

Prepared Testimony of Jeremy Scahill
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My name is Jeremy Scahill. I am the National Security correspondent for The Nation magazine. I recently returned from a two-week unembedded reporting trip to Afghanistan. I would like to thank the Chairman and the Committee for inviting me to participate in this important hearing. As we sit here today in Washington, across the globe the United States is engaged in multiple wars. Some, like those in Afghanistan and Iraq, are well known to the US public and to the Congress.

They are covered in the media and are subject to Congressional review. Despite the perception that we know what is happening in Afghanistan, what is rarely discussed in any depth in Congress or the media is the vast number of innocent Afghan civilians that are being killed on a regular basis in US night raids and the heavy bombing that has been reinstated by General David Petraeus. I saw the impact of these civilian deaths first-hand and I can say that in some cases our own actions are helping to increase the strength and expand the size of the Taliban and the broader insurgency in Afghanistan.

As the war rages on in Afghanistan and--despite spin to the contrary--in Iraq as well, US Special Operations Forces and the Central Intelligence Agency are engaged in parallel, covert, shadow wars that are waged in near total darkness and largely away from effective or meaningful Congressional oversight or journalistic scrutiny. The actions and consequences of these wars is seldom discussed in public or investigated by the Congress.

The current US strategy can be summed up as follows: We are trying to kill our way to peace. And the killing fields are growing in number.

Among the sober question that must be addressed by the Congress: What impact are these clandestine operations having on US national security? Are they making us more safe or less? When US forces kill innocent civilians in "counterterrorism" operations, are we

inspiring a new generation of insurgents to rise against our country? And, what is the oversight role of the US Congress in the shadow wars that have spanned the Bush and Obama Administrations?

The most visible among these shadow wars is in Pakistan where the United States regularly bombs the country using weaponized drones. As we now know from diplomatic cables made public by Wikileaks, Pakistan's Prime Minister told a senior US official in Islamabad, "I don't care if [the US bombs Pakistan] as long as they get the right people. We'll protest in the National Assembly and then ignore it."

At the same time, US Special Operations Forces are engaged in covert, offensive actions in Pakistan, including hunting down so-called high value targets, doing reconnaissance for drone strikes and conducting raids with Pakistani forces in north and south Waziristan. These raids are carried out in secret and denied by Pentagon spokespeople in public. Leaked US diplomatic cables have now confirmed that the sustained denials by US officials for more than a year are false. According to an October 9, 2009 cable classified by Anne Patterson, then the US ambassador to Pakistan, offensive operations have been conducted by US Special Operations Forces and coordinated with the US Office of the Defense Representative in Pakistan. A US Special Operations source told me that the US forces described in the cable as "SOC(FWD)-PAK" were "forward operating troops" from the Joint Special Operations Command (JSOC), the most elite force within the US military made up of Navy SEALs, Delta Force and Army Rangers. This despite senior Pentagon and State Department officials, including by Ambassador Richard Holbrooke and Pentagon spokesman Geoff Morrell, publicly claiming there are no US troops in Pakistan or that the only role of US troops is to train the Pakistani military. Those statements are demonstrably false.

In the fall of 2008, the US Special Operations Command asked top US diplomats in Pakistan and Afghanistan for detailed information on refugee camps along the Afghanistan Pakistan border and a list of humanitarian aid organizations working in those camps. On October 6, Ambassador Patterson, sent a cable marked "Confidential" to

senior US defense and intelligence officials saying that some of the requests, which came in the form of emails, "suggested that agencies intend to use the data for targeting purposes." Other requests, according to the cable, "indicate it would be used for "NO STRIKE" purposes." The cable, which was issued jointly by the US embassies in Kabul and Islamabad, declared: "We are concerned about providing information gained from humanitarian organizations to military personnel, especially for reasons that remain unclear. Particularly worrisome, this does not seem to us a very efficient way to gather accurate information." What this cable says in plain terms is that at least one person within the US Special Operations Command actually asked US diplomats in Kabul and/or Islamabad point-blank for information on refugee camps to be used in a targeted killing or capture operation.

What is clear is that US officials have consistently misled the American and Pakistani people on the extent of US military operations inside Pakistan. The reality is that US soldiers are fighting and dying in Pakistan despite the absence of a declaration of war. It is imperative that Congress investigate this shadow war to examine its legality, but also its impact on Pakistan's stability and US national security. If Congress is kept in the dark about these operations, how can it expect to effectively and honestly debate US policy in Pakistan?

One of the most off-the-radar wars the US is currently waging is in the areas around the Horn of Africa and the Gulf of Aden, where US forces are increasingly militarily engaging forces from Al Qaeda in the Arabian Peninsula (AQAP). While the stated US position is that the US military role in this region is limited to training and weapons support, we now know that on multiple occasions the US has launched cruise missiles carrying cluster bombs at villages in Yemen, killing scores of people. According to the Yemeni parliament, women and children have been among those killed by American bombs. One of these strikes was reportedly aimed at killing a US citizen, Anwar al Awlaki, who has been placed on a targeted assassination list by the CIA and the Joint Special Operations Command. Special Operations sources have told me that elite forces from the US Joint Special Operations Command have also engaged in unilateral direct

actions--lethal operations--inside Yemen. As in the case of US drone strikes in Pakistan, the Yemeni authorities are colluding with American officials to mask the level of US involvement.

We now know that on September 6, 2009, President Obama's Deputy National Security Advisor, John Brennan, met with Yemen's president, Ali Abdullah Saleh, to discuss the rising influence of Al Qaeda in the Arabian Peninsula (AQAP). According to one cable, "President Saleh pledged unfettered access to Yemen's national territory for U.S. counterterrorism operations... Saleh insisted that Yemen's national territory is available for unilateral [counterterrorism] operations by the U.S." As with the presence of US forces in Pakistan, publicly, the Obama administration insists that its role in Yemen is limited to training and equipping the country's military forces. In secret, however, US Special Operations Forces have been conducting offensive operations in Yemen, including airstrikes, and conspiring with Yemen's president and other leaders to cover-up the US role.

On December 17, 2009, an alleged al-Qaeda training camp in Abyan, Yemen was hit by a cruise missile killing 41 people. According to an investigation by the Yemeni parliament, 14 women and 21 children were among the dead, along with 14 alleged al-Qaeda fighters. A week later another airstrike hit a separate village in Yemen.

Amnesty International released photographs from one of the strikes revealing remnants of US cluster munitions and the Tomahawk cruise missiles used to deliver them. At the time, the Pentagon refused to comment, directing all inquiries to Yemen's government, which released a statement on December 24 taking credit for both airstrikes, saying in a press release, "Yemeni fighter jets launched an aerial assault" and "carried out simultaneous raids killing and detaining militants."

US diplomatic cables now reveal that both strikes were conducted by the US military. In a meeting with General Petraeus in early January 2010 President Saleh reportedly told Petraeus: "We'll continue saying the bombs are ours, not yours." Yemen's Deputy Prime

Minister Alimi then boasted that he had just "lied" by telling the Yemeni Parliament "that the bombs... were American-made but deployed by" Yemen. In that meeting, Petraeus and Saleh also discussed the US using "aircraft-deployed precision-guided bombs" with Saleh saying his government would continue to publicly take responsibility for US military attacks. It is clear that we have only seen the beginning of the shadow US war in Yemen and Congress must demand accountability and examine the full extent of the lethal actions currently underway in Yemen.

US forces have also struck multiple times in Somalia and have used the Ethiopian Army as a proxy force to cover the role of US Special Operations troops in a shadow war against al Shabaab and other militant groups. In the years leading up to the December 2006 Ethiopian invasion of Somalia, the Pentagon trained Ethiopian forces—including the notorious Agazi special forces unit. The US role continued well into the Ethiopian offensive. A series of at least six US Special Operation incursions into Somalia followed the invasion, beginning with two AC-130 attacks in southern Somalia in early 2007 and another attack from a US warship in mid-2007. In the spring of 2008, five Tomahawk cruise missiles were fired from an unidentified US naval vessel at a target in southern Somalia, followed by a second strike in central Somalia that killed alleged al Qaeda commander Aden Hashi Ayro. The most recent operation we know of occurred under President Obama's command in September 2009, when at least two US helicopters—reported to have been AH-6 Little Bird attack helicopters—tracked and killed an alleged senior al-Qaeda leader in the al Shabaab-controlled southern region. A diplomatic cable released by Wikileaks reveals that a foreign official praised the US for the Somalia operation, saying "The Somalia job was fantastic." But the reality is that the invasion of Somalia was a disaster and actually increased support for Islamic radical movements.

These ongoing shadow wars confirm an open secret that few in Congress are willing to discuss publicly--particularly Democrats: When it comes to US counterterrorism policy, there has been almost no substantive change from the Bush to the Obama administration. In fact, my sources within the CIA and the Special Operations community tell me that if there is any change it is that President Obama is hitting harder and in more countries that

President Bush. The Obama administration is expanding covert actions of the military and the number of countries where US Special Forces are operating. The administration has taken the Bush era doctrine that the "world is a battlefield" and run with it and widened its scope. Under the Bush administration, US Special Forces were operating in 60 countries. Under President Obama, they are now in 75 nations.

The Obama administration's expansion of Special Forces activities globally stems from a classified order dating back to the Bush administration. Originally signed in early 2004 by then-Secretary of Defense Donald Rumsfeld, it is known as the "AQN ExOrd," or Al Qaeda Network Execute Order. The AQN ExOrd was intended to cut through bureaucratic and legal processes, allowing US Special Forces to move into "denied" areas or countries beyond the official battle zones of Iraq and Afghanistan.

As a Special Operations veteran told me, "The ExOrd spells out that we reserve the right to unilaterally act against al Qaeda and its affiliates anywhere in the world that they operate." The current mindset in the White House, he told me, is that "the Pentagon is already empowered to do these things, so let the Joint Special Operations Command off the leash. And that's what this White House has done." He added: "JSOC has been more empowered more under this administration than any other in recent history. No question." "The Obama administration took the [Bush-era] order and went above and beyond," he said. "The world is the battlefield, we've returned to that."

While some of the Special Forces missions are centered around training of militaries in allied nations, that line is often blurred. In some cases, "training" is used as a cover for unilateral, direct action. As a former special ops guy told me: "It's often done under the auspices of training so that they can go anywhere. It's brilliant. It is essentially what we did in the 60s. Remember the 'training mission' in Vietnam? That's how it morphs."

As I just returned from Afghanistan, I would like to share with this committee part of my investigation into deadly US night raids in Afghanistan where innocent civilians were killed. These operations, carried out by the same Special Ops teams that operate in

Yemen, Pakistan and Somalia, are part of what is effectively a shadow war within the more publicly visible war in Afghanistan. In one incident in February of this year, US Special Operations Forces raided a civilian compound in the Gardez District of Paktia province. They killed two pregnant women, a teenage girl and two men. US forces tried to cover up their responsibility for the killings and blamed the Taliban and said the women were killed in an honor killing. That was a blatant lie and eventually the US was forced to take responsibility, admitting the raid was conducted by operators from the Joint Special Operations Command.

I went to visit with that family in their home. They were pro-American and anti-Taliban before this raid. In fact, the night US forces stormed their compound, they thought it was a Taliban attack. The two men who were killed were actively working with US forces. One of them was a top police commander trained by the US, the other was a local prosecutor in the Karzai government. One man, who saw his pregnant wife gunned down by US forces, was hooded and handcuffed and taken prisoner for days by American forces. When he was released, he told me, he wanted to become a suicide bomber and blow himself up among Americans. The same was true of a similar raid on the Kashkaki family in Nangarhar province in May 2010 where eight civilians were gunned down by US forces. Local police officials told me the family had no connection to the Taliban. That family is left asking why they should support the US presence in their country after watching their loved ones shot dead before their eyes by a military that claims to be there to liberate them and free their country. The perception I heard expressed widely in Afghanistan was that the US is killing with impunity and strengthening the Taliban in the process.

Former senior State Department official in Afghanistan, Matthew Hoh, recently told me that the night raids are "a really risky, really violent operation," saying that when Special Operations Forces conduct them, "We might get that one guy we're looking for or we might kill a bunch of innocent people and now make ten more Taliban out of them." I told both of the families targeted in the raids I described that I would bring their cases before the US Congress and ask that they be investigated and that those responsible be

held accountable for these extrajudicial killings. On behalf of those families, I humbly ask this committee to consider this request.

In closing, the stated focus of this hearing is US national security policy and civil liberties. I believe strongly that the wars in Iraq and Afghanistan have a direct impact on what happens here in the United States. The same is true for the covert, shadow wars from Pakistan to Somalia to Yemen and beyond. These wars help to shape our domestic policies as well as world opinion about our nation. It is essential for journalists and this Congress to fulfill their oversight functions and to shed light on actions--as unsavory or as difficult as they might be at times--so that US policy moving forward can truly be based on what is best for the people of this nation as well as the populations of the nations where the US is waging wars, whether declared or undeclared. I thank this body for the opportunity to testify today. I ask that my full, prepared remarks be entered into the official record. I am prepared to answer any questions you may have.