

'Capture or Kill'

Germany Gave Names to Secret Taliban Hit List

The Afghanistan war logs obtained by WikiLeaks revealed the existence of Task Force 373, a secret US unit assigned with eliminating Taliban leaders. Now SPIEGEL has learned that the German government provided names to the hit list used by the unit. At least one of the men is now dead. By SPIEGEL staff.

Omid Nouripour, a member of the German parliament for the Green Party, was wearing the German national team's jersey in honor of the Germany versus Serbia match scheduled that afternoon at the World Cup in South Africa. It was 7:30 a.m. on June 18, and Nouripour and his nine colleagues were expecting the match to be the most exciting event of the day.

In Room 04/100 at the German Defense Ministry, a windowless, bugproof space nicknamed the "U-Boot" ("submarine"), representatives of the defense and foreign affairs committees of the German parliament, the Bundestag, soon discovered that the day would turn out to be much more eventful than they had anticipated.

After a brief introduction by Defense Minister Karl-Theodor zu Guttenberg, Volker Wierer, the inspector-general of the German armed forces, stood up to give his presentation. By the time Wierer had shown his first few slides, the delegates realized that they were attending a premiere. But this time they weren't being regaled with accounts of the supposed achievements of German reconstruction teams. Instead, they were being given a brief glimpse into the most secret facets of the war in Afghanistan: NATO's ominous list of enemies and "the operations of US special forces units" within the zone controlled by the German military, the Bundeswehr.

The sensitive terrain had been a no-go area for members of the German parliament until then. Until that June morning, the so-called Joint Prioritized Effects List (JPEL) for Afghanistan was mainly a source of speculation in Germany, even among elected representatives. But now Wierer was explaining to them, using simple Bundeswehr diagrams, the procedure in which the Germans "nominate" candidates for the "Capture or Kill" list. He also told them how Germany adds names to the JPEL, which ranks targets according to their relative importance and lists up to 3,000 Taliban, Al-Qaida fighters and drug dealers targeted to be eliminated, if necessary by killing them.

K for Kill

JPEL, Capture or Kill, Task Force 373. Since the whistleblower website WikiLeaks published **more than 75,000 secret US documents** (out of a total of almost 92,000 that it has in its possession), and since SPIEGEL, *The Guardian* and the *New York Times* reviewed and wrote about the material, the world now knows what these abbreviations and phrases mean. It also has a more detailed understanding of how the allies in the war in Afghanistan compile hit lists, which are then handed over to American elite units to process.

Thanks to the WikiLeaks revelations, war-weary Germany now knows that German officials added names to the JPEL at least 13 times. On this list, 13 names translate into 13 potential death warrants. The Germans only mark their candidates with a C for "capture," and not with a K for "kill." But in fact all International Security Assistance Force (ISAF) troops are authorized to shoot and kill candidates on the JPEL list if, for example, they attempt to avoid capture by fleeing. In other words, although German elite troops do not use the kill option themselves, Germany does provide its tacit approval of the killing of candidates in the zone under its control in northern Afghanistan.

The WikiLeaks story sparked a tremendous public reaction, both around the world and in Germany. Washington vacillated between studied indifference and alarmism. National Security Adviser James Jones, for example, said that the massive data leak doesn't just threaten the lives and security of US soldiers, but

the security of the entire country.

Defense Secretary Robert Gates said that he wants to conduct an "aggressive" search for the sources of the leaks. The FBI has been brought in to aid in the investigation. *Washington Post* columnist Eugene Robinson wrote that the documents illustrated how "futile -- and tragically wasteful -- it is to send more young men and women to fight and die in Afghanistan." The Spanish newspaper *El País* summarily declared the war in Afghanistan a "failure."

The WikiLeaks scoop also made waves in Germany. "The documents have the potential of destroying the last hope of military and political success in Afghanistan," the *Süddeutsche Zeitung* wrote, while *Die Welt* called the leaks an "exposure of impotence."

'Nothing New'

The initial reaction of the German government and large segments of the political class was in sharp contrast to reactions in the media. Immediately following the leaks, a spokesman for the German Defense Ministry characterized them as "nothing new in terms of news value," as if he and the rest of the ministry had somehow managed to review the immense body of material in only a few hours.

Soon afterwards, his boss, Defense Minister Guttenberg, claimed that many journalists had known all this already, as did a number of members of parliament -- or at least those parliamentarians on the relevant Bundestag committees should have known about it, if they had paid any attention at briefings.

It was a transparent but not unsuccessful tactic. Before long, a competition of sorts erupted among provoked delegates over who had had access to what information. "But it isn't any of our business!" said Elke Hoff, a defense expert with the pro-business Free Democratic Party (FDP), after she was asked whether the government should give members of parliament details about the secret assassination teams operated by Germany's allies in Afghanistan.

Doing the Dirty Work

But all attempts at appeasement do not change the fact that war in Afghanistan has acquired a new political dimension once again. It also acquired a new dimension when the German government finally managed to use the phrase "warlike conditions" in referring to the conflict in Afghanistan (previously, the German government had refrained from describing the situation as a war), and when, on Sept. 4, 2009, German Colonel Georg Klein gave the order to bomb two tanker trucks stuck in a riverbed, causing the deaths of up to 142 Afghan civilians.

And now it's acquiring yet another new dimension. It has become clear that, even though German elite units such as Task Force 47 were not deployed to deliberately target people, their counterpart, the American **special forces unit Task Force 373**, which has since been renamed Task Force 3-10, takes on the dirty work and processes the hit lists -- in the territory controlled by the Bundeswehr and on the basis of German information, no less. For most Germans, this is new information, and anyone with any common sense would argue that it is indeed their business.

The revelations raise important legal and political questions. For instance, why are elite US soldiers simply flying into the German sector to hunt down and kill people, acting in a way that contradicts the Germans' self-imposed policy of restraint? And why were the Germans involved in compiling these lists?

Putting Names on the List

To add a name to the JPEL list, the Regional Command North, which is led by a German, must first propose a candidate based on its evidence. The petition is sent to the German operations command near Potsdam outside Berlin, where it is reviewed and then sent to the Defense Ministry. If a positive decision is made, the petition is sent back to Afghanistan, where it also has to be approved by the supreme commander of the ISAF troops. It is a process that reflects the precision of German bureaucracy, and one that can have serious consequences for the people it affects in Afghanistan.

There are now six lists containing the names of targets. The JPEL list, to which the Germans contribute, is the NATO list. But Task Force 373 isn't operating on a NATO ticket. It receives its orders directly from the

Pentagon. The German government would neither confirm nor deny whether the names on the Pentagon list are derived from the NATO list.

There is evidence that the German nomination has already had drastic consequences for 13 Afghans. According to a briefing given to members of parliament, this is the number of men the Bundeswehr has placed on the NATO hit list. Senior German military officials even say that the total number of names submitted lies in the "two to three-digit range." In 2007, the Bundeswehr named two Taliban commanders, who were assigned the file numbers 74 and 77, but Mullah Rustam and Qari Jabar were deleted from the list prior to 2009 due to a lack of evidence. Three others were added a year later, and two of them are now in custody. Four enemies of the Bundeswehr were captured in 2009, and another four in 2010.

The Germans have been relatively restrained compared to other NATO allies. A total of seven Taliban commanders named by the Bundeswehr are still on the JPEL for northern Afghanistan, including Maulawi Shamsuddin, the insurgents' notorious chief strategist in Kunduz, and Abdul Rahman, the head of the Taliban group that abducted the tanker trucks on Sept. 3 that were later bombed by Colonel Klein.

But the Germans aren't the only ones who nominate candidates for the hit list for Regional Command North. In June, the JPEL list also included 31 other targets added by other allies.

Distinctions Become Blurred in Combat

Is this even legal? An attorney at the Defense Ministry, Lieutenant Colonel Hausmann, addressed the issue three years ago. In an eight-page report dated June 6, 2007, Hausmann writes, in relation to targeting: "When it comes to targeting, I believe that we lack a clear directive on whether and to what extent Germany can take part in the targeting process." Hausmann adds that this is "problematic," because the ensuing process cannot be "easily reconciled" with "national caveats" -- in other words, the restrictions that the Germans placed on their mission in Afghanistan, stipulating, for example, that Bundeswehr soldiers could only shoot in self defense.

A few things have changed since then. The German government now refers to the campaign as a non-international armed conflict, in other words, a war. And most international law experts who have commented on the issue in recent days do not necessarily feel that Germany's participation in the targeting process is problematic under international law.

And yet it remains a political problem. First of all, no one in the administration has commented clearly on Germany's role. Second, although a clean line can be drawn on paper between C for capture and K for kill, these distinctions quickly become blurred in actual combat.

Uneasy Feeling

A case in point, which still raises many unanswered questions, is that of Qari Bashir. One thing about the case is clear, however: Even if the Taliban commander, who was nominated by the Germans and listed as number 2,117 on the JPEL list since 2009, was only meant to be captured, he has been dead since Nov. 4, 2009.

How did this come about? It began when a US Special Forces major in Mazar-e-Sharif presented his plans for a major operation northwest of Kunduz to German General Jürgen Setzer. While presenting the plans, he showed Setzer pictures of the targets, including one of Bashir. But the German officers felt uneasy about the idea and said that German forces would not take part in the operation, which, to them, was too obviously a plan for the targeted killing of Taliban leaders. The operation began, and the fighting and heavy bombing lasted for five days. In addition to Qari Bashir, about 130 people were killed. The US Army claimed that all the victims were Taliban fighters.

The death of the 35-year-old commander, who had about 50 fighters under his command east of Kunduz and had ordered several ambushes against the Germans, proves that anyone who names candidates to the lists is effectively signing their death warrant.

This sort of information is giving shape to the war for the first time. In the past, there was a great deal of silence and a cloud of assumptions. There was also a sort of information cascade among informed individuals in the government, a few informed members of parliament and significantly fewer informed

members of the relevant parliamentary committees, while the remainder of the Bundestag members was generally uninformed. In fact, even the defense minister was kept in the dark at key moments. The most glaring case unfolded last August, when Task Force 373 was discussed for the first time.

Withholding Information

On the sidelines of a cabinet meeting shortly before last September's parliamentary election, Chancellor Angela Merkel asked then Defense Minister Franz Josef Jung to tell her about Task Force 373. But Jung could only shrug his shoulders. In fact, until that point he had never heard of Task Force 373.

The chancellor was irritated. Several weeks earlier, the US military had sent a request to Wolfgang Schneiderhan, the then inspector-general of the Bundeswehr, asking for permission to station 300 special forces troops at the German base in Mazar-e-Sharif. Schneiderhan's response was to say that the US request would require "an extensive review." Schneiderhan apparently felt that simply approving the request was too risky during an election campaign. The targeted killing of Taliban in the German zone could have raised many unpleasant questions.

Keeping the chancellor and her defense minister in the dark was a blatant case of suppressing information. Nevertheless, failing to provide the political class, all the way down to ordinary delegates, with important information was apparently deliberate.

Members of the Bundestag can address questions regarding Afghanistan to the federal government, which is something that the veteran Green Party politician Hans-Christian Ströbele does again and again, although he finds that the answers he gets show that his efforts are only moderately successful. FDP delegate Elke Hoff sounds almost resigned when she says: "They don't allow themselves to be monitored by someone like me. It isn't our job to keep tabs on the special forces of other nations."

'Unrewarding and Counterproductive'

Not all parliamentarians have remained as acquiescent as Hoff following the WikiLeaks revelations. Rainer Arnold, the defense policy spokesman of the center-left Social Democratic Party (SPD), believes that all this secrecy surrounding special forces is "exaggerated," and that it "tends to contribute to the development of conspiracy theories." Fellow SPD member Hans-Peter Bartels even goes a step further when he says: "It isn't enough to merely inform the representatives of the defense committee, if they are then subject to restrictions on passing on the secret information," he says. "Instead, the entire parliament should be briefed after operations are completed."

Bartels believes that "Capture or Kill" operations are "fundamentally problematic, unrewarding and counterproductive." The people being labeled as Taliban "commanders" are often leaders with the rank of a sergeant, in command of perhaps 10 to 15 men, he says: "These are not major commanders who are being captured or killed here." In fact, says Bartels, the operations have "led to greater animosity among Afghans, because some people were killed who shouldn't have been killed."

Bartels' intuition has been borne out in the field. In the region they supposedly control, the German officers are expected to put up with being humiliated and deprived of their authority by the Americans -- and they have to live with the consequences. "Now they're heading out on missions that aren't supposed to exist here," a German officer said with a groan on a spring evening in April at Camp Marmal near Mazar-e-Sharif. The drone of the engines of Blackhawk transport helicopters could be heard on the runway at the other end of the camp. "I've been working here day and night for the past four months. I've never seen Task Force 373; I've only heard them."

Friction between German and US Forces

The group of at least 40 elite soldiers has barricaded itself behind tall concrete walls and massive metal doors at the northeast end of the camp. Their meals were delivered to them, and they only move around in the camp, to and from the airfield, under cover of darkness. There has already been friction between Berlin and Washington because the Germans were upset over the fact that they were not even told when the Americans would be arriving in their sector. Instead, they came and went as they pleased, and whenever they did arrive at the camp, they expected the Germans to have their helicopters re-tanked by the time they were ready to leave again. Then they would simply disappear into the night. Now that Berlin has

intervened, the German soldiers in northern Afghanistan are at least told when to be ready with their pump nozzles.

The Germans have no influence on the operations of Task Force 373, and yet they are the ones who are exposed to the Taliban's acts of retaliation. Besides, the lists are not reliable. Sometimes the Americans encounter real surprises with their "high-value targets," as they did last December.

According to a report among the secret documents, a man suddenly turned up at Forward Operating Base Shank, a small American base in Logar province. He said he was Mullah Matin, that his name was on the JPEL and that he was there to clear up a misunderstanding. He swore to the soldiers that he was not some dangerous Taliban fighter, and told them he had been deliberately wrongly accused and informed on, and that he even knew who the accuser was.

The reason for the accusation, he explained to the baffled soldiers, was that he was embroiled in a bitter dispute with the man over a piece of land.

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