

Almost 90 Percent of the People Killed in US Airstrikes were not “The Intended Targets”. Prof. Marjorie Cohn

By [Prof. Marjorie Cohn](#) and [Mohsen Abdelmoumen](#)
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Mohsen Abdelmoumen: In spying on entire planet through the NSA, as revealed by Edward Snowden, does the US government fight terrorism as he claims or is it an excuse to spy on activists who are against the imperialist policy of the United States? Are this phone-tapping legal?

Pr. Marjorie Cohn: The US government is really trying to fight terrorism but the use of metadata to target people with drones is unreliable. The US government may have a cell phone number that belongs to a “suspected terrorist”, but the target may have given his phone to anyone (his mother, etc.), so the targeting is notoriously imprecise. Surveillance is used within the United States to monitor suspected terrorist activity, but can also be abused to spy on dissidents.

As jurist, do you think that with these phone-tapping and this massive espionage, the United States can again speak about democracy and about freedom of speech? Aren’t we in fascism?

The extensive surveillance occasioned by advances in technology is used to target and curtail constitutionally protected activity in the United States. Edward Snowden provided an important service when he revealed the extent of the surveillance. More recently, a member of the intelligence community provided “The Drone Papers” to *The Intercept*. The source, who has remained anonymous because of the Obama administration’s aggressive prosecution of whistleblowers, said, “It’s stunning the number of instances when selectors are misattributed to certain people” characterizing a missile fired at a target in a group of people as a “leap of faith”. According to “The Drone Papers”, during a five-month period almost 90 percent of the people killed in airstrikes were not the intended targets.

How do you explain that the United States supports both Israel, has created Al Qaeda – according to Hillary Clinton’s confessions – and armed and trained Daesh? When will we see the end of the neocons’ creative chaos, in your opinion?

The U.S. uncritically supports Israel in order to provide a “friendly” base of operations in the Middle East. George W. Bush’s illegal invasion of Iraq and Obama’s regime change in Libya

created vacuums that led to the rise of the Islamic State. Hillary Clinton, who is supported by many neocons, will likely continue to extend the policies of the Obama administration, including no-fly-zones and regime change in countries such as Syria.

Why does the American administration hide the war crimes of Israel?

The U.S. government sees Israel as a critical ally in the Middle East which is why it continues to provide Israel with more military aid than it supplies to any other country. By providing this assistance, U.S. leaders are aiding and abetting war crimes and crimes against humanity Israel has committed against the Palestinians, most recently in the summer of 2014. U.S. leaders rarely criticize the policies of the Israeli government as it continues its illegal occupation of Palestinian lands.

Is the weight of the Zionist lobby in the USA always determining in the major political decisions?

The pro-Israel AIPAC (American Israel Public Affairs Committee) is probably the most powerful lobbying organization in the United States. But in concluding the recent Iran nuclear deal, the Obama administration stood up to both AIPAC and the Netanyahu government, which vigorously opposed the deal.

The US presidential election offers us Hillary Clinton faced Donald Trump, don't you think that these two characters are dangerous for humanity? How do you explain the political vacuum that allowed these two candidates holders of all dangers?

[Donald Trump](#) poses a real danger to the United States and probably other countries as well. He is a proven racist, sexist, and exploits his workers. He was described by the ghostwriter of their book "The Art of the Deal" as a sociopath, that is, a person with no conscience. He has promised to appoint Supreme Court justices like the late Antonin Scalia, who opposed reproductive rights, universal health care, same-sex marriage, affirmative action, voting rights, immigrants' rights, labor rights, LGBT rights and environmental protection. Trump could move the high court radically to the right for decades to come.

Although Hillary Clinton is much better than Trump on all these issues, she has advocated a hawkish foreign policy, which will likely mean the use of more military force in other countries, such as Syria. Many neocons support her candidacy.

As a renowned jurist, do you think that modern man can judge the leaders who have failed in their mission and have caused wars and crimes, like George W. Bush and Tony Blair? Can we judge today western politicians?

George W. Bush and Tony Blair committed war crimes in Iraq and Afghanistan, including illegal wars of aggression and torture. They should be brought before a tribunal and tried for war crimes and crimes against humanity. The most likely venue would be in other countries under "universal jurisdiction", in which a country can bring foreign nationals to justice for the most heinous crimes.

We see that the ICC only judges African leaders. Why does it not judge the war criminals among the western ruling political class who enjoy a peaceful existence?

There is tremendous political pressure on the ICC to avoid prosecuting officials in western

countries, including the United States and Israel. Even though the U.S. and Israel are not parties to the Rome Statute, their leaders can be prosecuted in the ICC if they are arrested in the territory of a country that is a party to the treaty. The Bush administration threatened some 100 countries (parties to the ICC) with the withholding of foreign aid if they sent U.S. nationals to The Hague for trial in the ICC.

How do you explain the words of Henry Kissinger who promises a total war?

Henry Kissinger is a war criminal who did significant damage to world peace when he was U.S. secretary of state.

You are an anti-war activist since the Vietnam War. Since that time, the imperialist wars continued, the mobilization of peoples has declined or disappeared. What is your outlook on weakness in the anti-war resistance today?

A month before Bush's 2003 invasion of Iraq, 11 million people around the world protested in the streets. That movement was not sustained. But the Occupy Movement followed by the Bernie Sanders movement has mobilized millions of people. Although they have not yet focused on foreign policy, that will likely happen, assuming the movement can be sustained.

The US imperialism and its Western allies don't stop giving lessons to the whole world on democracy, freedom of speech, etc. Don't you think that it is hypocritical on the part of these countries that have committed genocides? It's hard to mention all the examples: Vietnam, Cambodia for the USA, Algeria for France, Iraq for GB and USA, etc.?

The U.S. government has indeed been hypocritical when it selectively criticizes other countries for human rights violations. I say 'selectively', because the U.S. does not criticize countries like Saudi Arabia, an important U.S. ally, for its egregious violations of human rights. The CIA overthrew democratically elected leaders in Iran, Guatemala and Chile, to name a few.

Interview realized by Mohsen Abdelmoumen

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The author of [Cowboy Republic: Six Ways the Bush Gang Has Defied the Law](#) and co-author of [Cameras in the Courtroom: Television and the Pursuit of Justice](#) (with David Dow) and [Rules of Disengagement: The Politics and Honor of Military Dissent](#) (with Kathleen Gilbert), Professor Cohn is editor of and contributor to [The United States and Torture: Interrogation, Incarceration and Abuse](#), and [Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues](#).

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