

R -v- Jameel Akhtar

A BACKGROUND REPORT

by

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1 My own credentials as an expert

I would regard myself as being particularly well placed to offer expert evidence with respect to the specific social and cultural background to this case. I first visited Afghanistan, Pakistan and Northern India over thirty years ago, and having initially specialised in Indian issues (I received my Doctorate from Delhi University in 1970) I conducted preliminary fieldwork in Pakistan for six weeks in 1982, followed up by a full year's intensive fieldwork on an ESRC Fellowship during 1984/5. Although my prime objective during the course of that year was to carry out ethnographic fieldwork in Mirpur District – where Jameel Akhtar has his ancestral home, and from where the vast majority of Pakistani settlers in Birmingham are also drawn – I also spent a considerable amount of time in Islamabad/Rawalpindi, and visited Peshawar on at least four separate occasions. Altogether I have been up and down the Khyber Pass – and thus through the *Bazaar* at Landikotal – at least six times. Besides having first-hand experience of the social and cultural characteristics of all those areas of Pakistan which are germane to these proceedings, I have also conducted a great deal of intensive fieldwork amongst Pakistani settlers in Britain. Hence I am just as familiar with the cultural conventions which are likely to underpin everyday behaviour at the British as the Pakistani end of the spectrum.

In my role as an academic anthropologist I have published numerous articles and several books about my findings in both Britain and Pakistan; given my specialist interest in Northern India and Pakistan I am familiar with the academic literature in this area, about which I can reasonably count myself one of the country's leading experts. As a result I am increasingly frequently called upon to provide expert evidence on the underlying religious, social and cultural issues which arise in civil and criminal proceedings involving Indian and Pakistani people who have settled Britain. My current academic post is as Lecturer in Comparative Religion in the University of Manchester.

1.1 *My knowledge of the drugs trade*

I should also say a little by way of introduction about the specific issue of my expertise with respect to the drugs trade and the behaviour of drugs traffickers. Since the primary focus of my academic work has been to explore the social, cultural, religious and economic dimensions of Pakistani migration to Britain, my research has not been directly concerned with such matters. Nevertheless no-one can spend much time in Pakistan without becoming acutely aware of the scale of drugs trafficking, its impact on the local and the national economy, and of the political influence of those involved in the trade. Moreover it is quite easy to stumble inadvertently over situations in which the trade plays a role, particularly since anthropological fieldwork involves the intensive questioning of a wide range of informants in order to get to the bottom of what is really going on in any given locality. Indeed I had just such an experience in choosing a site in which to conduct fieldwork, when I gradually began to realise that the village which seemed to offer an ideal situation in which to work was in fact the home base of several large-scale traffickers. Having so realised, I promptly decided to direct my attention elsewhere. It would clearly have been extremely dangerous to have known about, or to have been thought to have been investigating, their activities. But even though I deliberately avoided doing intensive research in arenas where traffickers were known to operate, I still got to know a good deal about their activities.

Nor was that all. Since one of my research interests was to explore the dynamics of local economy of Northern Pakistan, and since it soon became clear that profits from the drugs trade made up a significant component in the Gross Local – and indeed National – Product, I found I had no alternative but to take a close interest in the extent, organisation and impact of the

production, distribution and export of heroin, although I was always careful to do so from a safe distance.

Hence I take the view that as a result of my professional familiarity with the cultural principles on the basis of which social and business transactions in Pakistan – as well as amongst Pakistani settlers in Britain – are normally conducted, together with my (albeit deliberately indirect) knowledge of the drugs trade itself, puts me in a particularly good position to outline to audiences unfamiliar with a Pakistani world how it is that one might expect business dealing (whether licit or illicit) to be conducted in this context. Having set the contextual background within which the stories told by the various actors in this case need to be understood, I will then go on to offer my own professional assessment of the significance and likely credibility of their accounts.

2 The Pakistani Background

2.1 Mirpur

Jameel Akhtar, like the great majority of Pakistani settlers in Britain, and particularly those in Birmingham, traces his origins to Mirpur District. The scale of overseas emigration from Mirpur District is very large: approximately 50% of its population now lives overseas, mostly in Britain. Mirpur is a relatively remote rural area, and most migrants are drawn from peasant farming families. The earliest settlers arrived in Birmingham during the second world war, and although numbers have grown hugely since then, a significant number of the earliest pioneers returned to Pakistan having made their fortune in Britain. Jameel's father was clearly one such person. Having returned to his native village he not only became a leading figure in the local political arena, but used his savings from work in Britain to build a profitable Hotel in Rawalpindi.

While only a small proportion of migrants have returned permanently to Pakistan, it is nevertheless worth emphasising that neither emigration, nor a return to Pakistan, is ever a simple and permanent one-way trip. Pakistani kinship networks are far-reaching, and the geographical separation of those involved in no way undermines their force. Kinsfolk still remain in close touch with one another even when settled overseas, whether by letter, by telephone, or by visiting one another. Air travel is now much cheaper, at least in relative terms, than it once was, and the frequent flights between Britain and Pakistan are always packed with visitors off to see their relatives. Although 5,000 miles apart, kin-based communities in Pakistan and Britain are best understood as constituting a single social arena.

2.2 Peshawar and the North West Frontier

Peshawar lies approximately 200 miles to the north-west of Mirpur, and is the capital of the North West Frontier Province, whose population is overwhelmingly Pathan. In contrast to the Mirpuris, who are Punjabi-speakers, the language of the frontier is Pashtu; only a small number of Pathans have migrated to Britain. However Peshawar, and especially the "tribal territories" which begin only a few miles outside the city, have the reputation of being Pakistan's "wild west". During the Raj, the British Army was never able to fully pacify the area, so a truce was struck with the inhabitants: the British agreed to refrain from interfering in tribal affairs if the tribesmen would refrain from attacking British military installations. Hence the tribal territories were to all intents and purposes beyond the reach of the civil authorities.

Yet although immune from British law, the Frontier was far from lawless. The Pathans followed (and still follow) their own distinctive legal and customary code, known as Pukhtunwali.

Amongst other things this system prioritises tribal and kinship loyalties as the basis for social transactions, and also puts great emphasis on notions of honour in a Mediterranean sense; and although all men of honour stand in one sense as equals, some are much more equal than others. These men are Khans, tribal chieftains. Khans gain their power partly from ownership of land, but what is far more important in this context is that those with wealth and property are able to gather a network of clients – usually their fellow-tribesmen – around them as subordinates. In return for favours received, such clients are expected to do the Khan's bidding, and not least to defend him and his territory against rival Khans, and, of course against any alien power which might seek to interfere. Failure to follow the Khan's instructions, and above all to do a deal with a rival behind his back, invites the harshest of sanctions. Khans have every interest in imposing such sanctions, if only to encourage their other followers not to betray them.

This tradition of social and political autonomy has been sustained since Pakistan gained its independence, and has indeed recently been reinforced. During the course of the Afghan civil war, enormous quantities of arms were pumped into the region by both the American and Russian governments. Pathans have always felt naked if not armed: now they are equipped with the latest weaponry, up to and including anti-tank and anti-aircraft missiles. Kalashnikovs are two a penny. Moreover with the total breakdown of authority of any kind in Afghanistan, the area has become one of the world's most important poppy growing regions, and a major centre for heroin production. While poppies are for the most part grown across the border in Afghanistan, the tribal territories have now become a major centre both for refining raw opium, and for organising the export of heroin. The attractions of such a location are obvious enough. Whilst free from formal control by the Government of Pakistan but close to the major city of Peshawar – the closest part of the tribal territory lies little more than five miles from the city boundary – autonomy is further guaranteed by access to modern armaments.

Local Khans have made the most of the opportunity. In one recent – and memorable – campaign the Pakistan Army deployed a column of tanks to take out the base of one notorious Khan who had begun to take advantage of the drugs trade on a large scale. While they succeeded in capturing his normal residence – it is worth mentioning that the houses of all important Khans in this area are built like small fortresses – both their target and his family had by then fled into the mountains, from where they proceeded to halt any further advance by the skilled use of anti-tank weapons. A supporting air strike was ruled out on the grounds that the Khan probably had access to one or more US-supplied Stinger anti-aircraft missiles, so the Army retreated to base with those of its tanks which were still operational. Thereafter it was business as usual once again.

Although the Pakistan Government's writ does not run much beyond Peshawar – and little enough within it – Pathan social life is of course far anarchic. Given the continuing importance of the clan, and the complex links of honour and reciprocity by which kinsmen are bound together, there are many senses in which the Khans wield even more power than ever before. The sanctions of failing to behave with honour, and above all for double-crossing one's Khan remain clear and extreme. Violence ensues, and its outcome is often lethal. Even if the culprit himself cannot be found, his wife, or his children or his brothers will be taken out instead. Within this system loyalty is all. Pathans have a fearsome reputation for looking after their own, and for the swift elimination of those that cross them. This has, of course, proved a very effective base for organising the drugs trade. Given that the Pathan's territory is effectively beyond the control of the Government, that they are extremely well armed, and that highly effective sanctions against betrayal are readily available, that trust is virtually guaranteed. Just as with the mafia they have an excellent basis for constructing networks which external agencies find it virtually impossible

to control, and still less to penetrate. Hence the Pathans have a long history – as the British, the American and the Russian authorities have successively learned to their cost – not just of evading their enemies, but of turning their weapons back against them.

2.3 *Rawalpindi, Islamabad and Pakistani politics*

The third arena in which this case is set is the twin cities of Rawalpindi and Islamabad, which form Pakistan's political and administrative capital. It is here, too, that the British High Commission is located. In administrative terms Pakistan is a highly centralised state: all decisions of any importance are taken in Islamabad. However it is also a state within which personal connections are paramount, since most decisions are taken on an *ad hoc* basis. If decisions are to be made in one's favour, and if one is to ensure that one's rivals do not engineer decisions which are radically to one's disadvantage, it is essential to be well connected, and thus to do constant deals with and for decision-makers. The scale of this manoeuvring is large: Benazir Bhutto's government has recently been deposed on the grounds that the scale of malfeasance had become so large as to be quite unacceptable, and an international survey concluded that Pakistan was the world's second most corrupt state.

As a leading local politician as well as the owner of a Hotel in which some of the country's leading politicians stayed and no doubt met to plot tactics, Jameel's father, Choudhry Azam, would inevitably been aware of, and to some extent caught up in these processes. Moreover following his father's death, Jameel would have been expected – as a matter of course – to step into Choudhry Azam's shoes. However this would certainly not have precluded him from making a visit to Britain. If a large part of his kinship network is now located in Britain – and I have little doubt that it is – Jameel would have been *expected* to make such a visit fairly soon after his father's death, not least to receive condolences from his British-resident kin.

2.4 *The Pakistani presence in Britain*

As far as the older generation of Pakistani – and especially of Mirpuri – settlers are concerned, life in Britain remains structured in very much the same way as it did back home. The underlying values in terms of which they organise their lives, and most especially in domestic, leisure and kinship contexts, remain largely congruent with those in Pakistan. Hence when visitors arrive from Pakistan they are invariably met and entertained by relatives, who expect to go far more out of their way to entertain and to support their guests than would ever be the case in English contexts. Nor is it just relatives who are hosted in this way. Friends of one's relatives or associates in Pakistan may also ask those based in Britain to offer similar facilities to visitors who are otherwise complete strangers. The understanding here is that the favour will be returnable at some appropriate time in the future.

Since I understand that the issue may well be germane to other arguments presented by the defence, it is also worth mentioning at this stage that as a result of the process of cultural reconstruction that has taken place in Britain, there is now a ready market for herbal medicines (*jiri-bouti*) in all the major areas of South Asian settlement in Britain. When western remedies appear to fail, settlers often turn to traditional medicines either as an alternative or as a supplementary treatment. Such remedies are readily available in many corner shops, and are also prescribed by specialist *Hakims*. Since the retail price of individual doses of such remedies can be quite high, trading in herbal remedies can be a very profitable activity, especially when the small volume of dose is borne in mind. Hence the prospect that a visitor might have brought a range of traditional medicines with him to Britain, and that he might seek to defray the costs of

his trip – or even to turn a profit – by selling them wholesale is by no means exceptional or implausible.

3 The Evidence: Developments in Pakistan

3.1 “Mark”’s account of his initial contacts with Abdullah Khan and Rafiq Khan

Abdullah Khan emerges from the evidence as a major drug smuggler based in the Tribal Territories just outside Peshawar, and Rafiq Khan as one of his associates. According to “Mark” in Document A1 – in which he indicates that is known as Aslam in Pakistan – he first met Abdullah and Rafiq in Landi Kotal, the major bazaar near the top of the Khyber Pass and close to the Afghan border. He reports that they asked him to act as a courier, and to deliver a consignment of 20kg of heroin to Britain. They agreed on a price of Rs. 50,000 per kilo, to be paid after delivery, and that “Mark” would have to find his own air fare to Britain. He was later informed that the consignee was to be Choudhry Jameel (i.e. Jameel Akhtar), who had recently set off on a visit to UK, and who had already (according to “Mark” witness statement) made a part-payment for the drugs.

On page 2 of A1 “Mark” asserts that he was given a series of instructions to the effect that Jameel would identify himself by using the code phrase “I am the owner of the stuff on which 20 is written on both sides in English and Urdu”, that Jameel would pay “Mark” £2,000 by way of initial expenses, and at the third meeting Jameel would come and personally inspect the consignment, taking a sample (presumably to check for purity) from any packet he chose. However control of the whole operation would remain in Pakistan, since it was only when he received permission from Abdullah that “Mark” was entitled to hand over the consignment.

Under cross examination during committal proceedings “Mark” further revealed that he makes a living as a self-employed dealer in cars and property. However as a result of being covered by PII I understand that the Crown has been able to avoid disclosing any further information about “Mark” personal background, his normal place of residence, or his family, ethnic and regional affiliation.

3.1.1 COMMENT

Since couriers play a major role in moving heroin from the Frontier – where its manufacture takes place – to its markets in Western Europe and North America, the broad details outlined here are inherently plausible. Not only are general wheelers and dealers of the kind which “Mark” represents himself as being amongst the kind of persons who could reasonably be expected to undertake the courier’s inherently risky but highly profitable task, but the relationship which “Mark” outlines between himself and Abdullah makes immediate sense in terms of Pakistani, and especially Pathan, social conventions. Abdullah is the patron, the Khan, and “Mark” is his subordinate. Abdullah provides “Mark” with an opportunity to make money, but provides him with strict instructions he is to follow if he is to get the money. However in doing the deal “Mark” would be in temporary charge of Abdullah’s goods. Although not spelled out – for it never would be – it would nevertheless be taken for granted that in this context the rules of Pakhtunwali would hold: Abdullah would be entitled to take radical action against “Mark” if he was in any way to betray his Khan.

Other issues also follow from this. Although the Crown may not be prepared to disclose any details of Aslam’s personal background, in my opinion it is quite inconceivable that Abdullah Khan would have recruited Aslam as a courier without being comprehensively informed about

his precise antecedents. Although very risky, the courier's role is also inherently exploitable. Once the courier has checked in at an airport, there is nothing to stop him buying a ticket to some other destination, selling the consignment on his own account and pocketing the proceeds – as those who engage the courier will be only too well aware. Moreover Khans always have to be on the look out for the prospect that their subordinates might betray or double cross them. As recent developments in Afghanistan clearly indicate, radical switches in loyalty are by no means uncommon, always provided that one's new master can protect one from the righteous anger of the old one.

Moreover it would seem that Abdullah Khan would have had particularly good reasons for scepticism in this context. Over and above the high value of the heroin consignment which was to be entrusted to Aslam, I have little doubt that Abdullah would have been aware of the possibility that "Mark" might do a deal with Customs and Excise, since there have been a whole series of parallel cases in which Pakistani couriers have gained substantial rewards from the British Authorities as a result of acting as informers. Such news travels fast.

In Pakistan, anyone engaging in a commercial transaction which involves an element of trust – as do almost all business transactions beyond the very smallest – will seek, as a matter of course, to identify just who the person with whom he is dealing is, and where his family and kinsmen can be found. Once someone's business partner has equipped himself with such knowledge, it follows that anyone who does betray that trust will be aware that they can be tracked down, and sanctions exercised against them. It also follows that going into hiding would be no escape either, since the sanctions would simply be exercised against the betrayer's nearest and dearest.

Given the value of the consignment in this case, as well as the very real possibility that a mere couriers can double cross his patron, it is in my view quite inconceivable that Abdullah Khan would have engaged "Mark" as a courier without knowing exactly who he was, and without having some potential hostages – his wife and children for example – very clearly in sight. In other words if "Mark" is indeed a courier, Abdullah Khan must in my opinion know exactly who he is, even if the Crown refuses to disclose any information about his identity.

3.2 "Mark's" account of his contact with Mr. McElligot in Pakistan

"Mark" states that he contacted Mr. McElligot at the British High Commission soon after Abdullah Khan had broached the possibility of him acting as a courier. It is unclear as to what efforts Mr. McElligot and his colleagues made to check up on "Mark" credentials, but in any event his offer to act as an informer appears to have been speedily accepted.

Soon afterwards "Mark" approached Abdullah and Rafiq once again, and the deal outlined in section 3.1 above was set up. It was also agreed that the consignment of heroin should be handed over to "Mark" at the Hayatabad Shopping Centre in Peshawar on 25th September. In the event, however, it was postponed, and the handover was rearranged for 1st October at the SS Plaza.

In the run up to the handover "Mark" travelled from Islamabad to Peshawar by car with Mr. McElligot and Gerrit Theyry from the Royal Netherlands Embassy on the 25th September, although in the event the transaction was not completed. On 31st September "Mark" returned once again to Peshawar, this time by himself, and the drugs were handed over by Abdullah Khan and placed in "Mark" car as arranged on the following day. By then Mr. McElligot had also arrived in Peshawar, and from "Mark" account one I resume he had taken up a position from where he could quietly observe the physical handover of the consignment. Since "Mark" goes on

to state that “The sports bag and its contents were kept in the car and I was keeping watch until Mr. John McElligot came”, it would appear that he simply stayed put with the car at the point where the handover took place until Abdullah Khan was safely off the scene, after which Mr. McElligot came over and took charge of the car and the consignment. In his response to cross-examination it also emerges that the whole transaction was also observed by a uniformed man named Major Sadat Ullah, who was presumably either a member of the Pakistani Army or one of the country’s many security agencies.

3.2.1 COMMENT

Although the account in 3.1 and 3.2 establishes the bedrock for the remainder of the Crown's argument in this case, in my view many aspects of this story ring false – at least if the account is taken at face value.

First of all it is in my view quite inconceivable that a major drug-smuggler such as Abdullah Khan would in normal circumstances risk bringing a substantial consignment of drugs into Peshawar, and of handing it over to a courier in broad daylight in a very public place. The central reason why drug smuggling Khans base themselves in the unadministered tribal territories which begin only a few miles outside Peshawar is that such areas are off-bounds to the police. Secrecy is further reinforced by the lay out of a Khan’s residence, which invariably takes the shape of a small high-walled fortress. Once driven through the gates of such a fortress a vehicle is safe from prying eyes of all sorts. Hence that is where the handover of a drugs consignment – or indeed any other business which a Khan might wish to hide from the authorities – can be expected, in my opinion, normally to take place. By doing such business in private, drug smugglers like Abdullah Khan carefully avoid exposing themselves to unnecessary risk; and by being “clean” whenever they leave the tribal territories, even the most notorious smugglers can ensure that they are never harassed by the authorities.

Secondly, this story also suggests – again if taken at face value – that “Mark” was also prepared to take some truly massive risks. In contrast to the teeming city of Rawalpindi Islamabad is a very small, neat and tidy place. The British High Commission is located within its own compound, in a particularly quiet corner of Islamabad. Although the immigration section is approached through the rear car park and the building’s basement, the main entrance is quite different. Pakistani visitors are few, and passers-by are fewer still. If “Mark” entered the building by this route, he could very easily have been spotted by a quiet observer.

Nor is that all. The identity of the anti-smuggling staff attached to the Embassies in Islamabad – as well as the make and colour of the vehicles which they normally drive – would undoubtedly be well very well known to the drug-smuggling fraternity in Peshawar. Since there is a single, easily watchable road between the two cities, and since all traffic has to slow right down to cross the bridge over the River Indus at Attock, “Mark” could also have very easily been observed in Mr. McElligot’s company as he drove up to Peshawar on 25th September was large. As “Mark” himself would have been well aware, the prospects that he might be observed, and that Abdullah would be informed about his duplicity were very large.

Thirdly the details of the handover in Peshawar are in my mind quite incredible – at least if taken at face value. On the one hand Abdullah himself was taking a great risk by doing the deal in broad daylight in Peshawar, and one which was also quite unnecessary given that the safety of the Tribal territories was so close at hand. On the other hand “Mark” would appear to have taken an even greater risk. Abdullah Khan only needed to have taken the sensible precaution of

leaving one of his own men behind to quietly watch “Mark” behaviour after the transaction had been completed for him to have witnessed “Mark” handing the whole consignment straight over to a foreigner. Even if Abdullah had not left an observer behind – as could only be expected of any reasonably competent drug smuggler – foreigners are sufficiently few in Peshawar for the transaction to be noticed, and reported back to him in any event.

Had news that “Mark” was double-crossing him got back to Abdullah, I have little doubt that his own, and his family’s fate would have been sealed. If only to encourage the others, successful drugs smugglers do not tolerate double-crossing subordinates. They are eliminated.

It is also worth observing that had the handover taken place in the location in which one would normally have expected it to occur (in the safety of Abdullah compound) there is no way in which Mr. McElligot could possibly have observed it taking place except with the obvious connivance of Abdullah Khan himself. Hence if the transaction was to take place on a basis that would generate corroborated evidence that might stand up in a British court, it would have to take place in a more public place.

In the light of all this it is my view that the story told by the Crown cannot be regarded as in any way credible unless at least two further conditions are true. Firstly it is my opinion that Abdullah Khan himself must have been well aware of that “Mark” was in contact with Mr. McElligot, and that for some reason he was prepared to play along with a charade; if this was so, “Mark” would know that he had nothing to fear whilst behaving as he did.. Secondly I am of the opinion that the whole deal must also been cleared with the authorities in Peshawar, presumably on the grounds that the High Commission staff were busy conducting a major drugs-busting exercise. If so Abdullah Khan would have been aware that he was in no personal danger by bringing a consignment of heroin into Peshawar right under the nose of Major Sadat Ullah; similarly if Abdullah Khan knew about the deal with McElligot, “Mark” would have been in no danger he handed over the consignment. since Khans like Abdullah are not lightly crossed, and certainly not under their very noses, I cannot see that there is any other way in which the pieces of the jigsaw presented in “Mark” statement can be made to fit credibly together.

3.3 Shipping the drugs to Britain

“Mark” has very little to say about how the drugs were taken back to Islamabad, where he himself went in the next few days, nor about the precautions he took to reassure Abdullah Khan about his bona fides in the time between receiving the consignment and eventually boarding the plane for Manchester on 10th October. Nor indeed does he appear to have been at all concerned about being seen to meet Customs Officials at Islamabad airport, despite the very real prospect of his being observed by someone sent either by Abdullah or the consignee to check out on his activities.

3.4 Arranging how “Mark” should contact Jameel

“Mark” states that he was only told that Jameel Akhtar was the actual consignee after he had physically received the heroin. His statement also suggests that he and Jameel had not had sufficiently close prior contact with each other for them to be able to recognise each other in Britain. Hence the importance of the code phrase “I am the owner of the stuff on which it is written 20 in Urdu and English on both sides of the bag”, since this would allow the recipient could safely and accurately identify himself.

Otherwise “Mark” states that the only means he had of contacting Jameel was a telephone number, details of which he subsequently handed over to Customs Officials, and beyond that “I was told that at the meeting with Mr. Jameel I would be told what to do and given my expenses and we would have a discussion for future plans. There would also be a discussion of future arrangements, namely how he would take delivery of the samples or future deliveries. Mr. Jameel was to decide future delivery but the final authority was to be from Pakistan.

3.4.1 COMMENT

If “Mark” statement is taken at face value, a number of issues stand out:

1. Abdullah Khan must have had a great degree of trust in “Mark”, since he handed over a valuable consignment of heroin ten days before “Mark” departure, and before he had even been told who the consignee was.
2. While the phrasing of the password seems to indicate that the recipient is the owner of the consignment, the details of how delivery was to be arranged suggests quite the opposite. “Mark” is only authorised to discuss “future arrangements”, but “final authority” for any delivery (presumably both of samples and the whole consignment, let alone future ones) was to come from Pakistan. If so the consignee would clearly not be the undisputed owner of the consignment, since there would be no need for such “final authority” had it already been paid for in full.
3. If this is so “Mark” appears to be much more than a simple courier, paid to do no more than deliver a consignment of drugs from one principal to another. Rather he can only be regarded as Abdullah’s agent, and as such he was instructed not to begin negotiations with Jameel until he had formally identified himself, nor to hand over the consignment until Abdullah had given him explicit instructions to do so.
4. It is also quite unclear from whom “Mark” expected to receive his agreed fee of Rs.50,000 per kilo. While this price was agreed before he even knew the identity of the consignee, “Mark” only mentions receiving “expenses” from Jameel.

In my opinion these points taken together strongly suggest that “Mark” was acting not so much as a courier, but rather as Abdullah’s trusted agent. Given my earlier remarks, “Mark” would not have been assigned this position if was not a close and long standing client of Abdullah.

4 Developments following “Mark” arrival in Britain

4.1 “Mark”s arrival in the UK

“Mark” was not met by any Pakistani contacts as he disembarked from the plane in Manchester. Instead he met up with Customs officers before going to what I presume was a safe house, from where he made the first of his telephone calls to Pakistan, recorded on Tape DJS 1.

4.1.1 COMMENT

The fact that “Mark” was not met at the airport is my view very odd, since in my experience someone with any kind of contacts whatsoever in Britain would expect – and indeed be expected – to arrange to be met at the airport. Since “Mark” was not met on arrival, and since he acted with such autonomy, it is my opinion that this offers further confirmation that “Mark” is no mere courier: if that was what he was, there can be little doubt that his activities would have been subjected to very close scrutiny by the owners of the consignment, whoever they were, if only to ensure that they had not been double-crossed. “Mark” behaviour suggests either that he was an active agent on his own account, or failing that one of Abdullah’s trusted men. Had he been a

straightforward courier it is far more reasonable to expect that he would have been met at the airport either by the consignee or one of his agents, and promptly driven off into the heart of one of the many Pakistani ethnic colonies which can be found in Britain's major industrial cities. Much as within the unadministered territories in Pakistan, all subsequent transactions within that context would have been safe from external scrutiny.

It is also worth noting that it is precisely because Mark did not promptly link up with the local Pakistani network enabled him to make direct contact with the Customs Officers immediately after landing, to go with them to the Birmingham safe house, and from there to make tape-recorded telephone calls to Pakistan and to Jameel.

4.2 *The first telephone call to Pakistan (DJS 1)*

The most striking aspect of "Mark"'s recorded conversation on DJS 1 is the passivity of the person at the other end of the line. Although he identifies himself as the son of the person for whom Aslam asks, he makes no significant contribution to the conversation. All he does is to accept the information conveyed to him by Aslam, and to agree to pass it on.

The substance of Aslam's message is that he has arrived in Birmingham, and that Jameel should be given a message to the effect that they will meet in the lobby of the Holiday Inn Hotel at midday on the following day, and that Jameel should hold a newspaper in his hand to help Aslam to identify him.

Whatever we may make of the message itself, it is also worth stressing that in my view there is every prospect that what we have here is a kind of human answering machine which provides a very useful buffer between the telephone's sponsor (whoever he really is) anyone who chooses to call the number. To put this in context, this is not the result of a lack of technological resources such as answering machines in Pakistan. Quite the contrary. While access to a mobile phone is a great deal more expensive in Pakistan than it is in Britain, one of the great advantages of using a mobile as opposed to a normal telephone is that neither its spatial location nor the identity of its owner can easily be identified. Since Abdullah Khan (I presume that Rafiq may well just be one of his aliases) is based just outside Peshawar, he would have no difficulty in installing a normal telephone line, which would also be much cheaper to use than a mobile phone.

However cheapness is unlikely to be a significant issue for a major drug smuggler. Maintaining one's anonymity by hiding behind a human answering machine attached to a spatially unidentifiable mobile phone is, by contrast, likely to be most advantageous, and cheap at the price. If so, it follows that no more weight should be given to the responses which Aslam elicits from whoever answers this mobile phone than that which might be assigned to a pre-recorded message on an answering machine.

4.3 *Aslam's initial contact with Jameel: the first telephone conversation recorded on Tape DJS Audio 2*

Having listened carefully to the Tape, I can confirm that the transcription made by the Crown is correct. What is absent from such a straightforward transcript, however, is an indication of the social style and tone of voice adopted by the participants, both of which are crucial pointers to a full understanding of the nature of the conversation. My comments here seek to illuminate the raw transcript by offering my assessment of such considerations.

4.3.1 *The opening section of the conversation (1-15)*

This section of the conversation – in which Aslam checks out that it is indeed Jameel answering, and in which he identifies himself as Aslam – seems, on the face of it, to be quite straightforward. Listening to the tone and style it would appear that Jameel is expecting to receive this call from Aslam, for he makes no attempt to ask which Aslam is speaking in (9), and goes on, without prompting, to say that he is sitting in the Lobby (11). However Aslam clearly plays the dominant role, for in (10) he rather nervously, and certainly impolitely, interrupts Jameel’s politely framed enquiry as to Aslam’s health. In (14) he also appears to display both nervousness, and a considerable keenness to get on with the business at hand.

Although Jameel is clearly expecting a call from Aslam, the conversation offers no indication that Aslam and Jameel know each other or have previously met.

4.3.2 *Jameel identifies Aslam (16 -18)*

To my ear Aslam’s somewhat arch question “Which Aslam is that is speaking?” sounds rather odd, since if there was any problem over the issue one would expect the caller to identify himself. Nevertheless after a slight hesitation Jameel gives an answer, namely “The one who is called *bis* in Urdu and English” I can confirm that this is an accurate translation.

Yet although there is much that remains puzzling about this whole exchange, the words which Jameel uses are in no way congruent with the password procedure which Aslam suggested the recipient would follow. First of all, Jameel uses the phrase not to identify himself, but to identify Aslam. Secondly there is nothing in it about the ownership of goods, nor about a number being written on both sides of a bag. Thirdly while Jameel does indeed use the word twenty – the number which Aslam told his handlers would be included in the password – the rest of the phrase suggests that this is an epithet by which Jameel is aware that Aslam is known, presumably in a Pakistani context. Taking all this into account, it seems to me to be quite clear that Jameel does not use what Aslam had indicated was the agreed upon password here, nor does he use a form of words which was in any way congruent with it. Rather he appears to be referring back to some previous meeting or context in which Aslam was identified as “*bis*” in both Urdu and English.

I do not know whether it is the Crown’s position that Jameel used the agreed upon code phrase, although I note that in his statement of 17th January, Aslam explicitly suggests that Jameel did use the correct form of words to identify himself, even though the tape quite clearly indicates otherwise. Yet if it is still both the Crown’s and Aslam’s case that a password was used, it would seem that despite Jameel’s failure to use the agreed form of words – which should presumably have caused Aslam considerable concern if the password was functionally important to the transaction – in the event he appears to have been quite unconcerned about this huge discrepancy. Although Aslam doesn’t actually break into Jameel’s answer this time, his response “*Accha tik ji*” runs on quite smoothly, and is expressed in such a tone that in my view its sense is best translated into English as “OK that’s fine”. Hence although Aslam thereby accepts the adequacy of Jameel’s response, it is clear that what he accepts is not the way in which Jameel identifies himself, but rather the way in which he, Aslam, has been identified by Jameel.

4.3.3 *Break in the recording*

Somewhat alarmingly there is a break in the recording at around (19) although no mention of this is made in the transcript. At this point another voice (of a Customs Officer??) can be heard saying in English “He’s saying.....” after which the tape reverts once again to the conversation

between Aslam and Jameel. Assessing what has gone here is not within my technical competence, but I have little doubt that the source of this interruption requires careful further investigation.

4.3.4 *Rearrangement of the meeting time (20 - 27)*

Immediately after the break Aslam goes on to explain that he's going to be late, and that he won't arrive at the hotel until about 1.30 because he's stuck in the traffic. In response to this Jameel's query (25) is expressed in a tone of mixed puzzlement and surprise, to which Aslam offers a rather peremptory reply before being even more directive in (28), when he instructs Jameel to be sure to hold a newspaper in his hand. To this Jameel politely assents and the conversation closes.

4.3.5 *Linguistic style*

Throughout this conversation (and indeed in all the subsequent tapes) Aslam not only expresses himself in a brisk, clear, and self-confident style, but it is he who controls the flow, pace, and direction of the conversation. His Urdu displays few signs of Punjabi overtones, and he speaks in a manner which leads me to conclude that he is almost certainly a well educated urbanite. In keeping with his tone of brusque efficiency, he wastes little time on the flowery – and usually religious – phrases with which polite speech is usually punctuated.

By contrast Jameel speaks much more slowly and often more hesitantly, and makes no significant effort to resist Aslam's confident agenda setting. His speech displays much stronger traces of Punjabi idioms, and in a broad sense he sounds much less well educated. Partly in keeping with this, Jameel uses religiously-based forms of politeness a great deal more frequently than does Aslam. However he sounds relaxed and laid-back throughout the recording, and there is no sign of any tension in his voice.

4.3.6 *Contradictions between the tape and "Mark" statement.*

Over and above all this, there are some striking contradictions between the contents of the tape, and the account of the same conversation which "Mark" offers in his statement:

- a) Although Jameel makes it clear that he was indeed sitting in the lobby, "Mark" assertion that "We decided that the next step was what time should we meet" is erroneous, since Jameel was clearly *expecting* Aslam to come and meet him in the lobby at noon.
- b) Although a postponed meeting is set up, it is Aslam who specifies both place and time when it will take place, and who also suggests that they will go on somewhere else afterwards.
- c) Similarly it is Aslam who insists that Jameel should hold a newspaper in his hand, which elicits a confirmatory comment from Jameel that he is already doing so.
- d) Although "Mark" explicitly states that "The man on the phone identified himself by using the code 'I am the owner of the stuff on which is written 20 in Urdu and English' ", as both the transcript and my comments above show, he did no such thing.

4.4 *Aslam's first face to face meeting with Jameel*

4.4.1 *The meeting in the lobby*

"Mark" indicates that he was dropped off at the Holiday Inn at 1.25 p.m., and that as arranged he went and sat in the lobby. However Jameel was not there, and when he had still not arrived half an hour later, "Mark" telephoned Mr. Macleod to seek permission to contact Jameel. With

permission granted, “Mark” phoned Jameel, who arrived soon afterwards, carrying a rolled up newspaper. They then took a taxi to a nearby Pakistani restaurant.

4.4.2 *Phone calls to and from Pakistan and their consequences*

After talking for some while Jameel appears to have telephoned Abdullah Khan in Pakistan. If “Mark” statement is correct, Jameel used a telephone booth to call Pakistan, and that soon afterwards Abdullah Khan called Jameel directly on his mobile phone. Amongst other things this would appear to confirm my hypothesis that Abdullah/Rafiq Khan’s mobile number in Pakistan is effectively operated as an answering machine which screens all incoming calls.

Since there is no record of what was said in the course of these telephone conversations, and in any event the only information I have about these conversations is what “Mark” says was said, I am clearly not in a position to comment on their contents. Nevertheless there appears to be no dispute over the outcome: Jameel gave Aslam £150, although in his statement Aslam says “I did not expect this I expected £2,000”.

4.4.3 COMMENT

From an English perspective for Jameel to have given a distant acquaintance such as Aslam the sum of £150 at this first meeting might seem very strange, and indeed deeply suspicious. However in my opinion once this transaction is set in an appropriate context there is no need to make such judgements. In the first place it is worth emphasising that in a Pakistani context individuals do indeed quite regularly loan each other very substantial sums of money. Such loans are not given freely, however. Most usually they take place amongst those who are already connected by prior ties of kinship, or failing that between people who have some other kind of relatively permanent relationship. While such loans are routinely given on the understanding that the money will be returned whenever the donor requires it, security is provided the fact that a failure to honour the obligation to do so would destroy the recipient’s good standing not just with respect to the donor, but within the entire network of social relations, and especially the kinship network, to which they both belong. In other words it is the prospect of becoming a social outcaste if one fails to honour one’s debts that provides the ultimate security for such loans.

Loans amongst kin are therefore the largest and most serious; in Britain transactions involving thousands of pounds are commonplace, even amongst working class families. Jameel’s loan – if that is what it was – to Aslam was clearly not on this scale: in this context it was a “small-change” transaction. Nevertheless in my opinion it is quite reasonable to suppose that it was a loan provided on just the same terms as outlined above, but that in this case its guarantor was not Aslam himself, but Abdullah. Given Jameel’s role and social status in Pakistan, it would make eminent good sense for him to do Abdullah a favour by helping out one of his men, for there would be clear understanding that Jameel could call in a return favour from Abdullah at some convenient time in the future. Having a good store of “favours owed” from influential others is a key to survival in Pakistan; and by the same token to refuse a favour requested by an influential other is to invite them to get their own back at some time in the future. From this perspective Jameel’s loan of £150 to Aslam can be seen as a good investment, since it kept Abdullah firmly onside. This should not, however, be construed as an investment “in drugs”, even if Jameel was aware that much of Abdullah’s wealth came from drug-smuggling. To suggest that someone in Jameel’s position in Rawalpindi might or should avoid all transactions with smugglers of drugs or arms, or with wheelers and dealers who are using their political

connections to get vast kickbacks or bank loans they need never repay is to ask the impossible. Even if one is not doing such deals oneself, there is no escaping doing deals with those that acquire their wealth that way.

Since £150 is so much less than the serious payment of £2,000 which Aslam says he expected, in my opinion the best way in which this transaction is read is as a loan which was made at Abdullah's explicit behest, and which would be repaid at Jameel's convenience following his return to Pakistan.

4.5 *The second telephone conversation recorded on Tape DJS Audio 2*

4.5.1 *Opening interaction (1 - 7)*

The opening interaction follows normal Pakistani conventions, but while Jameel's contributions are as "laid back" as in the previous conversation, to my ear Aslam sounds marginally less dominant and confident than he was in the previous conversation. Otherwise there is nothing exceptional in these exchanges.

4.5.2 *Discussion about the receipt of £150 (8 - 13)*

However Aslam's tone changes sharply at (8). Not only does he interrupt Jameel's polite enquiry before he has finished, but his subsequent statement is in my view best interpreted as "When I counted the money it was only £150?", is expressed with a mixture of surprise and disappointment. Against this the tone of Jameel's response of "Yes"?" (*Accha?*) Can in my opinion best be interpreted as him suggesting "and what's so surprising about that?" Aslam's response (10) *Itni the?* (Was that all?) clearly reaffirms his disappointment, but Jameel's reply (11) is relaxed and quite unruffled. His tone of voice suggests that he had no idea what the sum was. He had just reached into his pocket for a bundle of notes, and that couldn't care less how much it was. In his final response in this section of the conversation (12), Aslam appears to make an attempt to recover his poise by stating rather flatly that "When I took it out of my pocket it was just £150" to which Jameel responds with nothing more than a neutrally affirmatory "*Accha*", yes.

4.5.3 *Discussion about "the goods" (14 - 23)*

In this section of the conversation takes firm control of the dialogue once again, saying (rather obscurely) that he has put the "stuff" (*saman*) that he had told him about in such a place (14), that he will take a little out of the top packet (16), and that he is taking it out just now (18). Jameel's response in each case is a simple affirmatory yes. In (20) Aslam goes on to say "I can't take it out of all of them" (20), but Jameel's response, although laconic, is in fact rather fuller than the transcript suggests. In my view (21) should read "Each box will be just the same won't it?" In (22) and (23) Aslam's confirmation (*han ji*) is made quite firmly, whilst Jameel's yes (*thik*) is once again merely confirmatory

4.5.4 *Interruption*

There is a slight click in the tape between (23) and (24) whose significance I am unable to assess. I would strongly recommend that this be subjected to appropriate technical scrutiny along with the interruption noted at 3.2.3

4.5.5 *Arranging the next meeting at Macdonalds (24 -38)*

In (24) Aslam once again clearly and very firmly sets the agenda, by asking where he should come to meet Aslam. In the exchange that follows it is also quite clear that the meeting place has already been arranged. Hence although Jameel is the first to specify that the meeting is to be at Macdonalds, by Five Ways, from the way in which the dialogue is constructed it is quite clear that he is asking Aslam to reconfirm that he has already seen the place, and hence that he knows where to go. From (29) onwards Aslam's position of dominance becomes increasingly overt, so that he concludes by setting the time of the meeting from a position of considerable authority.

4.5.6 *The power relationship between Aslam and Jameel*

There is a striking difference between the tone of voice of the two participants throughout this conversation. While Aslam's contributions are articulated with clarity, confidence and considerable authority, Jameel's are much more diffident. At only one point does he significantly interrupt the flow of conversation initiated by Aslam when at (21) he asks "the box will be the same, won't it". The only other areas where he makes any kind of contribution is with respect to Aslam's queries about the amount of cash he had been given, where he is effectively asking why Aslam is so surprised, and at (25 and 27) where, as noted above, he appears to be reconfirming a prior agreement. In terms of relative power, Aslam is clearly the dominant partner throughout the conversation. By its close, his dominance is complete.

4.5.7 COMMENT

At this stage it is worth contrasting what actually happened during these conversations with the instructions which "Mark" says he received prior to his departure from Pakistan. Firstly he was instructed that the consignee would use a very specific password to identify himself; secondly that he been promised an expenses payment of £2,000; and thirdly that the consignee would want to take a sample from each bag of heroin to check its purity before the handover was concluded. None of this occurred. Aslam simply overlooked Jameel's failure to use the agreed password, was given only £150 rather than £2,000, and that only in the aftermath of a telephone call to Abdullah. Last but not least Jameel's tone of voice fails to display any trace of the mixture of anxiety, gratitude and relief which one would surely expect from someone who was about to take delivery of an extremely valuable consignment of drugs, nor does he shows any great commitment to meeting Aslam, nor – most significantly of all – does he show any interest in checking out the quality of the consignment: instead Aslam goes through the extraordinary charade of describing how he is extracting the sample himself whilst talking over the telephone to Jameel!

4.6 *The telephone conversation recorded on Tape DJS Audio 3*

4.6.1 *Opening interaction (1-7)*

There is little remarkable about the opening section of the conversation, in which the participants make a series of polite enquiries about each other's well-being. Such enquiries are wholly conventional.

4.6.2 *Being frightened in Macdonalds (8 - 17)*

Aslam's tone changes dramatically in (8), when he suddenly makes an excited comment to the effect that "Last night you were really frightened in Macdonalds!" However Jameel's reaction is most instructive, for his instant and clearly unthoughtout response (9) is a surprised and puzzled

Me?? (*main?*) Nevertheless Aslam follows up his initial assertion with a still excited Yes! (10), and this time Jameel slightly more considered response (11) is rather different in kind. He comes out with a flow of words which in my view is deliberately both vaguely appropriate and rather indistinct. This enables him to back away politely away from the pressure which Aslam was putting on him, in effect saying (to offer a translation into colloquial English) “It was just something or nothing”

Despite this diversionary signal, Aslam continues to pursue the theme, saying rather excitedly (12) that he too was alarmed and frightened, so much so that he didn’t know whether to walk or take a taxi, and that he didn’t know whether he was coming or going. This time round Jameel expresses much more explicit disagreement, for in (13) he insists that “no, no it was nothing like that” Even so Aslam still refuses to abandon his assertion that Jameel was frightened and alarmed (14), which this time round (15) elicits an obfuscatory, and hence an implicitly conciliatory, response from Jameel.

Finally in (16) and (17) they effectively agree to differ.

4.6.3 *Checking the sample which Aslam had given Jameel (18 - 19)*

Following this interchange Aslam regains his more usual poise once again, and asks Jameel (to translate as literally as possible) “That which I gave you last night, how was the sample?” This time Jameel clearly understands the question, for he answers (once again to translate literally) “Yes, that’s OK, my report will come in about half an hour” although as I hear the tape, this answer runs straight on into (21) when he asks “tell me where to meet you”. However there is no indication from Jameel’s tone of voice that the receipt of such a report is of any great importance to him, or that he regards the next meeting as a matter of any great urgency; rather his tone is simply one of politeness.

4.6.4 *Arranging when next to meet (22 - 44)*

By contrast Aslam clearly wishes to proceed quickly, for his request (22) that the meeting should take place at half-past two is made with some authority. Nevertheless Jameel rejects this with some asperity (23), and when Aslam insists, suggests that they should meet in the evening. Clearly disappointed by the delay, Aslam goes on to ask somewhat resignedly (26) at what time this might be. Jameel’s response (27) is vague, and by Pakistani conventions can be read as saying that he would probably not make it until well after 7 o’clock, as Aslam’s concerned response (28) makes clear.

This time it is Jameel’s turn to be puzzled, for his question “are you going anywhere?” (29) is effectively a query as to why Aslam is making such a fuss. Aslam’s response (which is by now a good deal less poised) is to ask Jameel whether his work is keeping him so late, a proposition from which Jameel then distances himself by saying, in effect “my work will keep, I leave it for you”(31), after which Aslam changes the subject and thereby seeks to regain control of the conversation by suggesting that what Jameel is really doing is keeping him away from “punishment” – i.e. sexual activity. This has the desired effect, for Jameel eventually concedes (35- 45) that they should meet at five, which he promptly revises to half past five, that evening. In the midst of all this Aslam also takes the opportunity to insert a question about expenses (38), but although the words which Jameel utters (39) appear, on the face of it, that he is taking steps to meet Aslam’s demands, the tone of voice Jameel uses suggests that his response is merely one of politeness.

4.6.5 *Arranging where the meeting should take place (46 - 59)*

There is little need for comment here, other than that it is “Mark” who once again sets the entire agenda, for which he extracts somewhat grudging agreement from Jameel.

4.6.6 *The closing exchanges in the conversation (60 - 82)*

This part of the conversation is in my view best represented as being full of mixed messages and crossed wires. It begins (60, 62, 64) with Aslam trying to lighten things up, but when he goes on to mention expenses yet again (66) Jameel remains laconic. His renewed question about the sample does, however, elicit a more positive reaction, this time of irritation, which is accompanied by the news that Jameel had left Birmingham as well as gone out for the night – clearly to Aslam’s surprise (72, 74). However he regains control in the closing exchanges by reverting to the question of the time of their next meeting.

COMMENT

In my opinion Jameel’s behaviour and tone of voice throughout this conversation does not appear to be at all compatible with how one might expect a drug-importer to react to the receipt of the first trial sample of a new delivery. However there are good grounds for suggesting that Aslam is making a valiant effort to make things appear that way.

While Aslam actively suggests that Jameel must have been scared the previous night when the handover took place, Jameel simply brushes the matter to one side: he makes it quite clear that he was not bothered, and that he saw no reason why Aslam should have been either. Secondly on what should in principle be the crucial issue of testing the quality of the sample, Jameel is equally laid back. He displays no sign of having made an effort to have the sample Aslam had given him analysed: he seems to have preferred to spend a night on the town, and then to have fobbed off Aslam as politely as possible. Nor does he appear to be making any serious effort either to gather the money or to make any specific arrangements to facilitate the actual transfer of the consignment. Finally he clearly does not regard the matter of his next meeting at which – or so Aslam would have us believe – the actual transfer is due to take place, as a matter of any urgency at all. Aslam has to pressurise him into attending.

4.7 *Subsequent meetings*

Jameel and Aslam do indeed appear to have met at the Acock’s Green Macdonalds on Thursday 12th, and also on the following day at Cannon Hill Pub, from where Jameel made another telephone call to Pakistan. Amongst other things this clearly led to Jameel making another small payment to Aslam. Whilst £140 is only a small fraction of the £2,000 which Aslam suggested to his handlers was due to him, it is once again consistent with a small loan which Jameel might be expected to make in response to a request from Abdullah. Nor are there any indications – other than those made by Aslam himself – that Jameel was readying himself to receive, and to pay for, a large and valuable consignment of heroin.

4.8 *The final meeting at New Street*

The final meeting at the restaurant and later the car park at New Street Station appears to have followed a by now well established pattern with Jameel arriving very late after having been chided to turn up by Aslam.

4.8.1 *Telephone Conversation DJS 4*

The tone of this conversation differs slightly from its predecessors, as this time Jameel is slightly more assertive, particularly when he starts laughing in the midst of the opening conversation about where they are. Since Aslam responds defensively by talking about “dry fucking” (i.e. either hand relief or a blow job), I presume that Jameel had dropped off Aslam at a massage parlour when they last met. In any event Aslam struggles to regain control of the conversation, but in (15) Jameel indicates both that he has had to mess around finding a place to park in New Street, and that he has managed to speak to Khan Sahib (i.e. Abdullah); in my opinion the tone of all this utterance is such as to suggest that he has been doing all this on Aslam’s behalf. This contrasts quite sharply with Aslam’s question (16), in which he takes the reverse position asking “Is it really necessary for me to see you now?” – i.e. do you really want to see me? Jameel’s response to this is quite sharp “Sure, if you want to take the money from me”, suggesting that it is really up to Aslam to decide whether he really wants to take the money.

The remainder of the conversation is quite straightforward.

4.8.2 COMMENT

Having listened carefully to the recording of this conversation it does not, in my opinion, contain any indication that Jameel considers himself to be closing a major deal. Rather the reference to Khan Sahib merely suggests that he has had another conversation with Abdullah, as a result of which he now has some more money for Aslam which he can come and get if he wishes. There is no indication that Jameel expects to receive anything in return from Aslam.

4.9 *The subsequent transaction in the car park*

If I am right in thinking that Jameel went on to hand over a sum of £1,000 to Aslam in the station car park, it is clear that his efforts to extract money from Jameel were rather more successful this time round. Given Jameel’s remarks in the tape-recorded conversation, it would appear that he did so as a result of a request he had received from Abdullah Khan during the course of the telephone conversation to which he refers.

However in A9, Aslam offers a further gloss to this transaction by suggesting that in a further conversation with Abdullah, Jameel had told Abdullah he had got no money and had requested that he should simply be given the heroin “on trust”, that Jameel had asked Aslam to help him to persuade Abdullah that he should do so, and that in response to all this Abdullah had told Aslam that he could indeed hand over the consignment on these terms if he so wished, although he would have to do so on his own responsibility.

Commenting on all this poses a number of difficulties, since I presume that no recording was made of this conversation (if indeed it took place at all). As far as I am aware the only evidence to support these assertions is “Mark”’s notes in A9. My own reaction is to be most sceptical of their accuracy.

In the first place it would, in my opinion, be wholly contrary to the behaviour one might expect of a major drugs smuggler like Abdullah that he would even consider handing over the drugs to a consignee at this late stage in a transaction simply on trust. If he could trust the consignee, the payment (which in all probability would be made in such safe haven such as a Swiss Bank)

would be completed at some convenient point in the future; but if he couldn't trust the consignee, the deal would surely be off in the absence of a payment.

Secondly, and just as importantly, the thought that Abdullah might surrender responsibility to the mere courier which Aslam claims to be is even more incredible.

4.10 The second conversation with Pakistan.

I am not sure what significance the prosecution would assign to "Mark"'s second recorded conversation with Pakistan. Its contents should in my opinion be interpreted in the light of my earlier comments about the number being a human answering machine, but in this case I am further puzzled by "Mark"'s dealings with the "son" at the other end of the line. Although "Mark" starts by asking questions (8,10) he doesn't wait for answers but simply ploughs straight on over the rather empty answers he gets, and then goes on to do the same in the process of enunciating what would seem, on the face of it, to be some rather important messages as far as Abdullah is concerned. But although the answerer clearly isn't listening, Aslam nevertheless goes on to instruct him to be sure to pass on the message, and then closes the conversation. Although it is hard to be certain about just what is going on here, in my opinion there is very good reason to suppose that this conversation is structured much more for the benefit of those recording it than it is for its ostensible recipient in Pakistan.

5 Developments following Jameel Akhtar's arrest

5.1 "Mark"/Aslam's return to Pakistan between October 1995 and January 1996

During the course of cross-examination during committal proceedings, Aslam stated that Abdullah Khan had been trying to contact him, that Abdullah wished to kill him, but that he had not yet succeeded in tracking him down.

In my opinion this statement is most curious. In the first place if Aslam really was the double-crossing courier he says he is, I have no doubt whatsoever that Abdullah would wish to kill him. Khans do not take such disloyalty lightly, for if they allow one of their followers to get away with it, all the others may feel they can do the same. Yet if Abdullah really did wish to kill his disloyal subordinate, I have little doubt that Aslam would by then have been eliminated, or failing that his wife and children would by then have been held hostage; in my opinion the suggestion that Abdullah would have engaged Aslam as a courier without being fully informed about his familial antecedents is wholly implausible. It is precisely by such means that Khans like Abdullah secure the loyalty of their subordinates. Hence in my view the very fact that Abdullah had not killed Aslam, and that Aslam was able to return to testify at the committal proceedings in January is a clear indication that Abdullah was *not* looking for Aslam, which can also only mean – as I suggested earlier – that he was well aware of, and approved of, what was going on.

5.2 Aslam's additional statement of 8th April 1996

This interpretation is further confirmed by the contents of "Mark" second statement, which suggests firstly that Abdullah sought to protect Aslam's interests by telling whoever was enquiring after him that he was by then living in Dubai, and secondly that Abdullah had no difficulty in passing on to Aslam the contents of the deal they were purportedly proposing, nor Aslam in contacting him to refuse the offer.

If, in summary, one takes a broad view of all the evidence which bears on Aslam's relationship with Abdullah, and if one also notes that Aslam and his wife and children are not only still alive, but in are in no apparent fear of their lives, one can, in my opinion, only come to one conclusion: that Aslam had not crossed Abdullah, and that Abdullah did not blame him for the loss of a major heroin consignment. If this is so, one further conclusion follows, especially in the light of Abdullah's status as a Khan: for whatever reason, Abdullah must at the very least have approved of Aslam's behaviour, and indeed in all probability would have been acting on his express instructions.

6 Conclusion: Putting it all in Context

6.1 *Styles, Location and Safety*

In my opinion there is much that is deeply puzzling about the spatial location of the events which have given rise to these proceedings, for just as Aslam's and Abdullah Khan's behaviour in Pakistan appears to have been quite unnecessarily dangerous given that alternative and much safer options were readily available, just the same appears to be true of Aslam's behaviour in Britain. If, as seems entirely reasonable, one of the principle objectives of a drug smuggler is not to be found out, then it is equally reasonable to expect that such persons will routinely seek out the quietest possible corners, and most especially social arenas which are as safe as possible from the prying eyes of the authorities, in which to conduct their business. This is precisely why most drug smuggling appears to be conducted by mafia-like networks which it is hard, if not impossible for the authorities to penetrate.

No doubt the prosecution will argue that they have successfully penetrated one such network in this instance. However in my opinion there is very good reason to doubt the veracity of that conclusion. In Britain, as just in Pakistan, a shady corner of the kind which drug smugglers can only be expected to seek out is readily available, for just as the tribal territories outside Peshawar are effectively safe from straightforward Government scrutiny and control, so, in effect, are the areas of dense South Asian residence in the inner areas of Britain's cities. In places like Alum Rock, Handsworth and Sparkbrook – to quote some Birmingham examples – non-white faces are few and far between; within that again members of specific Pakistani *biraderis* tend to cluster closely together, and if such a network chooses to hide some aspect of its activities from outsiders, it is almost impossible to find out what is going on. Given that such networks (of trust as well as persons) stretch from Birmingham to Mirpur, that travel back and forth is frequent and constant, and that large quantities of heroin are readily and cheaply available only a short distance away in Peshawar, it would be surprising in the extreme if some groups did not fall for the temptation of taking advantage of all this to reap substantial profits.

However the issue here is not whether drugs find their way to Britain in significant quantities along these networks; they undoubtedly do. What is at issue here is, however, whether the techniques which Customs and Excise have evolved, quite rightly, to seek to control this trade have actually caught a real villain, or whether – for whatever reason – they have been taken for a ride by their informant and ensnared an innocent man.

With this in mind it seems to me that the *location* of Jameel's interactions with Aslam are entirely inappropriate. Firstly Jameel will clearly have many relatives who constantly travel back and forth between Britain and Pakistan, any one of whom he could have engaged as a courier. Secondly every incoming plane from Islamabad is met by a host of British-resident Pakistanis; even if he had chosen a non-kinsman as courier, if only for the sake of safety and security it

would seem eminently reasonable that a drug-importer would wish to have his courier met, and to have him transported to the safety of a Pakistani ethnic colony such as Alum Rock or Handsworth. And if there were still issues to be settled – such as whether or not the courier was under observation by the authorities, whether the goods were of the expected quantity and purity, and if there were any final payments still to be made – one could reasonably expect these to be made in very carefully organised conditions of privacy and security, especially since these are readily available.

What is very striking, however, is that none of the places at which Aslam arranged to meet Jameel conform in any way to those specifications. Not only are the lobby of the Intercontinental Hotel and various Macdonalds takeaways very public places, but they are very firmly in the English cultural domain. In other words their characteristics are the very inverse of those in which one might reasonably expect that Pakistani drug smugglers would do their deals.

6.2 *Linguistic styles*

Almost all the most significant evidence in this case is consists of tape-recordings of telephone conversations. The recordings can, however, be read in two ways: firstly the words used can simply be translated into English as accurately as possible. That has been done in the transcripts. However what is necessarily missing from such transcripts is any indication of the style and tone of the speakers utterances, and given that neither the jury, nor any of the other officers of the court are familiar with either Urdu or Punjabi, it follows they are not in a position to follow the nuances of the language used – as they would, for example, were the tapes recordings of conversations in English.

In the process of preparing this report I have listened very closely to the contents of all the recordings made by Customs and Excise, and found – as I have indicated at several points in this report – that precisely by taking account of the nuances of style and tone of speech I was often able to make much better sense of the evidence. Given the importance of such considerations, and the fact that the jury would, as a matter of course, be able to make their own assessment of such matters were the tape-recorded evidence in English, I would like to summarise once again my own conclusions on these matters.

Perhaps the most salient aspect of the respective positions of Aslam and Jameel that emerge from the tapes is that Aslam is almost invariably the dominant partner. Not only does he speak more swiftly and decisively than does Aslam, but he almost invariably takes the lead. It is Aslam who opens subjects for discussion and sets the pace and agenda of the conversation; it is Aslam who almost invariably sets the place and time of their next meeting, and who instructs Aslam to be sure to be there on time. Only very occasionally does Jameel turn the tables on Aslam, most particularly to make jokes at Aslam's expense as a result of his activities in massage parlours.

Over and above all this, issues of social hierarchy are normally very clearly marked in South Asian languages, just as they are in everyday social behaviour, with the result that it is normally easy to tell who is the dominant, and who is the subordinate partner in any transaction. In this respect the relationship between Aslam and Jameel is in my opinion very clear. Throughout the tape-recordings, Aslam emerges as the dominant partner.

In my opinion this is once again exceedingly odd – at least if the prosecution case is to be believed. If Aslam was the mere courier whom he purports to be, and Jameel was indeed “the owner of the stuff on which twenty is written in both Urdu and English”, then according to all the

conventions of normal behaviour in a Pakistani context, one would expect Jameel to emerge as the dominant partner in all transactions, and for Aslam to accept his instructions. However virtually all the evidence presented in this case points in the reverse direction.

7 CONCLUSION

Although many aspects of this tangled tale remain very murky, in my opinion a number of conclusions can nevertheless be distilled from it.

- (a) Abdullah Khan would appear to be a major exporter of illicit heroin from Pakistan, and that he has his base in the unadministered Tribal Territories just outside Peshawar.
- (b) Although Aslam is clearly closely associated with Abdullah, he is also a paid informant to British Customs.
- (c) Given Aslam's careless public association with Mr. McElligot and his staff, the loss of a 20kg consignment of heroin impounded by Customs, let alone his very public participation in these proceedings, there can be no doubt, in my opinion that Abdullah will be well aware that association. However given Abdullah's manifest failure to exercise the expected sanctions for disobedience against Aslam, his brothers, his wife, or indeed his newly born child, one can only conclude that Abdullah was neither surprised nor upset by such behaviour. Indeed given the hierarchical nature of Pakistani society in general and Pathan society in particular, it is only reasonable to conclude that Abdullah actively approved of Aslam's activities. It would be most unwise for any subordinate to engage on a ploy such as this without gaining his Khan's explicit approval in advance.
- (d) If so it follows that Aslam was no ordinary mule, nor indeed does he appear to have behaved like one. He operated outside the relative safety and security of Pakistani kinship networks; he spoke and acted with far more autonomy, authority and confidence than one would normally – at least in my opinion – expect a mere mule to possess. Having listened to the taped transactions between Aslam and Jameel, the conclusion that Aslam was making very active – if ultimately rather unsuccessful – efforts to draw Jameel into conforming with his demands, and thus into behaving in an incriminating way cannot in my opinion be avoided.
- (e) Once set in the context of Pakistani custom and convention, almost every aspect of Jameel's behaviour towards Aslam can, in my opinion, fully consistent with everyday good manners, although in this case reinforced by an effort to play host to a visitor whom an associate in Pakistan had requested him to assist.
- (f) It is also quite clear, in my opinion, that Jameel and Abdullah had some sort of pre-existing relationship. However there is nothing in the evidence that I have seen, despite much coat-tailing by Aslam, that this relationship had anything intrinsically to do with drug-smuggling. It is simply to suggest that on his return to Pakistan Jameel would have expected some sort of response for his troubles from Abdullah – even if that was only an agreement that a powerful man like Abdullah should keep off his back.
- (g) Although it can be argued that Jameel should have avoided having any kind of relationship with a known drug-smuggler, that is much more easily said than done. Moreover it is not

consonant with the way in which Pakistani society actually works. In that context even the most honest men must – especially if they occupy a position of any substance or influence – interact with the powers that be, however much of a criminal record (as is by no means uncommon) such men may have. Those who fail to sustain the expected patterns of reciprocity soon find themselves swamped and over-ridden.

Roger Ballard
13 December 1996