

**Statement of Afghans for a Better Tomorrow and Win Without War**  
**on**  
**“‘Targeted Killing’ and the Rule of Law: The Legal and Human Costs of 20 Years of U.S. Drone Strikes”**

**Before the Senate Judiciary Committee**  
**February 9, 2022**

Afghans for a Better Tomorrow and Win Without War thank the Senate Judiciary Committee for the opportunity to submit this statement for the record for its February 9, 2022 hearing: 'Targeted Killing' and the Rule of Law: The Legal and Human Costs of 20 Years of U.S. Drone Strikes.

Afghans for a Better Tomorrow is an Afghan American-led progressive community organization whose aim is to bring about transformative change for Afghans in the United States and beyond. Win Without War advances progressive solutions to security challenges and advocates for a less militaristic U.S. foreign policy that prioritizes the needs of everyday people. Together, our organizations are dedicated to changing overly-militarized U.S. policies, including the “targeted killing” program, that continue to harm innocent civilians and devastate communities in Afghanistan and elsewhere.

The devastating U.S. drone wars in Afghanistan

Afghans have been at the center of U.S. drone policy and targeted killings for over twenty years. While drone strikes in Afghanistan proliferated after the U.S. invasion of Afghanistan, Afghanistan was also targeted by cruise missiles in the pre-drone era.<sup>1</sup> In the twenty years of occupation that followed the attacks of September 11th, 2001, U.S. policymakers from both major political parties often encouraged Afghans to build a new civil society and women to break glass ceilings, under the pretext of promoting so-called new democratic norms and a supposed support for women’s rights. Yet simultaneously, the United States and its international coalition allies continued their military campaign in Afghanistan, and therefore, continued putting Afghan lives at risk. In the narrative sold to the U.S. public, this war was carried out in the name of combatting terrorism and extremist groups, including the Taliban and al-Qaeda. But the untold story of the past twenty years is just how often this war killed, maimed, and injured Afghan civilians, who found themselves in the crosshairs of the United States’ military might as well as the brutal violence of the Taliban.

As the United States attempted to leave behind a war rather than end it, it took part in the last salvo of its twenty year military campaign. On August 29th, 2021, two days before the last U.S. soldiers departed from Hamid Karzai International Airport, a U.S. drone strike killed ten Afghan civilians.<sup>2</sup> Among the dead were Zemari Ahmadi and seven children. It remains unclear just how

---

<sup>1</sup> McIntyre, Jamie, ‘U.S. missiles pound targets in Afghanistan, Sudan,’ CNN, 1998, <http://www.cnn.com/US/9808/20/us.strikes.01/>

<sup>2</sup> Coren, Anna et al., ‘US military admits it killed 10 civilians and targeted wrong vehicle in Kabul airstrike,’ 2021, <https://www.cnn.com/2021/09/17/politics/kabul-drone-strike-us-military-intl-hnk/index.html>

many Afghans were killed overall in the United States' so-called "Global War on Terror," but what we do know are the names of those killed in Kabul in late August.<sup>3</sup> When we discuss the impact of drone policy and civilian deaths in countries like Afghanistan, we must remember that these are not abstract issues — that there are real people at the center of them. We must not talk about these people merely as statistics, but memorialize them, and remember their names:

Zemari Ahmadi, 43 years old

Naser, 30 years old

Zamir, 20 years old

Faisal, 16 years old

Farzad, 10 years old

Arwin, 7 years old

Benyamin, 6 years old

Malika, 3 years old

Somaya, 3 years old

Hayat, 2 years old

They had dreams, aspirations, and lives to be led. On August 29, these lives were snuffed out by U.S. military power and might. The Ahmadi family's deaths are in fact an anomaly — not because they were civilians killed by a U.S. drone, but because the world heard about it. Their killing became global news, mostly due to the presence and tenacity of journalists doing vital work. But for every killing that makes it into the press, there are countless more where no journalists are present, and where there are no independent attempts to report civilian casualties. The many more Afghans who have been killed in U.S. drone strikes remain unbeknownst to us and to the world.

While we have focused here on the drone strike that killed members of the Ahmadi family, it is but the latest tragedy in a pattern of cruel, destructive U.S. drone strikes, in Afghanistan and beyond. The prevailing government and media narratives about drone strikes position them as extremely "precise" weapons that can kill desired targets with minimal impact to the surrounding civilian society and U.S. troops. According to new reporting in the *New York Times*,<sup>4</sup> decades of monitoring from human rights groups,<sup>5</sup> and the experiences of people on the ground in countries affected by drone warfare — this myth of 'precision' is simply untrue.

---

<sup>3</sup> Aikins, Matthieu et al., 'Times Investigation: In U.S. Drone Strike, Evidence Suggests No ISIS Bomb,' The New York Times, 2021,

<https://www.nytimes.com/2021/09/10/world/asia/us-air-strike-drone-kabul-afghanistan-isis.html>

<sup>4</sup> Khan, Azmat, 'Hidden Pentagon Records Reveal Patterns of Failure in Deadly Airstrikes', The New York Times, 2021,

<https://www.nytimes.com/interactive/2021/12/18/us/airstrikes-pentagon-records-civilian-deaths.html>; and

Khan, Azmat, 'The Human Toll of America's Air Wars', The New York Times Magazine, 2021,

<https://www.nytimes.com/2021/12/19/magazine/victims-airstrikes-middle-east-civilians.html>

<sup>5</sup> Airwars, [airwars.org](http://airwars.org), and The Bureau of Investigative Journalism,

<https://www.thebureauinvestigates.com/projects/drone-war>

For example, in 2014 the human rights group Reprieve analyzed data from drone strikes and found that U.S. attempts to kill 41 men resulted in the deaths of approximately 1,147 people.<sup>6</sup> In another instance, leaked documents detailing “Operation Haymaker,” a special operations campaign in northeastern Afghanistan, show that U.S. airstrikes killed more than 200 people, only 35 of which were the intended targets.<sup>7</sup> Compounding this problem: there are reports that in the aftermath of a drone strike, aid workers and community members are often reluctant to help civilian victims who are injured or dying, due to the United States’ tendency to kill first responders by striking the same area again — sometimes called a “double tap.”<sup>8</sup>

Drones are not precise. In Afghanistan, Pakistan, Yemen, and Somalia alone, The Bureau of Investigative Journalism estimates that drone strikes between 2010 and 2020 killed anywhere from 8,858 to 16,901 people, including 283 to 454 children.<sup>9</sup> The broader ramifications of U.S. drone warfare continue to impact communities in these and other countries, and will for years to come.

### The untold impact of U.S. drones, beyond civilian deaths

Beyond the immediate violence that drone strikes inflict on individual victims and their families, they have untold, long-term impacts on communities. They have destroyed people’s homes, as well as vital civilian infrastructure like wells or hospitals. But they have also caused less visible forms of harm, including the psychological toll of entire communities living under the continuous threat of drone strikes.<sup>10</sup> According to researchers at Stanford and NYU Law Schools, who interviewed people affected by U.S. drone warfare in Pakistan, “the presence of drones and capacity of the US to strike anywhere at any time led to constant and severe fear, anxiety, and stress, especially when taken together with the inability of those on the ground to ensure their own safety.”<sup>11</sup> For many, especially those who have witnessed drone strikes, the impact of living in constant fear has manifested as post-traumatic stress disorder,<sup>12</sup> insomnia, emotional

---

<sup>6</sup> Ackerman, Spencer, ‘41 Men Targeted, but 1,147 People Killed: U.S. Drone Strikes - The Facts on the Ground’, The Guardian, 2014,

<https://www.theguardian.com/us-news/2014/nov/24/-sp-us-drone-strikes-kill-1147>

<sup>7</sup> Scahill, Jeremy, ‘The Drone Papers’, Huffpost, 2015,

[https://www.huffpost.com/entry/drone-papers\\_n\\_561ed361e4b0c5a1ce61f463?v4w019k9=](https://www.huffpost.com/entry/drone-papers_n_561ed361e4b0c5a1ce61f463?v4w019k9=)

<sup>8</sup> International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School Of Law, ‘Living Under Drones: Death, Injury, And Trauma To Civilians From U.S. Drone Practices In Pakistan’, 2012, p. 74,

<https://www-cdn.law.stanford.edu/wp-content/uploads/2015/07/Stanford-NYU-Living-Under-Drones.pdf>

<sup>9</sup> The Bureau of Investigative Journalism, 2022,

<https://www.thebureauinvestigates.com/projects/drone-war>

<sup>10</sup> Center for Civilians in Conflict and the Human Rights Clinic at Columbia Law School, ‘The Civilian Impact of Drones; Unexamined Costs, Unanswered Questions,’ 2012, p. 24,

<https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/The%20Civilian%20Impact%20of%20Drones.pdf>

<sup>11</sup> International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School Of Law, ‘Living Under Drones: Death, Injury, And Trauma To Civilians From U.S. Drone Practices In Pakistan’, 2012, p. 55,

<https://www-cdn.law.stanford.edu/wp-content/uploads/2015/07/Stanford-NYU-Living-Under-Drones.pdf>

<sup>12</sup> Nemar, Radidja, ‘The Humanitarian Impact of Drones: Psychological Impact,’ Women’s International League for Peace & Freedom, 2017, p.41

breakdowns, and other damaging mental health effects.<sup>13</sup> In other cases, civilian survivors of drone attacks have been double burdened by also facing stigmatization in their community for having assumed ties to militancy.<sup>14</sup>

There are also broader socio-economic impacts of drone warfare, as well as generational trauma for children growing up without one or both of their parents. For a family that has lost its main breadwinner, childcare provider, or its only family member who can drive a car, the damage extends far beyond the loss of a loved one — it negatively impacts their livelihood, health, and education as well. The fear of drones has affected whole generations of children, who have been scared to go to school or have had trouble concentrating on their studies. Some children have been forced to drop out of school to help provide for their family, and in other cases community members have faced additional financial burden caring for children whose parents have been killed.<sup>15</sup> Further, drone strike victims who require significant medical care for their injuries can quickly rack up medical debt, which can financially ruin families for years to come.

Finally, the fear of drones can significantly erode community trust and disrupt important societal events, from weddings to trial proceedings, and dissuade people from having friends and family over to their homes — due to the belief that gathering in groups makes them a more likely target for a drone attack.<sup>16</sup> These are only some of the rarely-discussed impacts of drone warfare on civilians. As generations of children grow up, scarred by the past two decades of war and continuing to live in fear under frequent drone surveillance, the consequences for their health, safety, security, education, dignity, and prosperity are bound to compound.

### Policy recommendations

*Repeal the 2001 and 2002 AUMFs and reassert congressional war powers.*

The 2001 and 2002 Authorizations for Use of Military Force (AUMF) provided the legal authorization for the U.S. invasions of Afghanistan and Iraq, respectively. However, two decades later, after the U.S. withdrawal from Afghanistan and long after the official end of the Iraq War, these laws are still on the books. President after president has used these outdated AUMFs to wage wars all over the world, with no public debate and little congressional oversight. The lack

---

<sup>13</sup> International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School Of Law, 'Living Under Drones: Death, Injury, And Trauma To Civilians From U.S. Drone Practices In Pakistan', 2012, p. 83,

<https://www-cdn.law.stanford.edu/wp-content/uploads/2015/07/Stanford-NYU-Living-Under-Drones.pdf>

<sup>14</sup> Center for Civilians in Conflict and the Human Rights Clinic at Columbia Law School, 'The Civilian Impact of Drones; Unexamined Costs, Unanswered Questions', 2012, p. 21, <https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/The%20Civilian%20Impact%20of%20Drones.pdf>

<sup>15</sup> International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School Of Law, 'Living Under Drones: Death, Injury, And Trauma To Civilians From U.S. Drone Practices In Pakistan', 2012, p. 78,

<https://www-cdn.law.stanford.edu/wp-content/uploads/2015/07/Stanford-NYU-Living-Under-Drones.pdf>

<sup>16</sup> International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School Of Law, 'Living Under Drones: Death, Injury, And Trauma To Civilians From U.S. Drone Practices In Pakistan', 2012, p. 97,

<https://www-cdn.law.stanford.edu/wp-content/uploads/2015/07/Stanford-NYU-Living-Under-Drones.pdf>

of transparency on the use of the AUMFs makes it difficult to measure just how many drone strikes these authorizations have enabled. But what is clear is that they have provided the legal basis for the “Forever Wars” during which drone warfare proliferated. In an egregious and high profile example, Donald Trump cited the 2002 AUMF to justify the drone strike that killed Iranian major general Qasem Soleimani, bringing the United States to the brink of war with Iran<sup>17</sup>. So long as these AUMFs remain in force, there is no telling how future presidents could misuse them to carry out further targeted killing and harm civilians all over the world.

*Provide meaningful accountability and reparations for U.S. drone wars*

Transparency is the first step towards taking accountability for the death, suffering, and long-term harm that U.S. targeted killing and drone strikes have caused. As has been made all too clear, the public cannot count on the Department of Defense to accurately portray the number of civilians it kills. And even when it does admit to killing civilians, the Pentagon typically finds no wrongdoing on its part — as was the case for the strike that killed the Ahmadi family.<sup>18</sup> The Pentagon cannot be allowed to investigate itself. The U.S. government must commit to allowing transparent investigations by an independent body into past occurrences of civilian harm. Further, Congress must conduct greater oversight of U.S. targeting killing programs, so as to prevent future cases of civilian harm from being swept under the rug. This hearing is a positive step towards that end.

In addition to investigating and publicly acknowledging the people that U.S. drones have killed, the United States must provide reparations to survivors and victims’ families. While in some cases it has given them compensation, more often it does not.<sup>19</sup> As mentioned above, some survivors of U.S. drone strikes also carry medical debt, and for the most part, the United States has not provided them with redress.<sup>20</sup> Moreover, there are undoubtedly hundreds more people to which it has not made amends or even acknowledged their deaths — considering the Pentagon has systematically undercounted and covered up civilian casualties from its operations. Further, meaningful reparations should take into account the broader impact of drone wars on entire communities, including their ramifications for people’s education, health, mental wellbeing, and ability to make a livelihood.

*Shift away from militarized responses to conflict, and towards prevention and peacebuilding*

While the Department of Defense can take steps to mitigate the harm it causes civilians, the reality is that using military force as a major foreign policy tool will always result in death and destruction. There is no way to fight a “humane” war, no matter the precision of the weapon or

---

<sup>17</sup>Kheel, Rebecca, ‘Trump Administration Outlines Legal Justification for Soleimani Strike’, The Hill, 2020, <https://thehill.com/policy/defense/483135-trump-administrtrtion-outlines-legal-justification-for-soleimani-strike>

<sup>18</sup> Schmitt, Eric, ‘No U.S. Troops Will Be Punished for Deadly Kabul Strike, Pentagon Chief Decides’, The New York Times, 2021, <https://www.nytimes.com/2021/12/13/us/politics/afghanistan-drone-strike.html>

<sup>19</sup> Magid, Pasha, ‘No Apologies; The U.S. Military Often Kills Civilians and Rarely Offers Compensation’, The Intercept, 2021, <https://theintercept.com/2021/09/21/civilian-casualties-military-compensation/>

<sup>20</sup> International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School Of Law, ‘Living Under Drones: Death, Injury, And Trauma To Civilians From U.S. Drone Practices In Pakistan’, 2012, p. 80, <https://www-cdn.law.stanford.edu/wp-content/uploads/2015/07/Stanford-NYU-Living-Under-Drones.pdf>

the quality of the intelligence. For example, continuing “over-the-horizon” drone strikes in Afghanistan will mean that our “Forever War” there is not really over; only that it has become more secretive. Undoubtedly, it is everyday Afghans who will continue to suffer the most.

To truly prevent further harm from U.S. drone strikes, the United States must reckon with the fact that its militarized approach to solving violent conflicts has been both ineffective and destructive. The Taliban takeover of Afghanistan has made it all too clear that the past twenty years of war have not made people in Afghanistan or the United States any safer. And continuing to attempt to solve issues of instability and insurgency through drone strikes will not make us any safer now. Instead, the United States should focus on implementing a prevention strategy that targets the root causes of violence, including investing in the agency of local peacebuilders and civil society, who are already working for change in their own right.