



## Obama: A Drone Terrorist?

The latest killing of the Pakistani Taliban leader Hakimullah Mesud by a U.S. drone showed again the sovereign contempt displayed by President Obama toward Pakistan's sovereignty. Five or six people, who joined Mesud at a mosque, were also killed. The killing came at a time when the negotiations between the Taliban and the Pakistani government were scheduled

to start about a peace settlement of this ongoing internal conflict. Pakistan's interior minister Chaudhry Nisar called the drone attack a "murder of peace". The Taliban replaced Masud with Khan Said and vowed revenge.

How politically sensitive this issue represents, is shown by the visit of Pakistan's Prime Minister Nawaz Sharif to the White House just days before the killing of Masud. Sharif is fighting an uphill battle because the Pakistani public is highly critical of the drone strikes, whereas the different Pakistani governments are believed to have secretly approved them. Critics have pointed out that some elements of the state apparatus may be helping the U. S. in carrying out these attacks.

The targeted killings by U. S. drones have been under fierce criticism by human rights organizations and experts in international law. Besides of violating the territorial integrity of Pakistan, the attacks constitute outright murder under customary international law, or – using a technical term – extra-judicial executions. It is legally incorrect to differentiate between the targeted "terrorist" and the surrounding civilians, deemed "collateral" victims. All those killed are deemed innocent unless proven guilty in a court of law. They all are protected by international human rights law and international humanitarian law, unless killed in self-defense.

Amnesty International (AI) and Human Rights Watch (HRW) just published reports, which focus on the issue of "collateral" deaths, an inappropriate term in this context. To similar findings came the report "Living under Drones"<sup>1</sup> published in September 2012 by Stanford Law School and New York University's School of Law on drone strikes in Pakistan.<sup>2</sup> Going even further in undermining the law, the United Nations published its own findings just a week before AI and HRW made their reports public. The UN report drew rather strange conclusions.

In a penal discussion, the two special rapporteurs of the United Nations did not see any problems with drone strikes. "Drones are not inherently illegal weapons" said Christof Heyns, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions. And his partner, the UN special rapporteur on human rights and countering terrorism, Ben Emmerson, added: "If used in strict compliance with the principles of humanitarian law, they can reduce the risk of civilian casualties by significantly improving overall situational awareness. The ability of drones to loiter and gather intelligence for long periods before a strike, coupled with the use of precision-guided munitions, is therefore a positive advantage from a humanitarian law perspective." According to Emmerson, these "weapons of choice" lack only the problem of "transparency and accountability". In support of his strange opinion, Emmerson quotes in his report the International Committee of the Red Cross (ICRC): "Any weapon that makes it possible to

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<sup>1</sup> <http://www.livingunderdrones.org/download-report/>

<sup>2</sup> Discussion of the report in German: <http://between-the-lines-ludwig-watzal.blogspot.de/2012/10/us-drohnen-politik-akte-von.html>

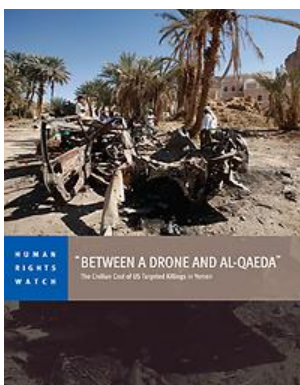


carry out more precise attacks, and helps avoid or minimize incidental loss of civilian life, injury to civilians, or damage to civilian objects, should be given preference over weapons that do not.” It seems that if the problems of “transparency and accountability” are solved, everything would be fine. Whether drone attacks could also constitute state terrorism, seems beyond the imagination of the UN special rapporteurs. It should be added that United Nations Special Rapporteurs are independent, unpaid experts in their fields, who report to the UN Human Rights Council.

The AI Report: “Will I be Next?”<sup>3</sup> and the HRW Report “Between a Drone and Al-Qaeda”<sup>4</sup>, presented in a joint press conference on October 22, 2013, criticize the high numbers of “innocently” killed people by drone strikes, as if not all of them were innocent under law. The AI report is not a comprehensive survey of U. S. drone strikes in Pakistan. It is a qualitative assessment based on detailed field research into nine (Appendix) of the 45 reported strikes that occurred in Pakistan's North Waziristan tribal areas between January 2012 and August 2013.

The AI report documents, inter alia, the killing of 68-year-old Mamana Bibi in October 2012 who was gathering vegetables in the family fields in Ghundi Kala village, northwest Pakistan, when she was blasted into pieces before the eyes of her three grandchildren. She was the only midwife from Waziristan. Her case made headlines. In an open letter from Rafiq ur Rehman to President Obama, published in The Guardian,<sup>5</sup> he wanted an answer from the President why his mother was killed by a U. S. drone. Although Rafiq ur Rehman was invited by several congressmen, the U. S. government refused to grant him a visa for months. Finally, he was allowed into the United States. One day after the publication in The Guardian, the Obama administration posted the open letter on its “comment column” of the White House website.

The AI report criticizes the total secrecy on the airstrikes, including the reasons for carrying them out. Having reviewed drone attacks over several years, amnesty international comes to the conclusion that these unlawful killings “may constitute extrajudicial executions or war crimes”. The secrecy surrounding drone strikes give occasion to suspect that these attacks not only violate human rights but may themselves be classified as acts of terrorism, which are arranged by the U.S. government. Amnesty



international does not explain whether lesser secrecy on these attacks would transform them into legal forms of execution. Whether the United States will agree to amnesty international’s demand to allow an investigation of every drone attack by independent experts, may be doubted. It should not surprise anyone that the Obama administration did not comment on amnesty’s findings and conclusions.

The HRW report “Between a Drone and Al-Qaeda” examines the civilian cost of U. S. targeted killings in Yemen, one case from 2009 and the rest

<sup>3</sup> <http://www.amnestyusa.org/sites/default/files/asa330132013en.pdf>

<sup>4</sup> [http://www.hrw.org/sites/default/files/reports/yemen1013\\_ForUpload\\_0.pdf](http://www.hrw.org/sites/default/files/reports/yemen1013_ForUpload_0.pdf)

<sup>5</sup> <http://www.theguardian.com/commentisfree/2013/oct/25/president-us-assassinated-mother>

from 2012 to 2013. More than 90 Yemenis were interviewed, including witnesses of the drone attacks, relatives of those killed, lawyers, human rights defenders, and government officials. Hardly any information about these strikes was released by the U. S administration or the Yemeni government, complains HRW. In the six cases studied, 82 people were killed, 57 of them were designated by HRW as “civilians”, thus implying that executing “suspects” might be lawful.

In December 2009, a US strike on a Bedouin camp in the southern village of al-Majalah cause the deaths of 14 persons, alleged by the U.S. government to fight for “Al-Qaeda in the Arabian Peninsula” (AQAP) and 41 civilians, two-thirds of them women and children. In this report, HRW did not investigate the murder of the American-Yemeni citizen Anwar al-Awlaki on September 30, 2011. Two weeks later, al-Awlaki’s son, also an American citizen was remotely executed by a drone. Anwar’s father, Nasser al-Awlaki, called both killings “senseless murder”.

HRW questions the applicability of the war model in the so-called war on terror. The organization points out that the U.S. should adopt a law-enforcement approach under international human rights law in confronting armed militant groups such as AQAP. HRW and AI called on the U. S. Congress to fully investigate the documented cases. If the investigation concludes that the U. S. committed human rights violations, those responsible must be held accountable.

According to some critics, the U. S. drone strikes are the best recruiting tool for future terrorists. Is there a fundamental difference between the killings of innocent civilians by joystick from a remote office and the death resulting from an explosive device planted alongside a road in occupied Afghanistan? Yes, there is: In the first case, the killing is perpetrated by a state; in the second case, it is done perpetrated by resistance fighters against an illegal occupation army.

According to Amnesty International, the killing program of the U.S. Empire appears also to be supported by the German government. According to Amnesty, the federal government of Germany has supplied the U.S. Central Intelligence Agency (CIA) with mobile phone numbers of people who were later executed by weaponized drones. The Federal Intelligence Service (BND) did not comment on the accusations.

Ludwig Watzal

First published here<sup>6</sup>, here<sup>7</sup>, here<sup>8</sup> and here<sup>9</sup>.

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<sup>6</sup> [http://mwcnews.net/focus/editorial/33051-drone-terrorist.html?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+mwcnews%2FXrew+%28MWC+News+Alert%29](http://mwcnews.net/focus/editorial/33051-drone-terrorist.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+mwcnews%2FXrew+%28MWC+News+Alert%29)

<sup>7</sup> [http://www.international.to/index.php?option=com\\_content&view=article&id=10927:obama-a-drone-terrorist&catid=66:oped&Itemid=151](http://www.international.to/index.php?option=com_content&view=article&id=10927:obama-a-drone-terrorist&catid=66:oped&Itemid=151)

<sup>8</sup> <http://www.eurasiareview.com/04112013-obama-drone-terrorist-oped/>

<sup>9</sup> <http://between-the-lines-ludwig-watzal.blogspot.de/2013/11/obama-drone-terrorist.html>