

Kate Clark

# The Takhar attack

## *Targeted killings and the parallel worlds of US intelligence and Afghanistan*

### EXECUTIVE SUMMARY

On 2 September 2010, ISAF announced that 'coalition forces' had killed the Taliban deputy shadow governor of Takhar who was also a 'senior member' of the Islamic Movement of Uzbekistan (IMU) in an air attack. Immediately, Afghans, including the provincial governor, police chief and President Karzai insisted an egregious mistake had been made and civilians who had been campaigning in Afghanistan's parliamentary elections had been targeted. Ten were killed and seven injured. The military has remained adamant to this day that it got the right man.

Claims of civilian casualties are many in Afghanistan, but getting evidence from the field is difficult, given that most operations occur in insecure areas. In this case, the author has been able to interview survivors,

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witnesses, police and senior Afghan officials to piece together an extremely detailed account of the attack. Crucially, senior officers from the US Special Forces unit that actually carried out the operation also gave lengthy accounts of what happened, including the intelligence behind the operation. This combination of sources makes this report a highly significant case study.

The findings of this investigation raise systemic concerns over the intelligence that drives this and other targeted killings in Afghanistan. Targeted killings – as one element of the so-called 'kill or capture' strategy – are one of the main metrics of success claimed by General Petraeus and an ever more important aspect of international military policy in Afghanistan. These operations are, in Petraeus's words, 'intelligence driven'. Yet, on the very day of the Takhar attack, he had voiced concerns to journalists about flaws in US intelligence operations, in particular their lack of a 'granular understanding of local circumstances'. He referred to a study by the former top US military intelligence officer in Afghanistan, which described intelligence

analysts as ‘ignorant of local economics and landowners, hazy about who the powerbrokers are’. It said that, having ‘focused the overwhelming majority of its collection efforts and analytical brainpower on insurgent groups, the vast intelligence apparatus is unable to answer fundamental questions about the environment in which US and allied forces operate and the people they seek to persuade.’ The investigation presented in this report points to the persistence of these problems and how a ‘hazy’ understanding of the wider political landscape of Afghanistan can lead to civilian deaths, possible violations of the laws of war, and attacks that are politically and militarily harmful.

The intelligence behind the killing began with the tracking of phone calls made by the man whom the US military meant to kill on 2 September 2010 – Muhammad Amin, who, investigations have shown, was indeed the deputy Taliban governor of Takhar. The special forces unit came to believe one number called by Muhammad Amin in Kabul was passed on to him and he himself began to use it and to ‘self-identify’ as Zabet Amanullah. In other words, they believed that Muhammad Amin, a Taliban deputy governor, was using the name ‘Zabet Amanullah’ as an alias.

Yet, Zabet Amanullah was not an alias; it was the name of an actual person. When the two men’s identities were mixed up, it was Zabet Amanullah who appeared in the crosshairs of the US military.

Zabet Amanullah had fought for the Taliban when they were in power, but in 2001 he surrendered and laid down his arms. The author of this report met him in 2008 when he had just fled Pakistan where he had been detained by the Pakistani intelligence agency. He described how the ISI had interrogated and tortured him, he believed, because he was a former Taliban commander who was *not* fighting. His subsequent life, led quietly and openly in Kabul and his very public return to his home province of Takhar in the summer of 2010 has been documented in detail. Zabet Amanullah had agreed to act as the agent for

his nephew who was standing in the parliamentary elections and met a wide range of government officials, including governors, police chiefs and senior officials in the presidential palace, all of whom knew him personally. On 2 September 2010, just hours after making his daily call to the district police chief to check on security, Zabet Amanullah’s election campaign convoy was bombed by US special forces. As the provincial governor, Abdul Jabar Taqwa, said, ‘Without any co-ordination, without informing provisional authorities, they attacked, on their own, civilian people who were in a campaign convoy.’

The special forces unit has insisted that the technical evidence shows irrefutably that there was only one person. They also pointed to discussions about insurgent activities that were monitored during phone calls. However, when pressed about the existence – and death – of an actual Zabet Amanullah, they argued they were not tracking the name, but targeting the telephones. Final proof that the military had mixed up the identities of two men has come with the location of the man the US intended to kill on 2 September 2010, the now-former deputy Taliban shadow governor, Muhammad Amin. He is alive and well and has been interviewed in Pakistan.

This investigation has demonstrated the danger of relying on signals intelligence and social network analysis, particularly when it is used as a basis for targeted killings, without cross-checking and in the virtual absence of human intelligence and, indeed in this case, without even the ordinary common knowledge to be had from watching election coverage on television. The findings of this investigation indicate that the most basic enquiries were not made about a target the military had been tracking for months. This suggests grave flaws in intelligence collection and evaluation. The magnitude of these omissions may rise to the level of a violation of the precautionary principle, one of the basic principles of the laws of war aimed at protecting civilians during conflict.

This investigation into the attack on 2 September 2010 has uncovered two other

serious legal concerns about targeted killings that need urgent clarification. The first is whether the US military, as a general rule, deems a person's *proximity* to an individual identified for a targeted killing as sufficient to change his status from default civilian to assumed combatant. Although the military, when choosing the location of the 2 September 2010 attack did take precautions to ensure that by-standers were not targeted and took pains to ensure that only Zabet Amanullah's car was struck, ISAF press releases and discussions with senior officers suggested that proximity to a target is being used as a proxy for determining combatant status. Nine other men, all civilians and fellow election campaigners, were killed in the attack. ISAF and the Special Forces Unit, however, continue to view their death as legally justified.

The second concern is when an individual identified on the list for targeted killing (JPEL) can be rendered *hors de combat* (or 'outside the fight') – and, in particular, whether the bar to considering someone *hors de combat* – and

therefore protected from attack – has been quietly raised. The circumstances of Zabet Amanullah's death and the interviews with the Special Forces unit suggest that once a person has been identified for a targeted killing and once an operation has been launched, there are extremely few circumstances under which this person may be considered *hors de combat*, a status which would mean the attack would have to be halted.

In the absence of accurate and wide-ranging human intelligence, it is no wonder that the divergent accounts of what happened on 2 September 2010 seem to come from parallel worlds. One is the world of the American military whose knowledge is often driven largely by signals intelligence and reports provided by a very limited number of local informants and who, generally, focus very narrowly on insurgent behaviour. The other is the normal, everyday world of Afghan politics. In the case of the Takhar attack, these two worlds simply did not connect.

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The main channel for dissemination of the reports is the AAN web site. For further information, please visit [www.aan-afghanistan.org](http://www.aan-afghanistan.org).

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Kate Clark has worked as senior analyst for the Afghanistan Analysts Network since May 2010. Her involvement in Afghanistan goes back to 1999 when, as the BBC Kabul correspondent, she was the only western journalist based in the country. She was a frontline reporter during the 2001 war and the fall of the Taleban, contributing to award-winning coverage.

After 2002, Clark covered stories in the Middle East, but also continued to return to Afghanistan, making radio and television documentaries about the insurgency, the political economy of weapons smuggling and opium, and war crimes. Her previous publications include joint authorship of the Chatham House paper *No Shortcut to Stability: Justice, Politics and Insurgency in Afghanistan*.

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