

# Drone Strikes in Pakistan: Immoral, Illegal and Criminal

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The opening of Nato's Ground Lines of Communication last week after US Secretary of State Hillary Clinton said 'sorry' noting that in a telephonic conversation "Foreign Minister Khar and I acknowledged the mistakes that resulted in the loss of Pakistani military lives", clearly was not the apology Pakistanis were looking for. Sorry would have sufficed, but not when the onus is equally shared.

All along Rawalpindi had been insisting that the Salalah killings were the result of American forces' deliberate attack that went on for nearly two hours despite the Pakistani commanders' attempts to stop it. Either Pakistan's earlier story was wrong or it has made some unsavoury compromises now in 'acknowledging' that it too made mistakes that caused the murderous assault on our soldiers.

The 'apology' notwithstanding, it can be argued that the seven-month closure of GLOCs which badly hurt the US is enough to send home the message that the Americans better be careful the next time they think Pakistani soldiers can be mistreated or harmed – said to be a common attitude among American forces based on the knowledge that Pakistanis are paid to fight in aid of America's war in Afghanistan as per the Coalition Support Fund terms and conditions. Still, another sensitive issue continues to inflame public sentiments.

Islamabad had also been saying that it would talk about reopening the GLOCs after the Parliament completes its deliberations to recommend guidelines for a reset of the Islamabad-Washington relationship. The Parliament recommended linking the resumption of Nato supplies to an end to drone strikes. In its subsequent official statements, the government had remained insistent on two demands: first that the US apologise for killing 24 Pakistani soldiers manning the Salalah border checkpoint; and second, the drone attacks must cease. As if to mock, just a day after Islamabad agreed to forgive the Salalah outrage and open the supply route drones struck to slay more than 20 people in North Waziristan.

Washington, it seems, did not take Pakistani officials seriously when they demanded a stop to drone attacks. For, in the past, our leadership, both civilian and military, had adopted a deceptive policy, publicly condemning and privately condoning drone operations. President Zardari is actually reported to have told an American interlocutor during one of his visits to Washington that he did not worry about 'collateral damage' – euphemism for civilian casualties. In fact, for long these killing machines flew from a base in Pakistan to attack Pakistanis on Pakistani soil. Who knows if the old policy of saying one thing in public and another in private is still being followed? Little wonder then if the US continues to ignore this government's public protestations vis-a-vis drone strikes.

Sadly, a section of our 'liberal' intelligentsia openly supports the attacks. These people argue that the extremists need to be decimated because they have political designs to set up a caliphate in the entire country. This is a deeply flawed logic. First of all, the Taliban infesting our tribal areas are not a monolithic entity. Some factions may have political ambitions, others are in the fight either because they want to avenge unprovoked murder of near and dear ones; or because they have nothing better to do – Fata being the country's much neglected and least-developed part and hence a fertile ground for recruitment by the Taliban, who pay their fighters better salaries than the Pakistan Army gives its soldiers. Second of all and most important, a large majority of the victims are innocent people who have no choice but to live in the disturbed areas. The extremists have no qualms about killing innocent people, but those professing to be civilised are expected to act differently and show respect for innocent lives. When they act like the violent extremists they have no right to claim higher moral ground.

Drone strikes are generally believed to involve targeted killings of al Qaeda operatives and violent Taliban militants, in which 'sometimes' civilians also get killed. The reality is far grimmer. These operations include what in American military parlance is known as "signature strikes" and/or "crowd killing." This is how target selection for such killing was explained to Obama soon after he became president, as quoted by Newsweek magazine, while informing him of a scheduled drone missile strike in our tribal areas: "We can see that there are a lot of military-age males down there, men associated with terrorist activity, but we don't always know who they are." In other words, anyone military-age is a target. Further elucidating the 'signature strikes' the then CIA Director, Michel Hayden, told Obama that you could take out a lot more bad guys when you target groups instead of individuals.

The more afraid militants were to congregate, he reasoned according to Newsweek, the harder it would be for them to plot, plan, or train for attacks against America and its interests. Thus has been given a new and wicked twist to the notion of preemptive strike, used by the warmonger former US President George W Bush to invade and occupy Iraq. Clearly, incidents such as March 17, '11, attack on a tribal jirga that left 45 persons dead – local elders, children and Levy personnel – in Datta Khel, was no accident, but part of a deliberate policy of 'crowd killing'.

Though late in coming, such callous disregard for Pakistani lives is beginning to prick the conscious of UN officials. Addressing a news conference in Islamabad during a recent visit the UN High Commissioner for Human Rights, Navi Pillay, expressed concern over "indiscriminate" killings saying "the principle of distinction and proportionality and ensuring accountability for any failure to comply with international law is also difficult when drone attacks are conducted outside the military chain of command and beyond effective and transparent mechanisms of civilian or military control."

Others have raised important legal and moral questions. Speaking at a recent conference in Geneva, the UN special rapporteur on extra-judicial killings, summary or arbitrary executions, Christof Heyns, posed the question "are we to accept major changes to the international legal system, which has been in existence since World War II and survived nuclear threats?" More to the point he said "... killings may be lawful in an armed conflict [like in Afghanistan] but many targeted killings take place [such as in Pakistan's tribal region] far from areas where it's recognised as being an armed conflict." Aside from its sheer brutality, the practice could also serve as a dangerous precedent for other countries, such as our next-door neighbour, India.

Heyns further pointed out that “there have been secondary drone strikes on rescuers who are helping after an initial drone attack; those further attacks are war crimes.” One must add, those in this country who condone drone strikes either through secret or public endorsement are guilty of complicity in this immoral, illegal, and criminal practice.

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