


Silencing Dissent: Detection Avoidance in Extraterritorial Targeted Killings

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EXECUTIVE SUMMARY

Forensic science deals with material traces of criminal activities and the attempts made to evade or delay detection. Detection avoidance behaviours require regular reappraisal in light of technological innovations, novel criminal cases, and theoretical and legal advancements. Apparent detection avoidant and concealment behaviours are contextualised within their established theoretical frameworks, particularly in the study of decision-making. It does so through the examination of the assassination of Khashoggi in 2018. Discussions go beyond the established explanations of detection avoidance by revealing attitudes towards material evidence, which cannot be explained adequately through RCT and 'forensic awareness' alone. Recognising detection avoidance strategies have obvious implications for forensic intelligence and as new perspectives emerge, it offers potentially valuable insights for those investigating human rights violations.

INTRODUCTION

Targeted killings have long been a contentious issue in global affairs, serving as a means for a state to silence dissent and eliminate perceived threats. Applying Meltzer's definition, targeted killings describe 'the use of lethal force attributable to a subject of international law with the intent, premeditation and deliberation to kill

individually selected persons who are not in the physical custody of those targeting them' (Meltzer, 2008, p. 5). Other terms such as 'assassination', 'extrajudicial killings' and 'murder' are used here interchangeably to reflect the diversity and strength of language used by the United Nations (UN) Human Rights Council to refer to state-sponsored intentional killings.

In the last decade, there have been several very high-profile attempts to silence dissent on foreign soil. Such extraterritorial plots have included the targeted killing of the North Korean defector Kim Jong-Nam in 2017 in Malaysia, the failed attempt to kill the Russian dissident Sergei Skripal in 2018 in the UK, the assassination of the Saudi journalist Jamal Khashoggi in Istanbul in 2018, and the fatal shooting of Hardeep Singh Nijjar in 2023 in Canada. These examples are stark reminders of the extent of authoritarian regimes' reach, the deployment of state-level resources, and the use of advanced scientific knowledge to eliminate perceived threats. They also reveal the varying degrees of sophistication that state-level actors employ in incorporating detection avoidance into their strategies. However, despite their public denials, rhetoric does little to convince audiences worldwide of the state-level lack of involvement.

There is a long history of using radicals and recruiting intelligence tools to carry out targeted killings on behalf of a benefactor (CIA, 1953). Another method is recruiting an unsuspecting individual as an intelligence tool to perform the assassination. In these cases, there is no requirement for a detection avoidance strategy as both are drafted to carry out the assassination with or without their knowledge and then scapegoated through various criminal justice systems. One such example is the assassination of Kim Jong-Nam, the estranged half-brother of North Korean leader Kim Jong-Un, in Kuala Lumpur airport. Components of VX nerve agent were in the hands of two unsuspecting women who thought they had been recruited as actors to participate in a series of harmless pranks for a reality show. Airport CCTV showed one of the women sprayed a liquid on the face of Kim Jong-Nam. Immediately afterwards, the other woman placed a cloth contaminated with another liquid onto his face – the resultant mixture on the face of Kim Jong-Nam formed a binary reaction and created VX, killing Kim Jong-Nam within 20 minutes of exposure (Nakagawa & Tu, 2018). Traces of VX were found on the face and eyes of Kim Jong-Nam, as well as the clothing and property of the women. When not mixed, the two components are relatively non-toxic, which explains why the women were unharmed (Tu, 2020). The women were apprehended and faced trial in Malaysia and protested that they did not know that their actions would harm Kim Jong-Nam. One woman's charges were dismissed, and the other pleaded guilty to 'voluntarily causing hurt by dangerous weapons or means' and received a short prison sentence. The attack occurred in a busy airport with extensive CCTV coverage. Extraterritorial killings like this are intended to impose and extend jurisdictions

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