

# America's Undeclared War on Pakistan: Fresh Evidence of CIA Drone Strikes on Rescuers

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*Are double-tap strikes being sanctioned to kill high value targets such as Yahya al-Libi?*

*Additional reporting by Mushtaq Yusufzai*

A field investigation by the Bureau of Investigative Journalism in Pakistan's tribal areas appears to confirm that the Central Intelligence Agency (CIA) last year briefly revived the controversial tactic of deliberately targeting rescuers at the scene of a previous drone strike. The tactic has previously been labelled a possible war crime by two UN investigators.

The Bureau's new study focused mainly on strikes around a single village in North Waziristan – attacks that were aimed at one of al Qaeda's few remaining senior figures, Yahya al-Libi. He was finally killed by a CIA drone strike on June 4 2012.

*The Bureau's field researcher found five double-tap strikes took place in mid-2012, one of which also struck a mosque*

Congressional aides have previously been reported as [describing](#) to the Los Angeles Times reviewing a CIA video showing Yahya al-Libi alone being killed. But the Bureau's field research appears to confirm what others reported at the time – that al-Libi's death was part of a sequence of strikes on the same location that killed up to 16 people.

If correct, that would indicate that Congressional aides were not shown crucial additional video material.

The CIA has robustly rejected the charge. Spokesman Edward Price told the Bureau: 'The CIA takes its commitment to Congressional oversight with the utmost seriousness. The Agency provides accurate and timely information consistent with our obligation to the oversight Committees. Any accusation alleging otherwise is baseless.'

Tactic revived

The Bureau first broke the story of the CIA's deliberate targeting of rescuers in a February 2012 investigation for the Sunday Times. It found evidence of [11 attacks on rescuers](#) – so-called 'double-tap' strikes – in Pakistan's tribal areas between 2009 and 2011, along with a drone strike deliberately targeting a funeral, causing mass casualties.

Reports of these controversial tactics ended by July 2011. But credible news reports

emerged a year later indicating that double-tap strikes had been revived.

International media including the [BBC](#), [CNN](#) and news agency [AFP](#) variously reported that rescuers had been targeted on five occasions between May 24 and July 23 2012, with [a mosque](#) and [prayers for the dead](#) also reportedly bombed.

The Bureau commissioned a report into the alleged attacks from Mushtaq Yusufzai, a respected journalist based in Peshawar, who reports regularly for NBC and for local paper The News.

Over a period of months, Yusufzai – who has extensive government, Taliban and civilian contacts throughout Waziristan – built up a detailed understanding of the attacks through his sources.

Related article – [Interview: ‘Ask the wrong people about drone deaths and you can be killed’](#)

His findings indicate that five double-tap strikes did indeed take place again in mid-2012, one of which also struck a mosque. In total 53 people were killed in these attacks with 57 injured, the report suggests.

Yusufzai could find no evidence to support media claims that rescuers had been targeted on two further occasions.

No confirmed civilian deaths were reported by local communities in any of the strikes. A woman and three children were reportedly injured in one of the attacks. Yusufzai says: ‘It is possible some civilians were killed, but we don’t know’.

However a parallel investigation by [legal charity Reprieve](#) reports that eight civilians died in a double-tap strike on July 6 2012 (see below), with the possibility of further civilian deaths in a July 23 attack.

Islamabad-based lawyer Shahzad Akbar says Reprieve’s findings are based on interviews with villagers from affected areas.

‘On both occasions [in July] our independent investigation showed a high number of civilians who were rescuers were killed in the strikes,’ says Akbar.

While some 2012 double-tap strikes appear to have been aimed at al Qaeda’s Yahya al-Libi, Reprieve believes both July attacks were focused on killing another senior militant, Sadiq Noor.

Noor is deputy to militant leader Hafiz Gul Bahadur. Both men are long-time targets for the CIA because of their support for the Taliban’s Afghan insurgency. Noor had [falsely been reported killed](#) on at least two previous occasions. It is not known whether he survived either of the strikes.

Summary of the Bureau’s new findings

The Bureau’s field research finds that – as widely reported at the time – on May 24 2012 a CIA-controlled armed drone hit a mosque in the village of Hasukhel in North Waziristan, killing some worshippers. Six further people were killed in a second drone strike shortly afterwards as they took part in rescue work, according to Yusufzai’s sources.

On June 3 2012, two Taliban commanders and their men were targeted as they visited the village of Gangi Khel in South Waziristan to attend funeral prayers for a relative killed in an earlier drone strike. Despite reports that the two commanders were killed, the Bureau's research finds both men survived and there were no fatalities.

An attack on June 4 2012 ultimately killed al Qaeda second-in-command Yahya al-Libi. Despite US claims that al-Libi alone died, Bureau research appears to corroborate multiple accounts indicating that at least 16 people, all alleged militants, died in a series of missile strikes. This reportedly included the deliberate targeting of rescuers. Congressional oversight committee staffers reportedly [told the LA Times](#) they had seen video showing only al-Libi's death. They may have been unaware of additional strikes. The CIA told the Bureau it 'provides accurate and timely information consistent with our obligation to the oversight Committees. Any accusation alleging otherwise is baseless.'

Related article – [Get the Data: The return of double-tap drone strikes](#)

On July 6 2012, a group of alleged militants were targeted and killed as they ate dinner with local tribesmen. Another nearby mixed group who were praying were not attacked. After waiting 30 minutes rescue work began. CIA drones then returned, killing 12 others including three brothers. Legal charity Reprieve reports eyewitnesses as identifying eight civilians killed in the attack, who it names as Salay Khan; Mir Jahan Gul; Allah Mir Khan; Noor Bhadshah Khan; Mir Gull Jan; Batkai Jan; Gallop Haji Jan and Gull Saeed Khan.

An initial attack on a house in Dre Nishtar in the Shawal valley on July 23 2012 killed five alleged militants. Local villagers refused to assist in aid work because they feared a fresh attack. Alleged militants involved in the rescue were then targeted in a second strike, with a further seven killed and eight injured. Reprieve believes civilians may also have died in this attack, and is continuing to investigate.

No evidence could be found for a claimed attack on rescuers on May 28 2012. Instead, Yusufzai's sources said two separate linked strikes took place. An initial 4am attack failed to destroy a truck. The vehicle was pursued and destroyed 10 minutes later as it passed through Hasukhel village, killing seven alleged militants. Four civilians including three children were also injured when a nearby house was damaged.

Similarly, the Bureau can find no evidence to support a claimed double-tap attack on June 14 2012 in Miranshah. Instead, one individual died on the building's roof, in what Yusufzai's sources describe as a highly precise attack causing minimal structural damage.

Related article – [CIA tactics in Pakistan include targeting rescuers and funerals](#)

Special rules?

The rescuer strikes examined by Yusufzai all appear to have been aimed at very senior militants – so-called High Value Targets. Under international humanitarian law, the greater the threat a target represents, and the more imminent that threat is deemed to be, the greater the leeway for targeting. The Bureau's findings suggest that strikes on rescuers are still permitted in certain circumstances, such as in the pursuit of a high value target such as Yahya al-Libi.

The Bureau's original investigation into the deliberate targeting of rescuers found that

a [significant number of civilians](#) had been reported killed, alongside Taliban rescuers.

It was the presence of civilians amid groups of rescuers which meant the US may have committed war crimes, according to the UN's special rapporteur on extrajudicial executions. [Christof Heyns noted](#) in June 2012:

If civilian 'rescuers' are indeed being intentionally targeted, there is no doubt about the law: those strikes are a war crime.

Heyns' colleague Ben Emmerson QC, UN special rapporteur on torture, also [told reporters in October 2012](#): 'The Bureau has alleged that since President Obama took office at least 50 civilians were killed in follow-up strikes when they had gone to help victims and more than 20 civilians have also been attacked in deliberate strikes on funerals and mourners. Christof Heyns... has described such attacks, if they prove to have happened, as war crimes. I would endorse that view.'

The Bureau understands that Emmerson's ongoing UN investigation into drone strikes is likely to engage with the issue of targeting first responders.

Bureau field researcher Mushtaq Yusufzai notes that civilians now rarely appear to take part in rescue operations, and are often prevented from doing so by militants. They also fear further CIA attacks, he says.

*As Bureau field researcher Mushtaq Yusufzai notes, civilians now rarely appear to take part in rescue operations'*

Sarah Knuckey is an international lawyer at the Center for Human Rights and Global Justice, based at New York University's School of Law. An adviser to UN rapporteur Christof Heyns, Knuckey also co-authored the 2012 report [Living Under Drones](#), which gathered substantial testimony in Pakistan about strikes on rescuers.

'The threat of the "double tap" reportedly deters not only the spontaneous humanitarian instinct of neighbours and bystanders in the immediate vicinity of strikes, but also professional humanitarian workers providing emergency medical relief to the wounded,' the report noted.

Commenting on the Bureau's latest findings, Knuckey says civilians cannot be targeted under the laws of war.

But she adds: 'Secondary strikes are not *necessarily* unlawful. If, for example, secondary strikes are carried out on additional military targets who come to the area of a first strike, the strikes might comply with the laws of war. And the Bureau's findings of no evidence of civilian harm from the 2012 strikes they investigated suggest that proper precautions in attack may have been taken for those strikes.'

'The key question around the legality of secondary strikes is: On what basis is the US making the assessment that the 'rescuers' are legitimate military targets? Is the US assuming that anyone coming to a second strike is also a militant, or does it have – for each rescuer – intelligence on that person's militant status? If secondary strikes take place within

10-20 minutes of a first strike, is that sufficient time to determine militancy?’



*‘Our own independent investigation showed a high number of civilian rescuers were killed’ says Reprieve’s Shahzad Akbar (Photo: Chris Woods)*

Stark contrast

The US has not generally responded to the issue of double-tap strikes. But three months after the 2012 attacks, a senior diplomat denied that civilian rescuers were ever ‘deliberately’ targeted by the CIA.

A group of US peace activists visiting Pakistan in October 2012 were [told by acting US ambassador Richard E Hoagland](#): ‘For at least the last several years that I have been here in Pakistan and more intimately associated with the knowledge of this [drone campaign], there was never any deliberate strikes against civilian rescuers.’

The US Senate and House intelligence committees are charged with overseeing the CIA’s drone targeted killing project. But there is an unexplained disparity between an account of what committee members were shown by the CIA on a particular strike, and what other sources report.

*Is the US assuming that anyone coming to a second strike is also a militant, or does it have – for each rescuer – intelligence on that person’s militant status?’*

Sarah Knuckey, New York University

Yahya al-Libi, al Qaeda’s second-in-command, was killed by the CIA on June 4 2012 in a strike on the village of Hassokhel in North Waziristan.

Almost all media reports at the time placed the death toll at 15-18. Sources including the [Washington Post](#) said rescuers were targeted and killed at the scene.

But the US has consistently denied this. ‘American officials said that Mr Libi was the only person who died in the attack, although others were present in the compound,’ the [New York Times](#) noted.

In July 2012, the [Los Angeles Times](#) published a detailed account of the workings of the Senate and House Intelligence Committees. According to reporter Ken Dilanian, staffers from both committees visit CIA headquarters once a month, where they watch video and review other evidence relating to drone strikes.

‘The BBC and other news organisations quoted local officials saying that 15 “suspected militants” were killed in the June 4 Pakistan strike that killed al Libi,’ Dilanian reports. ‘But the [CIA] video shows that he alone was killed, congressional aides say.’

Related article – [Is Congressional oversight tough enough on drones?](#)

The Bureau’s findings are in stark contrast, appearing to confirm original news reports that rescuers were indeed targeted at the time and that many more died.

According to Yusufzai's sources, an initial 4am attack on a small house in the village of Hassokhel killed five. A dozen people 'including Arabs, Turkmen and local tribesmen' then started rescue work.

But as they were removing bodies, the CIA's drones reportedly struck again - killing 10 more, including Yahya al-Libi, 'who was observing the rescue operation when he too came under missile attack,' the source said.

Neither the House nor Senate intelligence committees were prepared to comment on the disparity between these reports.

The Bureau approached the CIA for comment on the latest sequence of rescuer strikes. While declining to comment on most questions, spokesman Edward Price robustly denied the suggestion that the oversight committees may have been misled.

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