

PEACE TALKS BETWEEN PAKISTAN GOVERNMENT AND TALIBAN ARE UNDERWAY

After a cancelled meeting earlier in the week, peace talks between Pakistan's government and the Tehrik-e-Taliban Pakistan (TTP), a Taliban group that has been carrying out terrorist attacks against targets inside Pakistan, have gotten underway. Although Reuters reported that the meeting was in an undisclosed Islamabad location and Dawn reported that the meeting was in Khyber Pakhtunkhwa House in Islamabad, it appears that both stories have elements of truth. From the Express Tribune:

The meeting of government and Tehreek-e-Taliban Pakistan (TTP) peace talks committees started at an undisclosed location in Islamabad at 2:24pm on Thursday, *Express News* reported.

The meeting later shifted to Pakhtunkhwa House.

The Dawn story reports that there was a "cordial atmosphere", but adds another very important point:

Sources said that talks were being held in a cordial atmosphere and that negotiations would now be continued on a daily basis.

With daily meetings planned, it sounds like the talks could be more than a mere formality.

Returning to the Dawn story, we have the line-up of negotiators for each side:

The government's negotiators include Irfan Siddiqui, special assistant to the prime minister and coordinator of the

committee, Rustam Shah Mohmand, a former Pakistan ambassador to Afghanistan, Peshawar-based journalist Rahimullah Yousufzai and retired Major Amir Khan.

Negotiators from the TTP's side include Maulana Samiul Haq, Maulana Abdul Aziz and Professor Mohammad Ibrahim.

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The TTP had initially also nominated Pakistan Tehrik-i-Insaf (PTI) chief Imran Khan and former Jamiat Ulema-i-Islam (JUI-F) lawmaker Mufti Kifayatullah in their committee. However, both later refused to be part of the committee.

Although none of the stories point it out, I find it very interesting that at least part of today's discussions were held at Khyber Pakhtunkhwa House. Even though Imran Khan declined to be a part of the negotiating team for the TTP, recall that his PTI party controls the government in Khyber Pakhtunkhwa province. After a bit more poking around, I found this version of an AFP story on the meetings that has a photo of the outside of Khyber Pakhtunkhwa House. Note the emblem on the gate in the photo. It clearly is the emblem of the Khyber Pakhtunkhwa province and not of Pakistan's government (see here), suggesting that Khan's provincial government may well be playing the role of a host or facilitator for the talks. There also appears to be a restaurant in Islamabad with the name Khyber Pakhtunkhwa House, but the AFP photo appears to rule out the restaurant.

An official speaking to Reuters also added to the importance of the meetings:

"The progress of the talks will be submitted to the prime minister," the government official, who declined to be named, as he is not authorized to comment on progress of the talks, told

Reuters.

Recall that Prime Minister Nawaz Sharif had the establishment peace talks with the Taliban as one of his main campaign promises. Note also that Imran Khan made ending US drone strikes one of his main campaign issues. With Sharif monitoring the talks and Khan providing a venue (at least for today), it then becomes very interesting that the spokesperson for Pakistan's Foreign Office today said that the announced US slowdown on drone strikes is not enough. She stated that the strikes have to end altogether. Although Sharif's government has called for an end to drone strikes several times in the past, reiterating it today could well be important in the context of the talks and Khan's potential role as a mediator of sorts.

MIKE ROGERS THROWS TANTRUM OVER OBAMA'S DRONE POLICY

It seems that Mike Rogers lately is aiming to take over the Emptywheel blog. When he's not yapping about criminalizing journalism or dissembling about Congressional briefings on the Patriot Act renewal, he's putting out bloodthirsty endorsements of drone violence. When we last heard from him on the drone front, he was joining the mad rush to come up with the most damning indictment of Hakimullah Mehsud after the US disrupted Pakistan's plans to start peace talks the very next day with a Taliban group headed by Mehsud. Yesterday, Rogers used a hearing of his House Intelligence Committee as a venue in which to pitch a tantrum over the US daring to adjust its drone policy, leading to fewer strikes.

Now, almost exactly three months after the Mehsud drone strike, we see the prospect for peace talks between Pakistan and the Taliban disrupted again. As I mentioned yesterday, Taliban negotiators fear that Pakistan's government may be planning to scuttle the talks in order to launch an offensive against the Taliban in tribal areas, which might also play into a desire by Sharif's government to be in line for counterterrorism funds which the US might not be spending in Afghanistan.

The Washington Post has Rogers' tirade. First, there is news of a pause in drone strikes in Pakistan:

The Obama administration has sharply curtailed drone strikes in Pakistan after a request from the government there for restraint as it pursues peace talks with the Pakistani Taliban, according to U.S. officials.

"That's what they asked for, and we didn't tell them no," one U.S. official said. The administration indicated that it will still carry out strikes against senior al-Qaeda targets, if they become available, and move to thwart any direct, imminent threat to U.S. persons.

Concern about Pakistani political sensitivities provides one explanation for the absence of strikes since December, the longest pause in the CIA's drone campaign since a six-week lull in 2011, after an errant U.S. air assault killed 24 Pakistani soldiers at a border post, triggering a diplomatic crisis.

Oooh, look! There's Marcy's favorite word again, "imminent". But this lull in drone strikes, coupled with the explanation offered in the Post, tells us that no suitable al Qaeda targets with credible plans against the US presented themselves in Pakistan's tribal areas for over a

month. That didn't deter Rogers; he's upset that any potential targets aren't blasted immediately:

Disclosure of a pause in the drone campaign in Pakistan came as a senior Republican lawmaker assailed the Obama administration for tightening the guidelines under which lethal drone strikes are permitted.

Rep. Mike Rogers (Mich.), the chairman of the House Intelligence Committee, said Tuesday that policy changes made by President Obama last year to the drone program "are an utter and complete failure, and they leave Americans' lives at risk."

Rogers cited the spread of al-Qaeda offshoots in Yemen, Syria and Africa, and said that "individuals who would have been previously removed from the battlefield by U.S. counterterrorism operations for attacking or plotting to attack against U.S. interests remain free because of self-imposed red tape."

/snip/

Asked after the hearing what people or countries he was referring to when he talked about "individuals" who "remain free," Rogers said that "terrorists who are in the crosshairs and would be removed from the battlefield under the old policy are still in the crosshairs, but are still actively planning attacks because of the policy change."

Rogers' outburst was so extreme that even James Clapper walked it back later in the hearing, stating that Obama's policies have not put the country at greater risk, but recall that Clapper also has been yapping similar claptrap lately about al Qaeda groups wanting to strike the US. Of course, the number of attacks by al Qaeda-associated groups that have led to loss of

American lives inside the US since 9/11 is exactly zero (no, don't try to claim an al Qaeda connection to Boston beyond "inspiration", just don't).

Hidden in the Post article is a tidbit that seems to fit the idea of more counterterrorism funds going to Pakistan's government (emphasis added):

"The president has made clear that even as we aggressively pursue terrorist networks – through more targeted efforts and by **building the capacity of our foreign partners** – America must move off a war footing," said White House spokeswoman Caitlin Hayden. "We will not be safer if people abroad believe we strike within their countries without regard for the consequence."

Recall that one of the justifications for the use of drones, especially in Pakistan's tribal areas, is that the region is not accessible for conventional military action to take out the desired targets. If Pakistan does indeed take military action against factions it deems dangerous to its government, why wouldn't the US want to provide some extra funding to Pakistan so that targets the US would otherwise hit with drones are also hit? The stickler here, of course, is that those the US would target previously have been said to operate with the blessings, and possibly even the funding, of Pakistan's intelligence agency. In the end, it may well come down to Pakistan's price for giving up its support of those groups, along with whether Sharif can convince the ISI that a potential full US withdrawal from Afghanistan provides cover for winding down support for the groups attacking US forces. Lurking in the background of these thoughts is the search for a new home for the US drones that become homeless under the zero option for Afghanistan, but providing monetary and intelligence support for conventional military action by Pakistan's military would incite far less hatred of the US

than a return to use of Pakistani bases for launching US drone strikes. Caitlin Hayden's statement fits very well with that reasoning.

THE UNSPEAKABLE TRAGEDY OF HOMELESS DRONES

Yesterday, I speculated on whether Pakistan's Prime Minister Nawaz Sharif was turning his back on his campaign promise of peace talks with the Taliban so that he could seek US counterterrorism funds suddenly not being used in Afghanistan. Today's New York Times joins me in pointing out the key role of counterterrorism in an important US-Pakistan meeting in Washington today:

Secretary of State John Kerry is to meet Pakistan's foreign and national security policy adviser, Sartaj Aziz, here on Monday, and counterterrorism operations are to be a major subject of discussion, a senior State Department official said Sunday.

The Times article, however, centers on a key piece of context that I hadn't brought into yesterday's speculation. The growing likelihood that all US troops will be forced to withdraw from Afghanistan by the end of this year in the absence of a signed Bilateral Security Agreement means that the US needs a new home for its drones:

The risk that President Obama may be forced to pull all American troops out of Afghanistan by the end of the year has set off concerns inside the American

intelligence agencies that they could lose their air bases used for drone strikes against Al Qaeda in Pakistan and for responding to a nuclear crisis in the region.

/snip/

The concern has become serious enough that the Obama administration has organized a team of intelligence, military and policy specialists to devise alternatives to mitigate the damage if a final security deal cannot be struck with the Afghan president, Hamid Karzai, who has declined to enact an agreement that American officials thought was completed last year.

If Mr. Obama ultimately withdrew all American troops from Afghanistan, the C.I.A.'s drone bases in the country would have to be closed, according to administration officials, because it could no longer be protected.

Oh, the horrors of it all! Who can bear the tragedy of all those poor, homeless drones, wandering around the world with no base close enough for a rapid trip inside the borders of a sovereign nation that has stated in no uncertain terms that it considers drone strikes to be illegal and to be war crimes?

The Times article reminds us that the US once used a base inside Pakistan for drone flights:

Their base inside Pakistan was closed after a shooting involving a C.I.A. security contractor, Raymond Davis, and the raid into Pakistani territory that killed Osama bin Laden, both in 2011.

That bit simplifies the Shamsi Air Base story a bit. While it is true that Pakistan stated that they were kicking the US off the base in June of 2011, not very long after the Osama bin Laden

raid (and a bit longer after the Raymond Davis fiasco), the US didn't actually leave the base until December, after the US killed 24 Pakistani troops at a border station.

So it would seem to me that in today's talks with Aziz, Kerry will be dangling a couple billion dollars that will be Pakistan's for the taking, but only if they meet two conditions. Condition one will be to continue Sharif's new-found enthusiasm for attacking militant groups and condition two will be to re-open Shamsi air base for the US to continue drone operations.

Should such an agreement come to pass, it would completely invalidate the elections that Pakistan held last May, in which Pakistan for the very first time experienced a peaceful transition from one elected government to another. One of Sharif's main campaign points was the establishment of peace talks with the Taliban. He now is carrying out military actions against them instead. Imran Khan, who came in second in the election, campaigned on a pledge to end US drone strikes. Opening a base inside Pakistan for US drones would render votes cast for Khan meaningless.

Perhaps the only solace that the US would be able to offer Pakistan should they agree to re-open Shamsi to drones would be that after the formal US withdrawal from Afghanistan, the base in Shamsi would almost certainly be used by the US to violate Afghanistan's sovereignty on a regular basis, just as the US has been doing lately to Pakistan from Afghanistan.

ATTACKS AND COUNTERATTACKS: TTP

AND PAKISTANI MILITARY ESCALATE ACTIONS

The past three days have seen a number of major attacks between Pakistan's Taliban, known as the TTP, and Pakistan's military. On Sunday, a bomb exploded in a van transporting Pakistani troops, killing 20. This attack took place in Bannu (Bannu will return to this story in a moment). On Monday, a suicide bomber killed 13 just a few meters from the outside wall of the General Headquarters of the Pakistani Army in Rawalpindi. Today, Pakistani jets killed at least 24 with bombs dropped in North Waziristan.

It appears that in the Sunday attack, the bomb was in a vehicle rented for transporting troops:

"The explosion took place in a civil Hiace van inside Bannu Parade Ground at 8:45 am," a senior military official told *The Express Tribune*. The blast occurred just as Frontier Corps (FC) troops had stepped into the van ahead of their departure.

"The K-P paramilitary unit had rented a vehicle from the market for movement of its troops," he added. The vehicle was supposed to carry the soldiers to Razmak, a town in North Waziristan Agency.

/snip/

"It wasn't immediately known whether it was a suicide bombing or the device was detonated through a remote control," he added. "The van driver was also killed in the blast."

The suicide bomber in Monday's attack was first seen on a bicycle:

District Coordination Officer Sajid

Zafar Dall said that at the time of the attack a gaggle of children were heading to school. "Our initial assessment is that the bomber was possibly on a bicycle and he then approached the target on foot," he added. Since it was morning time, RA Bazaar was bustling with office-goers and schoolchildren.

Quoting eyewitnesses, Sardar Zulfikar, the SHO of RA Bazaar police station, said the bomber was walking towards the GHQ but detonated the explosive vest the moment he saw army troops at RA Bazaar's main roundabout, T-Chowk. The building of National Logistics Cell is located nearby.

/snip/

The RA Bazaar is considered a high security zone due to its proximity with the GHQ. Police investigators believe the bomber intended to target the military headquarters. However, he couldn't get to his target due to the tight security.

Today's bombing by the Pakistani Air Force appears to be in response to these attacks:

Several suspected militant hideouts were trampled by Pakistan's military's fighter jets in Mir Ali area of the North Waziristan, killing at least 24 persons and wounding 15 more, various local news channels reported on Tuesday.

The air strike followed a series of terrorist attacks across Pakistan in the past week, including Monday's blast on a check post in Rawalpindi that martyred 6 army personnel and 7 civilians. Tehreek-e-Taliban Pakistan had claimed the responsibility for the attack. The events had led to a mounting pressure on Prime Minister Nawaz Sharif to take tougher decisions in response to the

recent attacks by TTP.

“This hadn’t been planned before, and Pakistan Air Force jets were called to hit hideouts of the militants involved in attacks on security forces,” said one military official speaking on condition of anonymity.

It appears that the operations by Pakistani forces are continuing in several locations in North Waziristan.

At least one key TTP figure killed in today’s bombing has been identified. He has a very interesting history:

Tehreek-e-Taliban Pakistan (TTP) key commander Adnan Rasheed has been killed in an air strike by the Pakistan Air Force (PAF) in North Waziristan on Tuesday.

Sources said Rasheed along with his family was killed in an action by security forces in Mir Ali.

/snip/

Adnan Rasheed was freed in an unprecedented jailbreak operation on April 15, 2012 when around 200 Taliban militants armed with guns, grenades and rockets attacked the high-security Bannu Central Jail and released 384 prisoners. TTP spokesman Ehsanullah Ehsan subsequently declared on April 20, 2012 that the jail break operation was chiefly meant to free Adnan Rasheed.

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He was the same TTP commander who wrote a sympathising letter to Malala Yousafzai and explained her why she was attacked by the TTP. He wrote, ‘When you were attacked it was shocking for me. I wished it would never happen and I had advised you before.’ He explained she

was shot not because she went to school,
but because she had spoken out against
the Taliban in Pakistan.

These most recent militant attacks are not aimed only at the Pakistani military. Three workers administering polio vaccines were killed today in Karachi. That attack has not yet been tied to a specific group, but the TTP has carried out a number of attacks on polio workers, in part because of the CIA's use of a vaccination ruse in its search for Osama bin Laden.

It is tragic to see the violence level escalating in this way. Prime Minister Nawaz Sharif was elected in part because of his stated intention to begin peace talks with the TTP. Major steps toward those talks were proceeding until the US killed TTP head Hakimullah Mehsud in a drone strike just hours before talks were to begin. The likelihood of the peace talks taking place now seems to be greatly diminished with the frequency and size of attacks and counterattacks between the two sides increasing rapidly.

Update: There are now reports that Adnan Rasheed survived without injury.

THE VIRGIN REBIRTH OF CIA'S DRONE WARS AND NSA'S CYBERWARS

The DC press is buzzing about how little President Obama will do tomorrow to rein in the dragnet. The most telling description of Obama's thought process is this one, which makes it clear Obama worries about a backlash from the Deep State if their authorities are reigned in.

The emerging approach, described by

current and former government officials who insisted on anonymity in advance of Mr. Obama's widely anticipated speech, suggested a president trying to straddle a difficult line in hopes of placating foreign leaders and advocates of civil liberties without a backlash from national security agencies.

But two other developments probably reflect a better sense of where we're headed: WaPo's report that the Omnibus Spending bill defunds any effort to shift our drone war to DOD control.

Congress has moved to block President Obama's plan to shift control of the U.S. drone campaign from the CIA to the Defense Department, inserting a secret provision in the massive government spending bill introduced this week that would preserve the spy agency's role in lethal counterterrorism operations, U.S. officials said.

The measure, included in a classified annex to the \$1.1 trillion federal budget plan, would restrict the use of any funding to transfer unmanned aircraft or the authority to carry out drone strikes from the CIA to the Pentagon, officials said.

The article names Barb Mikulski and Dianne Feinstein as possible culprits for this move.

Still, senior lawmakers have been vocal in expressing concern about the prospect of the CIA ceding responsibility for drone strikes to the military. Sen. Dianne Feinstein (D-Calif.), the chairman of the Senate Intelligence Committee and a member of the Appropriations Committee, said last year that she had seen the CIA "exercise patience and discretion specifically to

prevent collateral damage” and that she “would really have to be convinced that the military would carry it out that well.”

[snip]

Among Feinstein’s colleagues on the Intelligence Committee is Sen. Barbara A. Mikulski (D-Md.), who is chairman of the appropriations panel responsible for the budget bill.

But I am skeptical such a thing would have happened without buy-in – if not direct orders – from John “Always Already Gone Native” Brennan (described as such by an anonymous Senior Administration Official who was shocked that Brennan was moving to keep the drone war contrary to the propaganda the White House had released while he was there).

Then there are the multiple reports on the spending bill’s doubling of CyberCommand’s budget to \$447 million, largely to hire 4,000 more staffers (that compares with a less than 5% increase in the cyber budget for DHS, which is supposed to have the lead on domestic defense).

Whether or not Obama supports CIA retaining control of the drone war, he surely supports this doubling of CyberCommand’s budget, as it is consistent with Obama’s pre-emption, in December, of his Review Group’s recommendation to split NSA and CyberCommand. With that decision, Obama made it clear he intends to prioritize cyberoffense over cyberdefense of the US.

Obama’s going to get up tomorrow to try to pretend to respond to the many criticisms of his NSA’s dragnet. But whether because he has lost control of his wars to the Deep State, or because he wants to continue to approach risks using tools of war, the entities driving this issue seem to be the Deep State (and the contractors it keeps fat).

JEREMY SCAHILL: TWO DEGREES OF SEPARATION FROM THE DIRTY WARS DRAGNET

Congratulations to Jeremy Scahill and the entire team that worked on Dirty Wars for being nominated for the Best Documentary Oscar.

This post may appear to be shamelessly opportunistic – exploiting the attention Dirty Wars will get in the days ahead to make a political point before the President endorses the dragnet on Friday – but I’ve been intending to write it since November, when I wrote this post.

Jeremy Scahill (and the entire Dirty Wars team) is the kind of person whose contacts and sources are exposed to the government in its dragnet.

To write his book (and therefore research the movie, though not all of this shows up in the movie) Scahill spoke with Anwar al-Awlaki’s father (one degree of separation from a terrorist target), a number of people with shifting loyalties in Somalia (who may or may not be targeted), and Afghans we identified as hostile in Afghanistan. All of these people might be targets of our dragnet analysis (and remember – there is a far looser dragnet of metadata collected under EO 12333, with fewer protections). Which puts Scahill, probably via multiple channels, easily within 3 degrees of separation of targets that might get him exposed to further network analysis. (Again, if these contacts show up in 12333 collection Scahill would be immediately exposed to that kind of datamining; if it shows up in the Section 215 dragnet, it would happen if his calls got dumped into the Corporate Store.) If Scahill got swept

up in the dragnet on a first or second hop, it means all his other sources, including those within government (like the person depicted in the trailer above) describing problems with the war they've been asked to fight, might be identified too.

Scahill might avoid some of this with diligent operational security – a concerted effort to prevent the government from tracking him along with terrorists (though remember two things: one purpose of the dragnet is to discover burner phones, and his computer got hacked while he was working on this book). But the government's intent is to sweep up records of any conversations that get as close to those hostile to American efforts as Scahill does.

One of my favorite figures in Scahill's book was the Heineken and Johnny Walker swilling Mullah Zabara, a Yemeni tribal leader from Shabwa who expressed the ambivalence Yemenis might feel towards the US.

Several souther leaders angrily told me stories of US and Yemeni attacks in their areas that killed civilians and livestock and destroyed or damaged scores of homes. If anything, the US air strikes and support for Saleh-family-run counterterrorism units had increased tribal sympathy for al Qaeda. "Why should we fight them? Why?" asked Ali Abdullah Abdulsalam, a southern tribal sheikh from Shabwah who adopted the nom de guerre Mullah Zabara, out of admiration, he told me, for Taliban leader Mullah Mohammed Omar. If my government built schools, hospitals and roads and met basic needs, I would be loyal to my government and protect it. So far, we don't have basic services such as electricity, water pumps. Why should we fight al Qaeda?" He told me that AQAP controlled large swaths of Shabwah, conceding that the group did "provide security and prevent looting.

If your car is stolen, they will get it back for you.” In areas “controlled by the government, there is looting and robbery. You can see the difference.” Zabara added, “If we don’t pay more attention, al Qaeda could seize and control more areas.”

Zabara was quick to clarify that he believed AQAP was a terrorist group bent on attacking the United States, but that was hardly his central concern. “The US sees al Qaeda as terrorism, and we consider the drones terrorism,” he said. “The drones are flying day and night, frightening women and children, disturbing sleeping people. This is terrorism.”

[snip]

“I don’t know this American,” he said to my Yemeni colleague. “So if anything happens to me as a result of this meeting—if I get kidnapped—we’ll just kill you later.”

[snip]

“I am not afraid of al Qaeda. I go to their sites and meet them. We are all known tribesmen, and they have to meet us to solve their disputes.” Plus, he added, “I have 30,000 fighters in my own tribe. Al Qaeda can’t attack me.”

Zabara served as a fascinating source for Scahill. He described seeing Umar Farouk Abdulmutallab while he was staying at Fahd al-Quso’s farm.

Zabara [] later told me he had seen the young Nigerian at the farm of Fahd al Quso, the alleged USS Cole bombing conspirator. “He was watering trees,” Zabara told me. “When I saw [Abdulmutallab], I asked Fahd, ‘Who is he?’” Quso told Zabara the young man was

from a different part of Yemen, which Zabara knew was a lie. "When I saw him on TV, then Fahd told me the truth."
[2nd bracket original]

This story does not entirely back the narrative the US told about Abdulmutallab and Awlaki at the former's sentencing; it strongly suggests Quso played a role in Abdulmutallab's plotting the government suppressed in public documents and claims, instead attributing that role to Awlaki as part of the case to kill him. While we can't be sure he told the truth, it does seem that Zabara provided necessary nuance to the story our government has told us about executing an American citizen with a drone strike.

Scahill goes onto reveal,

In January 2013, Zabara was assassinated in Abyan. It is unknown who killed him.

It could, of course, be anyone, quite likely AQAP (who had let Zabara get away with drinking in the past) or the Yemeni government or some other rival.

Jeremy Scahill's reporting – as well as the reporting of scores of journalists who speak to people who might not be terrorists, but might express well-considered ambivalence toward American presence in the countries where we fight – is utterly crucial to our understanding of whether our "war on terror" will achieve its desired end. In the same way that Peter Bergen's reporting (whose conversation with Osama bin Laden would put him one hop away from the lead terrorist) taught us things about our adversary we might not otherwise know, Scahill's reporting helps us understand what our Dirty War looks like on the ground. Just as importantly, this reporting provides details that challenge the government's closely managed narrative about what it is doing in our name.

The Academy apparently thinks Scahill's work has artistic and documentary merit. Our government

thinks such work should receive no protection in its dragnet.

MORE FALLOUT FROM HAKIMULLAH MEHSUD DRONE KILLING: POLIO VACCINES HALTED IN WAZIRISTAN

Yesterday, we got the tremendous news that after having lead the world in the number of polio cases as recently as 2009, the World Health Organization announced that there have been zero polio cases in India for three consecutive years. In today's Express Tribune, we see a discussion of whether and how Pakistan can now rise to the challenge of polio eradication. In the article, we learn that the US drone killing of Pakistan Taliban leader Hakimullah Mehsud not only disrupted the developing plans for peace talks between the Taliban and Pakistan's government, but it also affected polio vaccinations in North and South Waziristan:

According to the State Minister for National Health Services, Regulations and Coordination Saira Afzal Tarrar, NWA and South Waziristan did not receive any immunisation in months, contrary to former North Waziristan Agency (NWA) surgeon Jan Mir Khan, who was part of recent polio efforts. "After the drone strike that killed Hakimullah, it all stopped. Not just the peace talks, but also our efforts," she says.

The terrible impact of the CIA's vaccination ruse employing Dr. Shakeel Afridi in the search for Osama bin Laden has been extensively

documented here, but this is the first time I have seen a suggestion that backlash to a drone strike directly resulted in polio vaccines being denied to children. Tarrar is not ready to give up, however, and believes that Pakistan and the Taliban will eventually come to an agreement that will allow vaccinations to resume:

Saira Tarrar also emphasised that the people of the area need to be part of the solution. "Parents are now sick of the ban; this pressurises the Taliban."

"There is an accessibility problem in Fata, but by 2014, we will get a bargain and get some access." And access is key, as far as Elias Durray, the head of Polio Eradication at the World Health Organization in Pakistan is concerned. "Immunisation prevents circulation. The virus won't vanish on its own."

Let us hope that Pakistan can achieve full vaccine coverage and have polio disappear as quickly in Pakistan as it did in India. Of course, this will require the US actually letting peace negotiations between the Taliban and Pakistan come to fruition, so success is far from guaranteed.

THE SENATE TORTURE REPORT AND CIA'S LIES ABOUT HASSAN GHUL'S 2004 TORTURE

Update, March 12, 2015: We know from the Torture Report that the detainees treated in July and August 2004 were not Hasan Ghul, but Janat Gul and two others.

For example, after medical and [REDACTED] s interrogation team sought a attention grasp, walling, facial hold, fac deprivation. See August 25 [REDACTED] Le Gul's responsiveness to different areas increased as questioning moved to his "

In my last post, I noted that in his report that Hassan Ghul served as a double agent before we offed him with a drone, Aram Roston stated, without confirming via sources, that Ghul is the person whose name was not entirely redacted on the bottom of page 7 in the May 2005 Convention Against Torture (CAT) torture memo. I noted that if Ghul **is** the detainee (and I do think he is, contrary to what sources told AP when the CIA was hunting Ghul down with drones in 2011), then we're going to be hearing about him – and arguing about his treatment – quite a bit more in the coming weeks.

That's because, according to information released by Mark Udall, the detainee named in the CAT memo is one of the detainees about whose treatment the CIA lied most egregiously to DOJ. This is apparently one of the key findings from the Senate Intelligence Committee Torture Report that CIA is fighting so hard to suppress.

Mark Udall's list of torture lies

Back in August, Mark Udall posed a set of follow-up questions to then CIA and now DOD General Counsel Stephen Preston. Udall was trying to get Preston to endorse findings that appeared in the Torture Report that hadn't appeared elsewhere (in his first set of responses about CIA's lies to DOJ, Preston had focused on CIA's lies about the number of waterboardings, which the CIA IG Report had first revealed). Udall noted that that lie ("discrepancy") was known prior to the Torture Report, and asked Preston to review the "Representations" section of the Torture Report again to see whether he thought the lies ("discrepancies") described there – and not

described elsewhere – would have been material to OLC's judgements on torture.

Udall gave Preston this list of OLC judgements that might have been different had CIA not lied to DOJ. (links added)

- Memorandum Regarding Interrogation of al Qaeda Operative (August 1, 2002);
- Letters from the Department of Justice related to the interrogation of individual detainees, including to the Acting Director of Central Intelligence, dated July 22, 2004; to the CIA Acting General Counsel, dated August 6, 2004; to the CIA Acting General Counsel, dated August 26, 2004; to the CIA Acting General Counsel, dated September 6, 2004; and to the CIA Acting General Counsel, dated September 20, 2004;
- Memorandum Regarding Application of 18 U.S.C. §§ 2340-2340A to Certain Techniques That May be Used in the Interrogation of a High Value al Qaeda Detainee (May 10, 2005) [Techniques]
- Memorandum Regarding Application of 18 U.S.C. §§ 2340-2340A to the Combined Use of Certain Techniques in the Interrogation of High Value al Qaeda Detainees

- (May 10, 2005) [Combined]
- Memorandum Regarding Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value al Qaeda Detainees (May 30, 2005) [CAT]
 - Memorandum Regarding Application of the Detainee Treatment Act to Conditions of Confinement at Central Intelligence Agency Detention Facilities (August 31, 2006)
 - Memorandum Regarding Application of the War Crimes Act, the Detainee Treatment Act, and Common Article 3 of the Geneva Conventions to Certain Techniques that May Be Used by the CIA in the Interrogation of High Value al Qaeda Detainees (July 20, 2007)

The 2002 memo is the original Abu Zubaydah memo, the lies in which (pertaining to who AZ was, what the torture consisted of, what had already been done to him, and whether it worked) I've explicated in depth elsewhere. The 2006 memo authorizes torture in the name of keeping order in confinement and the 2007 memo authorizes torture (especially sleep deprivation); both of these later memos not only rely on the 2005

memos, but on the false claims about efficacy CIA made in 2005 in their support. The lies in them pertain largely to the purpose CIA wanted to use the techniques for.

Which leaves the claims behind the 2004 letters and the 2005 memos as the key lies CIA told DOJ that remain unexplored.

The 2004 and 2005 lies to reauthorize and expand torture

I'm going to save some of these details for a post on what I think the lies told to DOJ might be, but there are two pieces of evidence showing that the 2005 memos were written to retrospectively codify authorizations given in 2004, many of them in the 2004 letters cited by Udall.

We know the 2005 memos served to retroactively authorize the treatment given to what are described as two detainees in 2004, purportedly in the months after July 2004 (though this may be part of the lie, in Ghul's case) when DOJ and CIA were trying to draw new lines on torture in the wake of the completion of the CIA IG Report and Jack Goldsmith's withdrawal of the Bybee Memo.

We know the May 10 Combined Memo was retroactive because Jim Comey made that clear in emails raising alarm about it.

I just finished a long call from Ted Ulliyot. He said he was calling to tell me that "circumstances" were likely to require that the second opinion "be sent over tomorrow." He said Pat had shared my concerns, which he understood to be concerns about the prospective nature of the opinion and its focus on "prototypical" interrogation.

[snip]

He mentioned at one point that OLC didn't feel like it could accede to my request to make the opinion focused on

one person because they don't give retrospective advice. I said I understood that, but that the treatment of that person had been the subject of oral advice, which OLC would simply be confirming in writing, something they do quite often.

This memo probably, though not definitely, refers to a detainee captured in August 2004 in anticipation of what the Administration claimed (almost certainly falsely) were election-related plots in the US.

And we know the May 10 Techniques and May 30 CAT memos are retroactive because we can trace back the citations about the treatment of one detainee, the detainee who appears to be Ghul, to the earlier letters from 2004.

Just as an example, the August 26 letter cited in Udall's list relies on the August 25 CIA letter that is also cited in the CAT Memo using the name Gul (the July 22 and August 6 letters are also references, at least in part, to the same detainee).

So we know the 2005 memos served to codify the authorizations for torture that had happened in 2004, during a volatile time for the torture program.

The description of Hassan Ghul in the lying memo

There are still some very funky things about these memos' tie to Hassan Ghul (again, that's going to be in a later post), notably that Bush figures referred to the Ghul of the August letters as Janat Gul, including in a Principals meeting discussing his torture on July 2, 2004; sources told the AP after OBL's killing that this Janat was different than Hassan and different than the very skinny Janat Gul who had been a Gitmo detainee.

But this description – the timing of the initial references and the description of his mission to reestablish contact with Abu Musab al-Zarqawi –

should allay any doubts that Ghul is one of two detainees referenced in the CAT memo.

Intelligence indicated that prior to his capture, [redacted] “perform[ed] critical facilitation and finance activities for al-Qa’ida,” including “transporting people, funds, and documents.” Fax for Jack Goldsmith, III, Assistant Attorney General, Office of Legal Counsel, from [redacted] Assistant General Counsel, Central Intelligence Agency (March 12, 2004). The CIA also suspected [redacted] played an active part in planning attacks against United States forces [redacted] had extensive contacts with key members of al Qaeda, including, prior to their captures, Khalid Sheikh Mohammed (“KSM”) and Abu Zubaydah. See *id.* [redacted] was captured while on a mission from [redacted] to reestablish contact with al-Zarqawi. See *CIA Directorate of Intelligence, US Efforts Grinding Down al-Qa’ida 2* (Feb 21, 2004).

Ghul was captured by Kurds around January 23, 2004, carrying a letter from Zarqawi to Osama bin Laden.

So while there are a lot of details that the Senate Torture Report presumably sorts out in detail, it seems fairly clear that Ghul is the subject of some of the documents in question, and that, therefore, there are aspects of the treatment he endured at CIA’s hands that CIA felt the need to lie to DOJ about.

We’ve known for years that CIA lied to DOJ about what they had done and planned to do with Abu Zubaydah. But a great deal of evidence suggests that CIA lied to DOJ about what they did to Hassan Ghul, a detainee (the Senate Report also shows) who provided the key clue to finding Osama bin Laden **before he was tortured**.

If that’s the case, then I find the release of a

story that, after that treatment, he turned double agent either directly or indirectly in our service to be awfully curious timing given the increasing chance we're about to learn more about these lies and this treatment with any release of the Torture Report.

DRONES AND DOUBLE AGENTS: HASSAN GHUL

On September 30, 2011, a drone killed Anwar al-Awlaki, a person long suspected of being a US double agent gone bad.

On October 1, 2012, a drone killed Hasan Ghul (see this post for background on Ghul), whom a new report from Aram Roston reports was a double agent gone bad.

In 2006, the U.S. sent Ghul back to Pakistan, where he was taken into custody by the Inter-Service Intelligence agency, the country's version of the CIA. The next year, the ISI quietly set him free, with the full agreement of American intelligence authorities, according to a Pakistani insider. "He was released and both parties agreed on this," he says. "Both countries were on board in releasing him."

The insider declined to discuss Ghul's status as an informant. But three intelligence sources with knowledge of the issue say Ghul was one of those who agreed to cooperate and provide information about terrorists if he was released.

[snip]

Yet another source says that Ghul

initially agreed to the project while he was still in American custody, before he was released to the Pakistanis. "Hassan Ghul," says one former counterterrorism official who is familiar with the case but declined to discuss it in depth, "may have been, probably, one of the highest penetrations of Al Qaeda."

[snip]

Whatever Ghul's agreement with the Americans or Pakistanis, by the time Bin Laden was killed, it appears to have ended. One Pakistani source with knowledge of the case says that Ghul eventually "vanished" and that "the deal was rescinded." Yet he would not say anything about exactly when after his release Ghul lost contact with the ISI.

Now, there are a number of aspects of this story that are unclear, which (if clarified) might explain this further. For example:

- The report does not note the chronology of Ghul's torture. According to Dianne Feinstein and Carl Levin, Ghul was cooperative right after being captured in 2004. Yet we proceeded to torture him. This chronology would suggest Ghul was cooperative, then tortured, then cooperative, then not cooperative.
- The report makes no mention of Ghul's alleged ties to Lashkar-e-Taiba, a crucially important detail when you're discussing whether the US or

the Pakistanis were running him as a double agent. We would have a real incentive to recruit Ghul to inform on LET (which is, after all, what we did with David Headley and may have been what Ray Davis was trying to do, recruit LET informants). But the Pakistanis would never stand for it. If Ghul indeed was a "triple agent," his ties to LET (and Pakistani interest in obscuring LET to us) may explain that entirely.

- The report states, without citing any source, that Ghul is the person referred to in a May 2005 OLC memo (sources told the AP in 2011 he was not that detainee; though Roston also states he was a large man, which would support the claim). I will show why, in an follow-up post I've been noodling for months, why this is so crucially important. But suffice it to say that if Ghul **is** the detainee in the memo, anonymous sources have a very significant incentive to spin his torture positively right now (and we will be hearing far far more about him in the coming

weeks).

In any case, the report presents important new explanations and questions about Hassal Ghul.

It also makes you wonder how many of our drone strikes have been used to take out our former informants.

IT WAS JSOC, WITH THE ERRANT DRONE TARGETING, IN THE YEMENI COUNTRYSIDE

Michael Isikoff reported yesterday that the Administration is conducting an investigation into the drone strike that reportedly killed a wedding party back in December. While the investigation is, by itself, intriguing, I'm just as interested in Isikoff's report that JSOC, not the CIA, conducted the strike.

U.S. and Yemeni officials say the drone strike was carried out by the Defense Department's Joint Special Operations Command, not the CIA, which operates its own drones in Yemen.

He also quotes a human rights activist, Baraa Shiban, suggesting someone fed the US bad intelligence.

Baraa Shiban, a human rights activist who interviewed local villagers two days after the strike, said he saw no sign that Badani was anywhere near the village, noting that he was from another region of Yemen, and, as a "stranger" to the area, was unlikely to have been invited to a gathering celebrating the

wedding between a groom and bride in two neighboring villages.

“There was clearly a wedding party,” said Shibani. He said he believes U.S. officials “may have been fed the wrong intel. They saw a group of people waiting in trucks for a convoy and they assumed they were militants, so they made the decision to strike.”

Between 2009 and 2011, that happened a lot to JSOC, which is one reason the CIA got to operate in Yemen (or, viewed another way, it is one reason the Saudis got to take a larger role in our drone targeting in Yemen). The timing of the errant JSOC strike is all the more interesting, coming as it did just weeks after confirmation that Brennan was not giving up his drones.

But I’m just as interested in another bit of timing. As Isikoff reminds, the errant drone strike took place one week after the December 5 AQAP attack on Yemen’s Ministry of Defense, which also killed innocent people in an attached hospital (which they subsequently apologized for), but which was targeted at what AQAP claimed was the Yemeni operations center for drone targeting. No one has ever confirmed whether they did breach that operations center. And Yemeni officials remain really squirrely about who died in the MoD attack and whether there were any non-Yemenis among the non-hospital victims.

At one level, AQAP-partisans within the Yemeni government might have fed JSOC bad intelligence to create a disaster bigger than the hospital attack. But I also wonder – whether or not there were Saudis or Americans in that attack – if the targeting process got disrupted by the MoD attack, resulting in the attack on the wedding.