did not want ruined. <http://www.tv.com/shows/the-simpsons/insane-clown-poppy-3806/>

185 Butters Stotch is a character in South Park, the popular animated American sitcom comedy, with four boys as the main characters. The show's adult content contains much dark humour. https://en.wikipedia.org/wiki/South_Park Butters is portrayed as naïve, stupid and gullible. https://en.wikipedia.org/wiki/Butters_Stotch.

186 "Tales of Sword and Sorcery Featuring Dagar the Invincible is a comic book series created by writer Donald F. Glut and artist Jesse Santos for Western Publishing's Gold Key Comics line"

187 "Desolate Canyon is the fifth dungeon in Pokémon Mystery Dungeon: Gates to Infinity" (http://pokemon.wikia.com/wiki/Desolate_Canyon)

188 "A superhero created by Marvel comics, Iron Man (Tony Stark) begins as the head of weapons manufacturer Stark Industries, before using his company's technology to build a powered suit of armour, helping him to fight crime." (https://en.wikipedia.org/wiki/Iron_Man)

189 "Megatron is a character from the Transformers franchise, created by Hasbro in 1984. based on a toy design by Takara." (<https://en.wikipedia.org/wiki/Megatron>).

190 Crom "Crom is a fictional deity in Robert E. Howard's fantasy tales of the Hyborian Age. *** Crom is a grim and gloomy and unforgiving god, ever watching from atop his mountain in dark clouds and obscuring mists, ready to pass a disapproving judgement on any and all." ([https://en.wikipedia.org/wiki/Crom_\(fictional_deity\)](https://en.wikipedia.org/wiki/Crom_(fictional_deity)))

191 "Mister Sinister ... is a fictional supervillain appearing in American comic books published by Marvel Comics." (https://en.wikipedia.org/wiki/Mister_Sinister).

192 Quahog is the fictional town where the American comedy TV series 'Family Guy' is set. http://familyguy.wikia.com/wiki/Quahog,_Rhode_Island.

193 Location in the Star Wars franchise. City inhabited by peaceful humans, the Naboo and a species called the Gungans. <http://www.starwars.com/databank/naboo>

194 "Dearborne" is the op name and Dearborn is a city in Michigan which has the largest concentration of arab americans in the USA, over 30% of the town's inhabitants are Arab American, or are of Arab descent. Thus, the city has become a target of right wing hostility in recent years. <http://www.thedailybeast.com/articles/2015/02/02/dearborn-mi-where-muslims-are-americans.html>; <https://www.washingtonpost.com/news/in-sight/wp/2015/03/05/starting-over-in-dearborn-michigan-the-arab-capital-of-north-america/>.

Ware,¹⁹⁵ JPEL 447 OBJ Road Warriors,¹⁹⁶ and JPEL 613 OBJ Junkyard Dog,¹⁹⁷ but also from other sports: JPEL 519 OBJ Beene¹⁹⁸ and JPEL 531 OBJ Kobe.¹⁹⁹

There are many bands and musicians of one genre or other – JPEL 5 OP Lucius,²⁰⁰ JPEL 33 OBJ Drake,²⁰¹ JPEL 41 OP Shaggy,²⁰² JPEL 46 OBJ Tull,²⁰³ JPEL 81 OBJ Motley,²⁰⁴ JPEL 84 OBJ Spears,²⁰⁵ JPEL 203 OBJ Bomba,²⁰⁶ JPEL 204 OBJ Stiltskin,²⁰⁷ JPEL 229 OP Crimson Wind,²⁰⁸

195 A retired american professional WWE wrestler, known for his brightly coloured outfits and nicknamed 'The Birdman' due to his sidekick, a macaw named Frankie, whom he took with him wherever he went. <http://www.wwe.com/superstars/kokobware>

196 The Road Warriors were a professional wrestling tag team composed of Michael "Hawk" Hegstrand and Joseph "Animal" Laurinaitis.

197 "Sylvester Ritter (December 13, 1952 – June 2, 1998) was an American professional wrestler and college football player, best known for his work in Mid-South Wrestling and the World Wrestling Federation as the Junkyard Dog (or JYD for short), a nickname Ritter received while working in a wrecking yard" (https://en.wikipedia.org/wiki/Junkyard_Dog).

198 There is "Andy Beene (born 1956), baseball player" (https://en.wikipedia.org/wiki/Andy_Beene) or "Fred Beene baseball player" (https://en.wikipedia.org/wiki/Fred_Beene)

199 "Kobe Bean Bryant (born August 23, 1978) is an American professional basketball player for the Los Angeles Lakers of the National Basketball Association (NBA)." (https://en.wikipedia.org/wiki/Kobe_Bryant#High_school)

200 "Lucius is a five piece indie pop band from Brooklyn, New York.[1] The band consists of Jess Wolfe, Holly Laessig, Dan Molad, Peter Llish and Andrew Burri" ([https://en.wikipedia.org/wiki/Lucius_\(band\)](https://en.wikipedia.org/wiki/Lucius_(band))).

201 "Aubrey Drake Graham (born October 24, 1986), better known as Drake, is a Canadian rapper, singer, songwriter, record producer and actor, born and raised in Toronto, Ontario", "His work has earned him a Grammy Award, three Juno Awards, six BET Awards, and set several significant Billboard charts records. Drake has the most number-one singles on the Billboard Hot Rap Songs chart with 12 and Hot R&B/Hip-Hop Songs with 14. He is one of two artists (the other being 50 Cent) to have simultaneously occupied the chart's top three positions." ([https://en.wikipedia.org/wiki/Drake_\(rapper\)](https://en.wikipedia.org/wiki/Drake_(rapper)))

202 Shaggy is the professional name of Orville Richard Burrell, a Jamaican reggae singer who enjoyed the height of his fame from the mid nineties throughout to the early noughties, famous for such hits as 'Boombastic' (1995) – perhaps slightly ironic under the circumstances - and 'Hey Sexy Lady' (2002). (https://www.facebook.com/Shaggy/info/?tab=page_info)

203 "Jethro Tull were a British rock group, formed in Luton, Bedfordshire, in December 1967. Initially playing blues rock, the band soon developed its sound to incorporate elements of British folk music and hard rock to forge a progressive rock signature." ([https://en.wikipedia.org/wiki/Jethro_Tull_\(band\)](https://en.wikipedia.org/wiki/Jethro_Tull_(band)))

204 "Mötley Crüe was an American rock band formed in Los Angeles, California on January 17, 1981. The group was founded by bassist Nikki Sixx and drummer Tommy Lee, lead vocalist Vince Neil and lead guitarist Mick Mars. Mötley Crüe has sold more than 100 million records worldwide including 25 million in the US." (https://en.wikipedia.org/wiki/Mötley_Crüe)

205 "Britney Jean Spears (born December 2, 1981) is an American singer and actress. Born in McComb, Mississippi, and raised in Kentwood, Louisiana, Spears's first and second studio albums, ...Baby One More Time (1999) and Oops!... I Did It Again (2000), became international successes, with the former becoming the best-selling album by a teenage solo artist." (https://en.wikipedia.org/wiki/Britney_Spears)

206 "Bomba are an Australian funk and reggae band from Melbourne. Led by Maltese-Australian Nicky Bomba, they are renowned internationally for their "energetic live shows and passionate performances"." ([https://en.wikipedia.org/wiki/Bomba_\(band\)](https://en.wikipedia.org/wiki/Bomba_(band)))

207 "Stiltskin are a Scottish rock band, who first achieved widespread popularity in the mid-1990s. Stiltskin's longest-standing current member is vocalist Ray Wilson. They are best known for their 1994 UK chart-topper, "Inside"" (<https://en.wikipedia.org/wiki/Stiltskin>)

208 Crimson Wind is an Italian Heavy Metal Band. (http://www.metal-archives.com/bands/Crimson_Wind/3540321811)

JPEL 231 OP Dio,²⁰⁹ JPEL 268 OBJ Underworld,²¹⁰ JPEL 236 OBJ Black Sabbath,²¹¹ JPEL 298 OBJ Judas Priest,²¹² JPEL 303 OBJ Heart,²¹³ JPEL 313 OBJ Pistols,²¹⁴ JPEL 323 OBJ Doors,²¹⁵ JPEL 332 OBJ Kiss,²¹⁶ JPEL 336 OBJ Stefani,²¹⁷ JPEL 340 OBJ Cash for Johnny Cash, JPEL 373 OBJ Charlatans,²¹⁸ JPEL 451 OBJ Eurythmics,²¹⁹ JPEL 488 OBJ Slayer,²²⁰ JPEL 512 OBJ Pennywise,²²¹ JPEL 538 OBJ 50 Cent,²²² JPEL 580 OBJ Chamillionaire,²²³ JPEL 596 OBJ Rio Grande,²²⁴ JPEL

209 “Dio was an American heavy metal band formed in 1982 and led by vocalist Ronnie James Dio, after he left Black Sabbath with intentions to form a new band with fellow former Black Sabbath member, drummer Vinny Appice” ... “The band dissolved in 2010 when Ronnie James Dio died of stomach cancer at the age of 67. The band has sold more than 10 million copies of albums worldwide” ([https://en.wikipedia.org/wiki/Dio_\(band\)](https://en.wikipedia.org/wiki/Dio_(band))).

210 “Underworld are a British electronic group formed in 1980 in Cardiff” ... “Underworld have influenced a wide range of artists and been featured in soundtracks and scores for films, television, and the 2012 Summer Olympics in London.” ([https://en.wikipedia.org/wiki/Underworld_\(band\)](https://en.wikipedia.org/wiki/Underworld_(band)))

211 “Black Sabbath are an English rock band, formed in Birmingham in 1968, by guitarist and main songwriter Tony Iommi, bassist and main lyricist Geezer Butler, singer Ozzy Osbourne, and drummer Bill Ward” ... “Black Sabbath are often cited as pioneers of heavy metal music. The band helped define the genre with releases such as Black Sabbath (1970), Paranoid (1970) and Master of Reality (1971).” (https://en.wikipedia.org/wiki/Black_Sabbath)

212 “Judas Priest are a British heavy metal band formed in Birmingham, England, in 1969. The band has sold over 45 million albums to date. MTV ranked them the second greatest metal band of all time.” (https://en.wikipedia.org/wiki/Judas_Priest)

213 “Heart is an American rock band that first found success in Canada and later in the United States and worldwide. Over the group’s four-decade history it has had three primary lineups, with the constant center of the group since 1974 being sisters Ann Wilson (lead singer) and Nancy Wilson (guitarist). Heart rose to fame in the mid-1970s with music influenced by hard rock and heavy metal as well as folk music” ([https://en.wikipedia.org/wiki/Heart_\(band\)](https://en.wikipedia.org/wiki/Heart_(band)))

214 “The Sex Pistols were an English punk rock band formed in London in 1975. Although they initially lasted just two and a half years and produced only four singles and one studio album, *Never Mind the Bollocks, Here’s the Sex Pistols*, they are considered one of the most influential acts in the history of popular music, initiated a punk movement in the United Kingdom, and inspired many later punk and alternative rock musicians.” (https://en.wikipedia.org/wiki/Sex_Pistols)

215 “The Doors is the name of an American rock band formed in 1965 in Los Angeles, with vocalist Jim Morrison, keyboardist Ray Manzarek, guitarist Robby Krieger and drummer John Densmore” and one of their albums. https://en.wikipedia.org/wiki/The_Doors.

216 “American hard rock band, recognisable by their black and white stage makeup. <http://www.kissonline.com/>

217 “Gwen Renée Stefani is an American singer, songwriter, fashion designer, and actress. She is the co-founder and lead vocalist of the ska band No Doubt. During the band’s hiatus, Stefani embarked on a solo career in 2004 by releasing her debut studio album Love. Angel. Music. Baby.” (https://en.wikipedia.org/wiki/Gwen_Stefani)

218 “The Charlatans (known in the United States as The Charlatans UK) are an English indie rock band” ([https://en.wikipedia.org/wiki/The_Charlatans_\(UK_band\)](https://en.wikipedia.org/wiki/The_Charlatans_(UK_band))). The band was in the news in August 2013 with the death of their drummer Jon Brookes who passed as a result of a brain tumor. (<http://www.bbc.co.uk/news/entertainment-arts-23682282>)

219 “The Eurythmics were a British music duo consisting of members Annie Lennox and David A. Stewart. Stewart and Lennox were both previously in the band The Tourists (originally known as The Catch), who split up in 1980; Eurythmics were formed that year. The duo released their first album, *In the Garden*, in 1981 to little fanfare, but went on to achieve global success with their second album *Sweet Dreams (Are Made of This)*, released in 1983. The title track was a worldwide hit, topping the charts in various countries including the US. The duo went on to release a string of hit singles and albums before they split up in 1990.” (<https://en.wikipedia.org/wiki/Eurythmics>)

220 “Slayer is an American thrash metal band from Huntington Park, California, formed in 1981 by guitarists Jeff Hanneman and Kerry King. Slayer rose to fame with its 1986 release *Reign in Blood*, and is credited as one of the “big four” thrash metal bands, along with Metallica, Megadeth, and Anthrax.” (<https://en.wikipedia.org/wiki/Slayer>)

221 “Pennywise is an American punk rock band from Hermosa Beach, California, United States, formed in 1988. The name is derived from the monster, It, from the Stephen King novel of the same title” ([https://en.wikipedia.org/wiki/Pennywise_\(band\)](https://en.wikipedia.org/wiki/Pennywise_(band))).

222 “Curtis James Jackson III (born July 6, 1975), better known by his stage name 50 Cent, is an American rapper, actor, entrepreneur, investor, record, film, and television producer.” (https://en.wikipedia.org/wiki/50_Cent).

223 “Hakeem Seriki (born November 28, 1979), better known by his stage name Chamillionaire, is an American rapper and entrepreneur from Houston, Texas.” (<https://en.wikipedia.org/wiki/Chamillionaire>).

224 “Rio Grand is an American Texas Country group. Tommy Rennick (vocals, bass guitar), Danny Rivera (lead vocals, guitar, banjo, lap steel guitar, Dobro), and Fred Stallcup (lead guitar, vocals)”. “In 2006, the group was signed

605 OBJ Arrowsmith, JPEL 614 OBJ Eddie Money²²⁵ and JPEL 667 OBJ Rise Against.²²⁶ Some are just well known songs like JPEL 213 OBJ Rehab by Amy Winehouse.²²⁷ JPEL 365 OBJ Sawdust is an album by – ironically – The Killers.²²⁸

Perhaps more significant, the names provide strong independent evidence of the significant British involvement in the Kill List. As the anonymous British informant suggested, someone British had to have come up with a number of the names, including for example JPEL 15 OBJ Kim,²²⁹ JPEL 29 OBJ Lynx,²³⁰ JPEL 180 OBJ Chelsea,²³¹ JPEL 185 OBJ Newry,²³² JPEL 226 OBJ Taggart,²³³ JPEL 228 OP Shetland,²³⁴ JPEL 254 OBJ Brechin,²³⁵ JPEL 346 OBJ Redbridge,²³⁶ JPEL 349 OBJ Warwick s,²³⁷ JPEL 351 OBJ Sloane.²³⁸

to Asylum-Curb Records. Shortly afterward, their first single (titled “Kill Me Now”) was released to radio, reaching a peak of 42 on the Billboard Hot Country Songs charts. The band released an album, Painted Pony, in 2010.” (https://en.wikipedia.org/wiki/Rio_Grand)

225 “Eddie Money (born Edward Joseph Mahoney; March 21, 1949) is an American rock guitarist, saxophonist and singer-songwriter, who found success in the 1970s and 1980s with a string of Top 40 hits and platinum albums.” (https://en.wikipedia.org/wiki/Eddie_Money)

226 “Rise Against is an American melodic hardcore band from Chicago, Illinois, formed in 1999. *** Rise Against is also known for their advocacy of progressivism, supporting organisations such as Amnesty International and the It Gets Better Project.” (https://en.wikipedia.org/wiki/Rise_Against)

227 “Rehab” is a song written and performed by English singer and songwriter Amy Winehouse from her second and final studio album Back to Black (2006)”. “Rehab” has become a critical and commercial success internationally, and has been referred to as Winehouse’s “signature song”. It won three Grammy Awards at the 50th ceremony, including Record of the Year, Song of the Year, and Best Female Pop Vocal Performance” ([https://en.wikipedia.org/wiki/Rehab_\(Amy_Winehouse_song\)](https://en.wikipedia.org/wiki/Rehab_(Amy_Winehouse_song)))

228 “Sawdust is a compilation album by American indie rock band The Killers, released on November 9, 2007 by Island Records.” ([https://en.wikipedia.org/wiki/Sawdust_\(album\)](https://en.wikipedia.org/wiki/Sawdust_(album)))

229 “Kirm is a village in Argyll in south-west Scotland on the west shore of the Firth of Clyde. It now forms part of a continuous built up area between Dunoon and Hunters Quay, where the Clyde joins the Holy Loch.” (https://en.wikipedia.org/wiki/Kirm,_Argyll)

230 Lynx: a British multi-purpose military helicopter designed and built by Westland Helicopters at its factory in Yeovil. The Westland Lynx is “the world’s first full aerobatic helicopter”. The first Lynx AH/7 was deployed to Helmand Province, Afghanistan in 2006. Also, “in March 2003, the Lynx formed the bulk of the deployed British rotary aviation battle group in the invasion of Iraq”. Notably, “on 6 May 2006, Lynx AH.7 XZ6140 of the CHF, was shot down by a man-portable surface-to-air missile over Basra, southern Iraq: the first British helicopter and only the second British aircraft downed (the first was an RAF Hercules) by enemy fire in the war.” https://en.wikipedia.org/wiki/Westland_Lynx.

231 “Chelsea is an affluent area in southwest London,[1] bounded to the south by the River Thames” (https://en.wikipedia.org/wiki/Chelsea,_London). “Chelsea Football Club is a professional football club based in Fulham, London, that competes in the Premier League. Founded in 1905.” (https://en.wikipedia.org/wiki/Chelsea_F.C.)

232 Newry is a town in Northern Ireland.

233 Taggart is a cult Scottish crime drama.

234 Shetland is a Northern Scottish island and another Scottish crime drama.

235 “Brechin is a former royal burgh in Angus, Scotland.” (<https://en.wikipedia.org/wiki/Brechin>) “Brechin City Football Club is a Scottish football club based in the town of Brechin in Angus. The club was founded in 1906 by players and officials of two local clubs, Brechin Harp and Brechin Hearts. The club currently competes in the Scottish League One as a member of the Scottish Professional Football League, having been relegated from the First Division in 2005.” (https://en.wikipedia.org/wiki/Brechin_City_F.C.)

236 This refers to “a london borough in North-East London, England”. https://en.wikipedia.org/wiki/London_Borough_of_Redbridge.

237 Davis “is a British actor, television presenter, writer, director, producer and comedian.” (https://en.wikipedia.org/wiki/Warwick_Davis) He is well known for playing a person of short stature, which may reflect the description of this target.

238 “Sloane Square is a small hard-landscaped square on the boundaries of the central London[1] districts of Knightsbridge, Belgravia and Chelsea” (https://en.wikipedia.org/wiki/Sloane_Square).

JPEL 354 Warrior Run,²³⁹ JPEL 355 OBJ Tointon,²⁴⁰ JPEL 367 OBJ Ferret,²⁴¹ JPEL 370 OBJ Barking,²⁴² JPEL 373 OBJ Charlatans,²⁴³ JPEL 374 OBJ Brimstone,²⁴⁴ JPEL 437 OBJ Hartwell,²⁴⁵ JPEL 441 OBJ Adder,²⁴⁶ JPEL 443 OBJ Belton,²⁴⁷ JPEL 444 OBJ Bristol,²⁴⁸ JPEL 445 OBJ Blowpipe,²⁴⁹ JPEL 448 OBJ Gwenvor,²⁵⁰ JPEL 451 OBJ Eurythmics,²⁵¹ JPEL OBJ Commando Phoenix,²⁵² JPEL 487 OBJ Rapier,²⁵³ JPEL 566 OBJ Simmy,²⁵⁴ JPEL 594 OBJ Sherwood,²⁵⁵ JPEL 604 OBJ Dagenham,²⁵⁶ and JPEL 650 OBJ Portishead.²⁵⁷

239 Warrior Run is a UK obstacle course claimed to be “the toughest in the south coast.” (<http://warrior-run.co.uk>).

240 “Kara Tointon is an English actress, best known for playing Dawn Swann in BBC soap opera *EastEnders* and as the 2010 winner of BBC television series *Strictly Come Dancing*” (https://en.wikipedia.org/wiki/Kara_Tointon)

241 The ferret is not an American species. It “(Mustela putorius furo) is the domesticated form of the European polecat, a mammal belonging to the same genus as the weasel” (<https://en.wikipedia.org/wiki/Ferret>).

242 “Barking is a suburban town in east London, England, and forms part of the London Borough of Barking and Dagenham.” <https://en.wikipedia.org/wiki/Barking>.

243 “The Charlatans are an English indie rock band” ([https://en.wikipedia.org/wiki/The_Charlatans_\(UK_band\)](https://en.wikipedia.org/wiki/The_Charlatans_(UK_band))). The band was in the news in August 2013 with the death of their drummer Jon Brookes who passed as a result of a brain tumor (<http://www.bbc.co.uk/news/entertainment-arts-23682282>).

244 “Brimstone is an air-launched ground attack missile developed by MBDA for Britain’s Royal Air Force... Brimstone entered service with RAF Tornado aircraft in 2005.” ([https://en.wikipedia.org/wiki/Brimstone_\(missile\)](https://en.wikipedia.org/wiki/Brimstone_(missile)))

245 “Hartwell is a village in central Buckinghamshire, England. It is to the south of Aylesbury, by the village of Stone” (<https://en.wikipedia.org/wiki/Hartwell>)

246 “The adder is the only venomous snake native to Britain. Adders have the most highly developed venom injecting mechanism of all snakes, but they are not aggressive animals. Adders will only use their venom as a last means of defence, usually if caught or trodden on” (<http://www.forestry.gov.uk/forestry/adder>).

247 Either 1. “Belton is a small village and civil parish in the North West Leicestershire district of Leicestershire, England” (https://en.wikipedia.org/wiki/Belton,_Leicestershire) 2. “Belton is a village and civil parish in the Isle of Axholme area of North Lincolnshire, England” (https://en.wikipedia.org/wiki/Belton,_North_Lincolnshire).

248 “Bristol is a city, unitary authority area and county in South West England”, “It is England’s sixth and the United Kingdom’s eighth most populous city, and the most populous city in Southern England after London”.

249 “The Shorts Blowpipe is a man-portable surface-to-air missile that was in use with the British Army and Royal Marines from 1975. It was superseded by an interim design, Javelin, and later the greatly improved Starstreak”.

250 Gwenvor is a well-known surfing area in Cornwall.

251 “The Eurythmics were a British music duo consisting of members Annie Lennox and David A. Stewart.” (<https://en.wikipedia.org/wiki/Eurythmics>).

252 Exercise Commando Phoenix was an exercise in Ken open to Royal Marines Reservists as part of a package of continuous training opportunities available to them – a lot are in two week blocks – so as not to interfere with their normal jobs. <http://www.royalnavy.mod.uk/news-and-latest-activity/news/2014/july/30/140730-rmr-exercise>. Interestingly this took place four years after the August 2010 JPEL Kill List, and would therefore presumably indicate that it was likely named by someone who had been involved in the earlier Operation.

253 “Rapier is a British surface-to-air missile developed for the British Army and Royal Air Force” ([https://en.wikipedia.org/wiki/Rapier_\(missile\)](https://en.wikipedia.org/wiki/Rapier_(missile))).

254 “Simmy Island is located on Strangford Lough’s western shore north of Killyleagh, on the northeast coast of Ireland. It is an anchorage to the north of Taggart Island in a quiet and particularly picturesque location” (http://www.inyourfootsteps.com/sailing/harbours/140/simmy_island).

255 “Sherwood is a large residential area in the north of Nottingham, England” (https://en.wikipedia.org/wiki/Sherwood,_Nottingham).

256 “Dagenham is a large suburb of east London, England. It forms part of the London Borough of Barking and Dagenham.”

257 “Portishead are an English band formed in 1991 in Bristol. They are named after the nearby town of the same name, eight miles west of Bristol. Portishead consists of Geoff Barrow, Beth Gibbons, and Adrian Utley”, genres include: “Trip hop experimental rock electronic art rock downtempo alternative rock” ([https://en.wikipedia.org/wiki/Portishead_\(band\)](https://en.wikipedia.org/wiki/Portishead_(band)))



Rock band Black Sabbath (OBJ Black Sabbath)



Annie Lennox of the Eurythmics (OBJ Eurythmics)

Added to this are certain others that might be uniquely British, where there is a different explanation. See, e.g., JPEL 409 OBJ Muriel Avenue,²⁵⁸ JPEL 598 OBJ Fat Boy,²⁵⁹ JPEL 621 OBJ Groton,²⁶⁰ JPEL 625 OBJ Bowie,²⁶¹ JPEL 649 OP Potts,²⁶² and (in the case of Eire) JPEL 630 OBJ Munster.²⁶³

There are various other European links to the JPEL list which is hardly surprising since it was effectively a NATO operation. These include links to France (JPEL 583 OBJ Frain,²⁶⁴ JPEL 652

258 This could be either “Muriel Ave, Watford, Hertfordshire WD18 0BQ” or “N Muriel Ave, Compton, CA 90221, USA”

259 While there are possible alternatives, this would seem most likely to be “Arthur “Fatboy” Chubb (also credited as Fat Boy) is a fictional character from the BBC soap opera EastEnders.” ([https://en.wikipedia.org/wiki/Fat-boy_\(EastEnders\)](https://en.wikipedia.org/wiki/Fat-boy_(EastEnders))).

260 “Groton is a village and civil parish in Suffolk, England. Located around a mile north of the A1071 between Hadleigh and Sudbury, it is part of Babergh district” (https://en.wikipedia.org/wiki/Groton,_Suffolk). However, it could be the town in Connecticut.

261 Of course, this could refer to the British singer David Bowie, or the owner of the original Bowie knife in the US.

262 While it could reference something else, “Steven John “Steve” Potts (born 7 May 1967) is an English football coach and former professional footballer. He played as a defender and is associated with his time spent at West Ham United. He also represented the English national team eleven times at youth level” ([https://en.wikipedia.org/wiki/Steve_Potts_\(footballer\)](https://en.wikipedia.org/wiki/Steve_Potts_(footballer))).

263 Certainly “Munster is one of the provinces of Ireland situated in the south of Ireland,” (<https://en.wikipedia.org/wiki/Munster>), but this could be a reference to the Munsters in the Adams Family movies.

264 “Frain is a commune in the Vosges department in Lorraine in northeastern France” (https://en.wikipedia.org/wiki/Frain,_Vosges).

OBJ Breton²⁶⁵), Italy (JPEL 435 OBJ Campagna²⁶⁶), Germany (JPEL 23 OBJ Bamberg,²⁶⁷ JPEL 360 OBJ Sammer,²⁶⁸ JPEL 404 OBJ Ulm,²⁶⁹ JPEL 413 OBJ Bingen,²⁷⁰ & JPEL 426 OBJ Lorsch²⁷¹), the Netherlands (JPEL 352 OBJ Zeeland²⁷²) and Poland (JPEL 259 OP Bark Zadan²⁷³ and JPEL 395 OP Gdynia²⁷⁴).

Unsurprisingly, perhaps, it would seem that the Canadians were in on the act. For example, JPEL 229 OBJ Pogy uses a fairly unique Canadian slang word for unemployment benefits.²⁷⁵

Likewise Australia, where JPEL 330 OBJ Brumbies refers to the feral horses of Australia, as well as the Australian pro rugby team, and JPEL 19 OBJ Humpty Doo Barra Farm is a fish farm in the Northern Territory of Australia.²⁷⁶

There is also circumstantial evidence from the naming system that those involved knew they were going after drug traffickers. For example, JPEL 610 OBJ Platinum Jack is named after a strain of cannabis,²⁷⁷ as is JPEL 381 OBJ Bonzai.²⁷⁸

Other links are more tenuous. The anonymous British serviceman suggested that “the JPEL included child rapists...”²⁷⁹ Whether this is true or not, JPEL 481 OBJ Free Candy is likely a reference to tactics allegedly employed by paedophiles to attract young children by offering them sweets.

Some target codenames simply lack a sense of irony. JPEL 337 OBJ Say Az comes from the slang term Sayaz meaning a “silly error”,²⁸⁰ which is perhaps not the ideal name one would give to a

265 “The Bretons are an ethnic group located in the region of Brittany in France. *** Bretons also appear as a playable character class in the Elder Scrolls video-game series” (https://en.wikipedia.org/wiki/Breton_language).

266 Campagna is a small town and commune of the province of Salerno, in the Campania region of Southern Italy.

267 “Bamberg is a town in Bavaria, Germany, located in Upper Franconia on the river Regnitz close to its confluence with the river Main. Its historic city center is a listed UNESCO world heritage site.” (<https://en.wikipedia.org/wiki/Bamberg>)

268 “Matthias Sammer is a retired German footballer and coach who is now working as sporting director of FC Bayern Munich” (since 2012)” He played as a defensive midfielder, and later in his career as a sweeper” (https://en.wikipedia.org/wiki/Matthias_Sammer).

269 Ulm “is a city in the federal German state of Baden-Württemberg, situated on the River Danube” (<https://en.wikipedia.org/wiki/Ulm>).

270 “Bingen am Rhein is a town in the Mainz-Bingen district in Rhineland-Palatinate, Germany”, “The region is characterized economically by winegrowing” (https://en.wikipedia.org/wiki/Bingen_am_Rhein).

271 “Lorsch is a town in the Bergstraße district in Hessen, Germany, 60 km south of Frankfurt. Lorsch is well known for the Lorsch Abbey, which has been named a World Heritage Site” (<https://en.wikipedia.org/wiki/Lorsch>).

272 “Zeeland is the westernmost province of the Netherlands” (Wiki 2016: <https://en.wikipedia.org/wiki/Zee-land>).

273 Bark Zadan: Polish - English translation: “Lack of tasks”. (<https://translate.google.co.uk/#auto/en/bark%20zadan>)

274 “Gdynia is a city in the Pomeranian Voivodeship of Poland and an important seaport of Gdańsk Bay on the south coast of the Baltic Sea” (<https://en.wikipedia.org/wiki/Gdynia>).

275 It is probably deriving from the old word “pogie” meaning the workhouse. <http://www.collinsdictionary.com/dictionary/english/pogy>.

276 <https://www.youtube.com/watch?v=N6juxI9qzwo>.

277 <http://errlax.com/2014/08/17/strain-review-platinum-jack/>.

278 Bonzai: the ‘colloquial name of synthetic cannabis’. [https://en.wikipedia.org/wiki/Bonsai_\(disambiguation\)](https://en.wikipedia.org/wiki/Bonsai_(disambiguation))

279 *A British ‘kill list’ does exist. We used it in Afghanistan*, The Spectator (September 9, 2015), at <http://blogs.spectator.co.uk/2015/09/a-british-kill-list-does-exist-we-used-it-in-afghanistan/>

280 ‘Sayaz’ means ‘making a silly error (a derp/moologa)’ - <http://www.urbandictionary.com/define.php?term=sayaz>.

carefully thought out process of placing a human being on a list of people to be killed.

It must be borne in mind that all of these names appear on one list, from August 2010. It was changed every month. Indeed, cross-referencing with other leaked materials, most *JPEL* Kill List targets named in the Wikileaks War Diaries documents do not appear on the August 2010 list, meaning that they had already been dealt with by then. Such targets include, for example, the following:

- OBJ Newcastle (the material unclear whether he was killed, but 5 EKIA's were).²⁸¹
- Shir Rahman (OBJ Parabellum) *JPEL*# RTAF1333 operating from Pakistan (it is unclear what happened to him as well).²⁸²
- OBJ Mountain Fox.²⁸³
- OBJ Black (*JPEL* Target Faquir Aziz Ullah) who was captured.²⁸⁴
- OP Zar Par "Golden Feather" aimed at OBJ Rattler Mullah Faizoni²⁸⁵ who is discussed elsewhere in this *Report*.
- *JPEL* target Akeeb Khan, IS1190, OP Jackal Snare.²⁸⁶

This is essentially a random selection, but the fact that none of the names appear in the August 2010 list suggests that the turnover on the *JPEL* Kill List was significant, and there would have been many more than the 699 names included on one month's list.

A. Various Words Reflect The Dehumanisation Of The People On The *JPEL* List

There are various issues that come up in the *JPEL* material that are worth noting insofar as they reflect the dangers of dehumanising people, prior to determining that they deserve to be killed.

Wounded people who are thought to be enemy combatants, or people fleeing the scene of a Hellfire missile, are frequently referred to in the diaries as "squirters", and a second strike is often used to kill the wounded. The term "squirtier" was chosen because they were "running for cover"²⁸⁷ and presumably wetting themselves. For example, in one assault intended to be on Abu Layth al Libi, the term was used repeatedly:

"GFC assessed 3 x EKIA squirters north and 3 x EKIA squirters south of the compound were neutralized from air asset fires. The assault force quickly maneuvered with a SQD

281 26NOV 07 TF King conducts deliberate strike (OBJ Newcastle) IVO Tantil Valley 20071126 03:45:00 Wikileaks War Diaries. An EKIA is the acronym for "Enemy Killed In Action" although the definition of an enemy includes any male of military age.

282 061800Z OPERATION KOH E SARD ISO TF FURY & "COLD MOUNTAIN"; - OBJ PARABELLUM (CONOP) 20071206 17:00:00 Wikileaks War Diaries.

283 19 DEC-18 Jan OPERATION MOUNTAIN FOX CONOP 3326-016 LV 2 Cordon & Search 20071219 10:32:00 Wikileaks War Diaries.

284 211600Z TF Bushmaster and ANP OP JACKAL SNARE (CONOP) IVO Bermel, Paktika 20071221 15:00:00 Wikileaks War Diaries.

285 212100Z TF Bushmaster/203rd Corps Commandos OPERATION Zar Par & "Golden Feather"; OBJ Rattler IVO Andar, Ghazni 20071221 20:00:00 Wikileaks War Diaries.

286 240700Z DEC07 TF Bushmaster OP Jackal Snare Update 20071224 06:00:00 Wikileaks War Diaries. ("Akeeb Khan is a midlevel operations facilitator with ties to the Haqqani network.")

287 Jane Mayer, *The Predator War*, The New Yorker (Oct. 26, 2009), at <http://www.newyorker.com/magazine/2009/10/26/the-predator-war> (emphasis supplied).

element on the remaining squirters. The squirter element detained 12 xMAMs and returned to the objective area.”²⁸⁸

In one case a Predator spotted some enemy combatants operating a machine gun close to the Pakistan border. US forces shot a guided bomb unit at them, then re-engaged to kill the survivors.

*“BE 11 engaged the 7-10 pax with a Guided Bomb Unit-31 at YE 313 157 at 03:39 GMT. Impact was high order and 2 squirters were observed egressing north from the bomb location. The Pax sought shelter behind a rock In the vicinity of YE 313 159 ... GM 76 and 74 engaged and destroyed the 2 pax with 30mm cannon, and HE rocket fire.”*²⁸⁹

Another US Marines operation against an unnamed JPEL target may have involved a drone – “Friendly Forces engaged with 1 x AGM114-P”. No “squirters [i.e. wounded or fleeing combatants] observed”.²⁹⁰

Another rather puerile and racist phrase that appears in the JPEL materials is the “Prophet Traffic”, presumably referring to radio traffic by the Muslim opposition:

*“An immediate strike was initiated utilizing 105 mm Howitzers. Based on prophet traffic there were casualties amongst the Anti-Coalition Militia Fighters ... Due to the close proximity to Pakistan and the terrain we were only able to get visual observation of the strike site.”*²⁹¹

VII. BRITISH INVOLVEMENT IN THE JPEL LIST – DISSEMBLING TO A BRITISH JUDGE BY SOCA (NOW REBRANDED AS THE NCA)

In 2012, Habib Rahman brought a legal challenge because his family was killed in a missile strike that was supposed to have targeted someone else. Five of Mr. Rahman’s family members were killed while out campaigning during the election season on 2 September 2010. The strike, reportedly taken by JSOC, was intended to hit and kill Muhammad Amin, of the Islamic Movement of Uzbekistan. A report by the Afghanistan Analysts Network revealed that the strike had been taken based upon flawed SIGINT. They had mixed up the telephone numbers of Habib Rhaman’s father-in-law, Zabet Amanullah, and the intended target, Muhammad Amin. The mix up resulted in the deaths of five of Mr. Rahman’s family members.²⁹²

The case concerned, first and foremost, whether the UK’s Serious Organised Crime Agency (SOCA) played a role in compiling, reviewing, administering or executing the JPEL Kill List. Permission to bring the case was refused, in part, because SOCA denied any involvement in targeting. There was no direct evidence that SOCA either assisted in placing a person on a list for planned killing or that it was directly involved in such operations.

288 172100Z TF 373 OBJ Lane 20070617 19:00:00 Wikileaks War Diaries. See also 260319z TF Saber reports TIC during Operation SPITAMENES 20071126 02:19:00 Wikileaks War Diaries (“2 squirters were observed egressing north from the bomb location. The pax sought shelter behind a rock”).

289 “260319z TF Saber reports TIC during Operation SPITAMENES”, WikiLeaks, 26 November 2007. <http://wardiaries.wikileaks.org/id/B114F780-B0E4-4EB6-B9A9-A1DAC72B22E9/>

290 “(FRIENDLY ACTION) ATTACK Report (Rocket) 2 LAR Positive I.D. : 0 INJ/DAM”, WikiLeaks, 21 August 2009. <http://wardiaries.wikileaks.org/id/E69FB581-31A1-4F3A-979E-BBF248745C0A/>

291 “121130Z TF CATAMOUNT QRF in support of 2/D TIC. Conducted BDA of strike site”, WikiLeaks, 12 May 2007. <http://wardiaries.wikileaks.org/id/FC2B7A9E-D67B-4903-AF27-AFC1BFB07D7F/>

292 <https://www.afghanistan-analysts.org/publication/aan-papers/the-takhar-attack-targeted-killings-and-the-parallel-worlds-of-us-intelligence-and-afghanistan/> see also the full report here http://www.afghanistan-analysts.org/wp-content/uploads/downloads/2012/10/20110511KClark_Takhar-attack_final.pdf

The following statements were made by SOCA in legal documents in response to Habib Rahman's claim. First, SOCA did not provide a "neither confirm nor deny" (NCND) response but (in a letter dated 31 August 2012) it asserted that the "*allegation that SOCA staff participate in the compilation and/or review of the List and/or in the execution of the List is i) based on a misconception of SOCA's position, and ii) denied.*" SOCA went on to say that they had "*read and considered the US Senate report. To the extent that you rely upon this report to support your client's allegations, SOCA's position is that such reliance is based upon a misconception as to what is stated in the report. However, to the extent that the report can be read as to support your client's allegations then SOCA's position is that its role has been misstated.*"

Mr Habib replied to SOCA on 26 September 2012, emphasizing the clear link drawn between SOCA and reports about JPEL in the US Senate Report. In light of this, Mr Habib posed a number of questions and made some requests for disclosure:

Specifically: Do you deny that the SOCA investigator quoted in the report (i) provided the quote attributed to him / her, or (ii) was authorised to do so?

What other evidence did SOCA provide to the US Senate Committee on Foreign Relations? Please provide copies / transcripts of all such evidence.

In what way, specifically, do you claim that the US Senate report misstates SOCA's role?

What steps were taken by SOCA to correct any such actual or perceived misstatements contained in the final US Senate report? Please provide copies of any communications in this regard.

What policy, guidance and / or training exists for SOCA personnel deployed to Afghanistan to ensure that their activities, including cooperation with other actors, remain within SOCA's core statutory functions and do not potentially expose them to domestic and/or international criminal liability. Please provide copies of all relevant materials.

No substantive response was received until 24 January 2013. Then SOCA repeated its denial of the allegations and refused to answer the questions posed on the basis that "*the threatened challenge by Judicial Review is misconceived, unsupported and unsupportable by evidence, and simply unsustainable. You make a bare assertion of illegality / ultra vires.*"

Mr Habib wrote to the Defendant again on 15 May 2013 enclosing a sworn statement from Douglas Frantz detailing how he had discussed the issues with a SOCA representative in Kandahar, and once more requested that SOCA address the questions and provide the disclosure set out in the letter of 26 September 2012.

In a reply dated 29 May 2013, SOCA again refused the request stating that:

SOCA's position is that Mr Frantz's understanding of SOCA's role (as he states at paragraph 9 [of his statement]) is incorrect. Mr Frantz's statement does not therefore alter SOCA's position as previously (and repeatedly) stated ... In light of the above, we continue to regard your request for disclosure as a fishing expedition

and accordingly it is once again refused. Finally, and as stated previously, SOCA Legal is aware of its obligation with respect to the duty of candour and continues to discharge its duty.

SOCA's position was difficult to maintain even at the time of the litigation. In a section entitled "Remove Them from the Battlefield", the US Senate Report titled *Afghanistan's Narco-War* stated:

*Soon a new task force targeting drug traffickers, insurgents and corrupt officials is expected to begin formal operations out of Kandahar Air Field in southern Afghanistan. The unit will link the U.S. and British military with the DEA, Britain's Serious Organized Crime Agency (SOCA) and police and intelligence agencies from other countries.*²⁹³

It went on to say that the Joint Interagency Task Force (JIATF) will "go after drug networks". A SOCA investigator involved with the JIATF "described the approach as a critical opportunity to blend military and law enforcement expertise." The Senate report concluded as follows:

*Currently, there are roughly 50 major traffickers who contribute funds to the insurgency on the target list. "We have a list of 367 'kill or capture' targets, including 50 nexus targets who link drugs and insurgency," one of the officers explained to the committee staff.*²⁹⁴

The primary author of this material, Douglas Frantz, gave a sworn statement to the Court in the *Rahman* case in which he discussed how he had been to Kandahar Air Field, and talked at length with a SOCA agent. Mr. Frantz stated:

*Along with introductory briefings from the senior civilian and military officials in Kandahar, there were several satellite sessions. One of those sessions was designed to provide me with the latest information on the creation of a Joint Interagency Task Force (JIATF) to operate in Southern Afghanistan. Prior to the briefing, military and civilian officials had provided information about the effort to combine law enforcement and military authorities in a program to identify drug traffickers who were involved with financing the insurgency. People who met the specific criteria would be placed the Joint Prioritized Effect List (JPEL), which would subject them to arrest and possible killing. My understanding was and remains that the JIATF was linked to the effort to identify people who qualified for inclusion on the JPEL. The briefing on the JIATF was conducted at the U.S. military compound and it was attended by senior military and civilian law enforcement officers from the United States, Britain and Australia. The meeting was unclassified and not recorded, but the clear understanding was the information would be used in a subsequent public report.*²⁹⁵

As a journalist for nearly 40 years, and as an official representative of the U.S. Senate Foreign Relations Committee and then Chairman Kerry, I have always taken enormous care to take accurate notes and render them carefully in subsequent

293 Report to the Committee on Foreign Relations, U.S. Senate, *Afghanistan's Narco War: Breaking the Link between Drug Traffickers and Insurgents*, at 15 (US Gov Printing Office, August 10, 2009).

294 *Id.* at 16.

295 Declaration of Douglas Frantz, at para. 5 (May 14, 2013), filed in *Rahman v. SOCA*.

*writing. I employed that practice during this briefing, which lasted about one hour. The quote that appears in the report attributed to the investigator from Britain's Serious Organised Crime Agency (SOCA) is accurate to the best of my recollection. That person's position was described in the introductory remarks and in a written list of attendees provided to me.*²⁹⁶

*It was my understanding during and after the briefing that the JIATF was part of the larger, coordinated project to identify and eliminate drug traffickers who could be linked conclusively to financing the Taliban and other insurgent groups. It is my understanding from the remarks made by the SOCA representative that his agency was part of the law enforcement element tasked with gathering and assessing information about drug traffickers in Afghanistan and their suspected links to the insurgency. It was my understanding that the information collected by the JIATF, including SOCA, would be used in the compilation of the JPEL, and that this would have been clear to the members of the JIATF at the time. The people on the JPEL would be subject to being captured or killed on the battlefield, according to my understanding of the strategy. Officials in other briefings indicated that about 50 suspected drug traffickers were on the targeting list in the summer of 2009.*²⁹⁷

*For these reasons, I was surprised by SOCA's statement in its letter to Leigh Day dated 31 August 2012, that: "your client's allegation that SOCA staff participate in the compilation and/or review of the List and/or in the execution of the List is (i) based on a misconception of SOCA's position and (ii) denied." The statements made by the SOCA officer quoted in the report and by others during my trip to Afghanistan led to my understanding that SOCA was indeed involved in collecting and evaluating evidence as part of the preparation of the JPEL.*²⁹⁸

This seemed to be strong evidence, even then, that SOCA was deeply involved in the JPEL Kill List process and that denials were mere advocacy.

After *Rahman v. SOCA* was concluded, the available material was supplemented by the Snowden documents. These included a leaked SID report that stated as follows:

*...And in December 2008, the Deputy Commander for Security in ISAF's Regional Command - South declared narcotics trafficking as his #1 priority. Concurrent with these events, SIGINT replaced HUMINT as the primary driver of counternarcotics operations, thanks in large part to the efforts of an FGS2F analyst embedded with the Interagency Operations Coordination Center (IOCC) in Kabul.*²⁹⁹

The authors of the SID report made clear that British law enforcement agencies, including SOCA, formed an integral part of this process:

These colleagues were located at NSAW, GCHQ, Field Station Utah (FSU), the Joint Narcotics Analysis Centre - London, and the Interagency Operations

296 *Declaration of Douglas Frantz*, at para. 6 (May 14, 2013), filed in *Rahman v. SOCA*.

297 *Id.* at para. 7.

298 *Id.* at paras. 8 & 9.

299 See *SIDToday - SIGINT Helps Hobble the Taleban by Cutting Off Their Livelihood*, at 2 (Feb. 3, 2009). SID stands for the "Signals Intelligence Directorate" of the NSA.

*Coordination Center (IOCC) in Kabul.*³⁰⁰

The JNAC is based in London, and was intended to help with targeting narcotics traffickers in Afghanistan.³⁰¹

The IOCC is an intelligence processing facility located in Kabul. Staff members are drawn from multiple U.S. and UK intelligence agencies including the National Crime Agency (NCA), the successor to the Serious Organized Crime Agency (SOCA).³⁰² The IOCC was established in 2005.³⁰³ In addition to these government agencies, private defense contracting groups like BAE also work at the IOCC.³⁰⁴ Together, these groups provide intelligence on high value targets and narcotics networks that provide support to law enforcement and conduct an “effective civilian military campaign” aimed at breaking “the narcotics-insurgent-corruption nexus.”³⁰⁵

In terms of understanding the critical role played by the UK in all this, as noted earlier, it is important to understand that the IOCC is led by both a director and a deputy director, positions rotated between senior managers of the American DEA and the British SOCA/NCA,³⁰⁶ with no other country providing candidates. The IOCC also had at least four military personnel – one US officer and three British officers.³⁰⁷

The IOCC’s mission was “to provide Counter-Narcotics (CN) network analysis and targeting support to US and UK-mentored Afghan agencies and to de-conflict counter narcotic targets and operations, as well as support law enforcement agencies.”³⁰⁸ The IOCC submits information requests to the DoD-funded Intelligence Fusion Center for the Counter Narcotics Police of Afghanistan, or the CNPA. The CNPA in turn provides “targeting coordination based on information gathered from intelligence sources and seized information.”³⁰⁹

300 See SIDToday - *SIGINT Helps Hobble the Taleban by Cutting Off Their Livelihood*, at 3 (Feb. 3, 2009).

301 The JNAC was established in London to “[p]rovide direct support to the DEA Chief of Intelligence, DEA headquarters. Duties include: Providing analytical support that shall primarily concentrate on strategic programs and will require systematic interface with the IOCC in Kabul, Afghanistan. Provided support will involve four key focal missions: Threat Finance Exploitation, CN Operations, Intercept Program and Regional Affairs. The Threat Finance Exploitation analysis support shall identify and trace all funding streams and assets gained through illicit sources, in particular narcotics profits. Emphasis shall be placed on intelligence collection and analysis to support investigations where illicit funds are utilized to finance counter narcotics/ terrorism and insurgent activities in Afghanistan and the region. CN Operations analysis support shall assist the IOCC and IFC in development of target packages and evidence exploitation. Once identified, work with investigators to coordinate intelligence and evidence collection with other third nations in an effort to expand investigative efforts. Will be required to work in an international environment with personnel from other third party nations, such as; United Kingdom, Germany, France and Norway as well as U.S. and Coalition military forces. The Contractor shall be located with the JNAC staff in London, England.” See <http://www.closeprotectionworld.com/current-vacancies/23435-joint-narcotics-analysis-centre-london-liaison.html>

302 <http://www.worthpoint.com/worthopedia/joint-narcotics-analysis-centre-456867883> (other agencies include like the National Security Agency (NSA), The Defense Intelligence Agency (DIA), and the National Geospatial Intelligence Agency (NGA)).

303 Office of Inspector General, US Department of State and US Department of Defense, *Interagency Assessment of Counternarcotics Program in Afghanistan*, July 2007, p. 48.

304 <http://jf.jobfetch.com/candidate/processcandviewjob?docid=A3493-0UUY>.

305 <http://www.drugcaucus.senate.gov/hearing-7-20-11/DASD%20Wechsler%20Statement%20-%202020%20Jul%2011.pdf>.

306 www.dea.gov/pr/speeches-testimony/2014t/011514t.pdf.

307 *Id.*

308 Statement of Thomas M. Harrigan, Asst Administrator and Chief of Operations, Drug Enforcement Administration Before the Senate Caucus of International Narcotics Control, United States Senate, at a Hearing Entitled ‘Counternarcotics Efforts in Afghanistan.’ July 20, 2011.

309 Report to Congress in accordance with the 2008 National Defense Authorization Act (Section 1230, Public Law 110-181), http://www.globalsecurity.org/military/library/report/2008/afghan-security-stability_0806-04.htm.

One SIDToday bulletin shows that the IOCC was directly involved in providing not just ‘pre-operation target packages’ for a German ‘take-down’ on a narcotics trafficker, but also ‘operational support prior to and *during* the operation.’³¹⁰ At the time, there would have been UK officials running the IOCC.

A second SIDToday bulletin states that the IOCC is central to providing the SIGINT that identifies drug targets for the JPEL list. It states:

“In December 2008, the Deputy Commander for Security in ISAF’s Regional Command – South declared narcotics trafficking as his #1 priority. Concurrent with these events, SIGINT replaced HUMINT as the primary driver of counternarcotics operations, thanks in large part to the efforts of an FGS2F analyst embedded with the Interagency Operations Coordination Center (IOCC) in Kabul.”³¹¹

The memo then goes on to detail FGS2F’s (and by default IOCC’s) involvement in at least one targeted killing against a drug pin. (See description of Mullah Multan.) It is highly improbable that the British were not involved in these actions.

The SID document also contained clear evidence that hellfire missiles were being fired at narcotics dealers on the JPEL list:

*When one of FGS2F’s primary targets, Mullah Multan, made a rare entry into Afghanistan from Pakistan, NSAW and NSAG combined to work with forward elements to have a strike conducted on Multan’s convoy within hours of identifying his presence. Though Multan survived the strike, he was driven back to Pakistan and suffered the loss of over 3 tons of opium along with six of his cohorts - a severe disruption to his narcotics network.*³¹²

In other words, we know that SOCA, working both at the JNAC and the IOCC, provided the information that put narcotics traffickers on the JPEL list, and that such people were subjected to kill strikes. When the effort was made to kill him, there is absolutely no evidence that Mullah Matan was involved in any activity that would lead to an “immediate” reason to believe that he – in the words of the British judge – “*pose[d] a significant and immediate threat to the lives of others.*” Indeed, the only person whose life was in danger was Mullah Matan.

A SIDToday bulletin shows that the IOCC was directly involved in providing not just ‘pre-operation target packages’ for a German ‘take-down’ on a narcotics trafficker, but also ‘operational support prior to and *during* the operation.’ At the time, there would have been UK officials running the IOCC.

SOCA’s statements to the court are contradicted by the SidToday bulletins that have been leaked by Edward Snowden. It becomes important, then, in the interests of transparency and fairness – to SOCA as to everyone else – that a full and fair inquiry take place as to what SOCA was doing then, and what the NCA is doing now, with respect to the Kill List.

310 <http://www.spiegel.de/media/media-35553.pdf>.

311 *Id.*

312 See SIDToday - *SIGINT Helps Hobble the Taleban by Cutting Off Their Livelihood*, at 3 (Feb. 3, 2009).

VIII. POTENTIAL LESSONS TO BE LEARNED FROM THE CONFLATION OF THE “WAR ON TERROR” WITH THE “WAR ON DRUGS”

Whether it is wise to conflate the “War on Terror” with the “War on Drugs,” there are certainly some parallel strategies that have been adopted directly across both policies.

For example, the “Kill List” – in the US Administration’s limited public pronouncements – purports to focus on “High Value Targets”.³¹³ This mirrors the “War on Drugs,” where the US developed a “kingpin” strategy:

*A kingpin was defined as the leader of an international trafficking enterprise who directs the production, transportation, and distribution of large quantities of cocaine or heroin, as well as the organisation’s financial operations. By ‘neutralising’ kingpins and dismantling their criminal infrastructures, the DEA hoped that it would be able to ‘significantly reduce the availability of drugs in the United States’... After just a year and a half of operation, the DEA reported that kingpin investigations had led to the seizure of \$210 million in drug proceeds, the confiscation of 144 aircraft and 91 boats, trucks and cars, and the arrest of over 713 ‘significant’ traffickers.*³¹⁴

In the War on Drugs this strategy merely resulted in one “kingpin” being replaced with another, and “in the six years following the incarceration of the last original kingpin, the estimated potential production of cocaine in Colombia increased by 143%, from an estimated 300 tonnes in 1996 to 730 tonnes in 2001.”³¹⁵ The hydra just grew some new heads.

In the “War on Terror,” there have been concerns at the ugly allies that the West has befriended – including, for example, the corrupt Afghan government. Sometimes, even though the US knew that narcotics trafficking was the source of income for the local government, the US preferred to turn a blind eye to its authoritarian and corrupt ally. General Norega in Panama, the Contras and Honduras were trafficking huge amounts of drugs but the US ignored this due to their usefulness as willing allies against communism.³¹⁶ Even when Noriega was eliminated as a “King Pin”, as the US eventually invaded Panama and he was prosecuted for his drug trafficking, the US General Accounting Office (GAO) concluded that trafficking “may have doubled” soon after.³¹⁷

Targeting production of the drugs – with no focus on the problem of demand in the US merely transposed some of the worst violence from Colombia to Mexico:

“Mexico’s brutal drug trafficking-related violence has been dramatically punctuated by more than 1,300 beheadings, public hanging of corpses, killing of innocent bystanders, car

313 In truth, the JPEL list makes it very clear that the Kill List includes hundreds of people who are of very limited value under any scenario. In this respect, the Kill List may sadly mirror the mistakes made in Guantánamo Bay, where the world was assured that every detainee was “the worst of the worst” terrorist, each a dire threat to the United States, but where experience has shown that, to date, some 719 of the 779 detainees were ultimately found to be “no threat to the United States or its coalition allies.”

314 M. Kenney, *From Pablo to Osama: Counter-terrorism Lessons from the War on Drugs*, 45 *Survival*, 187, 190 (2003), <http://dx.doi.org/10.1080/00396338.2003.9688585>.

315 Id.

316 Morales, Waltraud Queiser, *The war on drugs: a new US national security doctrine?*, 11 *Third World Quarterly* 147, 156 (1989), <http://www.tandfonline.com/doi/abs/10.1080/01436598908420178?journalCode=ctwq20>.

317 Kenneth E. Sharpe, *The military, the drug war and democracy in Latin America: What would Clausewitz tell us?*, 4 *Small Wars & Insurgencies*, 56, 79 (1993), <http://dx.doi.org/10.1080/09592319308423057>.

bombs, torture, and assassination of numerous journalists and government officials. Beyond the litany of these brazen crimes, the violence has spread deep into Mexico's interior."³¹⁸

With the drug trade came the violence: the number of drug-related murders in Mexico is now running at roughly 10,000 a year.³¹⁹ Perhaps the lesson to be learned here is that the focus of the global "War on Terror" on actors (Al Qaida, and then Al Qaida in Iraq, and now ISIS), rather than the motivations of those who join them, has merely resulted in a shift of the worst excesses from Afghanistan to Iraq to Syria.

The "War on Drugs" has regularly been criticised as ineffective, partly because of the diagnosis of the problem being the source of drugs rather than the demand.

*"If the failure of a major military success in Panama raises serious questions about the US military mission in terms of stemming the flow of drugs, and if local successes are like hitting mercury with a hammer, then research by RAND Corporation economist Peter Reuter should raise even further questions. His work shows that even if US military efforts significantly reduced supply into the United States this would have little effect on the street price for narcotics."*³²⁰

With the "War on Terror," policies such as Guantánamo Bay, Abu Ghraib, rendition, and torture have surely exacerbated the situation by giving extremists cause to label the West hypocritical. In this way, the strategies have not only missed the root causes of extremism, but have actually acted as recruiting sergeants.

These are merely issues to be debated. But they are not issues that should be ignored in the desire to ensure secrecy.

318 Beittel, June S., *Mexico's drug trafficking organizations: Source and scope of the violence*, United States Congressional Research Service (2013): 7-5700, <http://docs.dpaq.de/4749-r41576.pdf>.

319 *Id.*

320 Kenneth E. Sharpe, *The military, the drug war and democracy in Latin America: What would Clausewitz tell us?* 4 Small Wars & Insurgencies 56, 81(1993), <http://dx.doi.org/10.1080/09592319308423057>.

IX. CONCLUSIONS

In summary, then, the purpose of this Report is to call upon the Government to ensure vastly greater transparency both in how the UK seeks to create a “Kill List” and in how the UK works closely with the US on the Kill List.

1. The Government should immediately reveal to the JCHR, to the APPG on Drones, and to the public all written policies concerning how people come to be placed on any Kill List in which the UK is complicit. This should include all policies that govern sharing information that might reasonably be expected to lead to a person being placed on a Kill List.
2. The Government should immediately reveal all legal memoranda that purport to justify maintaining a Kill List.
3. The Government should reveal the standard of proof by which it is determined (a) that a person should be on a Kill List; (b) that it is appropriate to make a particular attempt to kill that person; and (c) by which the “collateral damage” (i.e., probability of injury or death to someone other than the person slated for death) is assessed and justified.
4. The Government should reveal the “Kill Chain” of decision makers who must agree that a particular person should be killed.
5. The Government should reveal the purported offences for which it is possible to be included on a Kill List, including (but not limited to) whether narcotics traffickers may be included on such a list.
6. The Government should, if it believes that a Kill List is legal, sensible and morally justified, submit proposed legislation to Parliament setting forth the conditions under which such a list would be maintained,
7. The Government should identify means by which a person who suspects that he or she is on such a Kill List may challenge the conclusion that he or she should be killed.
8. The Government should identify the independent procedure by which the impact and efficacy of any Kill List programme is assessed.

- London, April 10, 2016



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