

Obama Drones On: The Slaughter of Pakistani Civilians

Kareem Khan is free. And you should care.

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In 2009, my home was attacked [by a drone](#). My brother and son were martyred. My son's name was Hafiz Zahinullah. My brother's name was Asif Iqbal. There was a third person who was a stone mason. He was a Pakistani. His name was Khaliq Dad.... Their bodies were covered with wounds. Later, I found some of their fingers in the rubble." - Kareem Khan, a Pakistani journalist, speaking of his personal experience with civilians killed by Americans, in the documentary "[Wounds of Waziristan](#)," 2013

"...it is a hard fact that [U.S. strikes](#) have resulted in civilian casualties, a risk that exists in every war. And for the families of those civilians, no words or legal construct can justify their loss. For me and those in my chain of command, those deaths will haunt us as long as we live, just as we are haunted by the civilian casualties that have occurred throughout conventional fighting in Afghanistan and Iraq." - President Obama, [May 23, 2013](#), at the National Defense University

President Obama should be justly haunted by the slaughter of innocents, especially the ones he has [personally condemned](#) to death on untested evidence. But it's hard to imagine him actually being haunted by any of his lethal failures, perhaps least of all by innocents condemned by the mere turning down of his imperial thumb in these or any other circumstances. The Nobel Peace Prize winner hardly sounds haunted when he's [quoted saying](#), "Turns out I'm really [good at killing people](#). Didn't know that was gonna be a strong suit of mine."

Such sadistic preening, regardless of possibly ironic intent, helps explain why his haunting, real or imagined, has mostly led his administration to deny the killings and to refuse any succor to the innocent victims' innocent families. It is as if Obama plays Macbeth and says to the Banquo's ghost of drone murder, "Thou canst not say I did it: never shake thy gory locks at me" - a deluded and specious lawyer's argument even then, and still false to its deepest moral roots.

Presumably Kareem Khan would like to see Obama haunted much more vigorously by the living. For more than four years Kahn has been doing what he could to bring at least some Americans to justice for killing his son and brother. As of February 19, he was [in Europe](#) as part of a campaign against the CIA drone assassination program, scheduled to visit with political leaders in Germany, the Netherlands, and UK. Khan is a freelance journalist and now an anti-drone activist. He once lived near Mir Ali in North Waziristan until the Americans destroyed his house and its occupants. Khan, who is in his fifties, now lives in Rawalpindi with his wife and his other, younger children, who were present when he was kidnapped by

[apparent secret police](#) in the early hours of February 5.

“When a person is blindfolded [...] they feel very bad, and when you are being treated this way, you feel like you are going crazy.” – Kareem Khan describing his captivity to [Al Jazeera](#)

For the next five days, local police refused to file a report on the event, much less acknowledge that that Khan had been disappeared in classic totalitarian style. On February 10, a local court ordered police to make a report, which then dryly noted that a kidnapping case was filed against “unidentified persons,” adding that those persons were not local police. According to witnesses, these unidentified persons numbered as many as 20, eight of whom wore some sort of police uniforms, perhaps Punjab Police. Some police state agency had taken Khan.

Khan’s lawyer, Shahzad Akbar, also filed a habeas corpus request with the Rawalpindi bench of Lahore High Court. The court responded by ordering the Ministry of the Interior, which oversees Pakistani intelligence agencies (ISI), either to produce Khan by February 20, or to explain to the court, in writing, why Khan was seized and held. Presently, there are more than 900 open cases of missing Pakistanis allegedly disappeared by their government. The ISI did not respond to the court about Khan. But in the early hours of February 14, unidentified persons threw Khan, still blindfolded, from a van onto a public street in a neighborhood of Rawalpindi

Before releasing him, Khan’s captors had warned him not to talk to the media. Later the same day, Khan issued a statement and talked to the media about his experience of being kept blindfolded and handcuffed for eight days in a basement where he and perhaps a dozen other prisoners were held in cells and [periodically tortured](#).

“There were different types of torture. There was mental torture – they would abuse me using very harsh and dirty curse words. Physically, they would punch me and slap me, on the face and shoulder. I was hit with a stick, on my arms and legs. They hit me on my open palms.... they would hang me upside down, and then one of them would hit the soles of my feet with a leather strap so that it did not leave a mark. But it was very painful.”– Kareem Khan, in [Al Jazeera](#), February 14, 2014

Within hours of his release, Khan travelled to Europe in a delegation [sponsored by Reprieve](#), the British [human rights charity](#) that has supported Khan’s efforts since 2010 as part of its program against [abuses in counter-terrorism](#) (“Reprieve investigates extra-judicial killing and detention around the world and reunites ‘disappeared’ prisoners with their legal rights”). The Reprieve delegation to Europe included, in addition to Kareem Khan:

[Noor Behram](#), 42, is a [photo-journalist](#) from [North Waziristan](#) who started [documenting drone atrocities](#) in 2008. In [his experience](#), he said: “For every 10 to 15 people killed, maybe they get one militant. I don’t go to count how many Taliban are killed. I go to count how many children, women, innocent people, are killed.... The youth in the area surrounding a strike gets crazed. Hatred builds up inside those who have seen a drone attack. The Americans think it is working, but the damage they’re doing is far greater.” He is president of the Tribal Union of Journalists, the representative body of journalists in the region.

[Shazad Akbar](#), 50ish, an attorney who represents Kareem Khan, is a [human rights lawyer](#) in Islamabad, where he founded and runs the human rights organization [Foundation for Fundamental Rights](#) (FFR). He currently holds a [Legal Fellowship](#) from Reprieve. Shahzad qualified as a Barrister from Lincolns Inn and also holds a LLM from University of Newcastle. In November 2010, Shahzad Akbar filed a lawsuit against the CIA on behalf of Kareem Khan for the wrongful deaths of his son and brother. The [lawyer later said](#) publicly: "If the US believes in the rule of law, it should not be hindering my advocacy of claims against the CIA for wrongful death and injury." The U.S. government [barred him](#) from the country in May 2011 when he was invited to speak at Columbia University. Shahzad Akbar filed another lawsuit on behalf of drone victims in May 2012, this time demanding that the Pakistani government take action against the U.S. for war crimes, but also bring the issue of drone assassinations before the United Nations Security Council, the United Nations Human Rights Council and the International Court of Justice [to stop them](#). The U.S. again barred the lawyer from entering the country, then relented in the face of public outcry, and [he spoke](#) at the first international [Drone Summit](#) in April 2013 in Washington. The U.S. barred him [yet again](#) in the fall, keeping him away when [his clients testified](#) before [Congress](#) in [another case](#).

[Jennifer Gibson](#), 32ish, is a U.S. lawyer based in the UK, a [staff attorney](#) who leads Reprieve's work on drones in Pakistan. She has a doctorate in international studies from the University of Cambridge and a law degree from Stanford. While at Stanford, she was part of a research team that visited Pakistan and she is a co-author of "[Living Under Drones](#)" – a 2012 project that reaches [devastating conclusions](#) about American aerial murder: (1) "In addition to killing and maiming, the presence of drones exacts a high toll [on civilian life](#) in northwest Pakistan;" (2) "Evidence gathered in the report casts [doubt on the legality](#) of drone strikes in northwest Pakistan;" (3) "Drone strikes foster anti-American sentiment and [undermine the rule of law](#)." Soon after the report's release, [Gibson wrote](#): "Unfortunately, many commentators missed the report's key message: drones are [terrorising an entire civilian population](#).... because no one knows who the informants are, people are reluctant to invite neighbours into their homes. The entire community withdraws from the public square, afraid to venture out, but equally afraid to bring the outside in. This is what it means to live under drones. It has turned North Waziristan into the world's largest prison." When the U.S. barred Shahzad Akbar from accompanying his clients before Congress, Jennifer Gibson appeared in his place and [told the lawmakers](#) that "every child who loses life or limb persuades dozens more tribes in Pakistan that the United States does not distinguish friend from foe."

"The CIA killer drones programme is the death penalty without trial, and the new face of state lawlessness in the name of counter-terrorism. Reprieve is assisting victims' families to seek legal accountability for drone attacks, with the goal of exposing the programme to scrutiny and restoring the rule of law."

– [Reprieve statement](#) on American drones in Pakistan

"America does not take strikes to punish individuals; we act against terrorists who pose a continuing and imminent threat to the American people, and when there are no other governments capable of effectively addressing the threat. And before any strike is taken, there must be near-certainty that no civilians will be killed or injured — the [highest standard](#) we can set...."– President Obama, [May 23, 2013](#), at the National Defense University

Obama's use of "near certainty" is about [as deceitful as it gets](#). In the first place, the government has [no honest idea](#) of the actual identities of the men, women, and children they've killed beyond 10 per cent or, generously, maybe 30. In the second place, the government [refuses to tell the truth](#) about what it does or doesn't know. In the third place, the government defines "militants" as any male of military age, a flexible category that the president may expand to include women and children as exigency demands (as when the U.S. killed American citizen [Abdulrahman Awlaki](#) who was 16). The critical evidence of a person's guilt is that the U.S. killed that person.

In other words, every published report of drone strikes killing "militants" is unverifiable and probably false, yet media everywhere report the government version uncritically, with few exceptions. The argument over the number of [civilian casualties](#) is ridiculous at its unknowable heart. The number of identified executed civilians can be only a minimum measure of American-inflicted carnage.

The New America Foundation is a somewhat paranoid, threat-obsessed Washington [think tank](#) devoted to "appropriate methods to secure the homeland." Without providing meaningful context, the foundation reports that the number of "jihadist extremists" in the U.S. "has continued to decline from its peak in 2009," which is similar to the trend for icebergs in the South Atlantic. The foundation has gone to great pains to try to rationalize the irrational, creating databases for drone strikes in Pakistan and other countries, citing "the [Bureau of Investigative Journalism](#), the Stanford International Human Rights and Conflict Resolution Clinic, the Global Justice Clinic at NYU School of Law, and the Columbia University Law School for their valuable work on this subject."

For all its manifest bias in favor of a security state with a siege mentality that allows the U.S. to kill anyone for any imagined reason, the foundation does offer a more rational way of assessing the usefulness of America's drone crimes war. Tucked in the middle of its "Key Findings," the foundation states: "Only 58 known militant leaders have been killed in drone strikes in Pakistan, representing just 2% of the total deaths." [emphasis added] That represents an American moral calculus in which one "known militant leader" (whatever that means) is worth another 49 dead Pakistanis who are not "known" to have been anything but previously alive, whether they were grunts or civilians.

"Under the Constitution of Pakistan, 1973 particularly Article 199 thereof put this Court under tremendous obligation to safeguard & protect the life & property of the citizen of Pakistan and any person for the time being in Pakistan, being fundamental rights, hence, this Court is constrained to hold as follows:

- i. That the drone strikes, carried out in the tribal areas (FATA) particularly North & South Waziristan by the CIA & US Authorities, are blatant violation of Basic Human Rights and are against the UN Charter, the UN General Assembly Resolution, adopted unanimously, the provision of Geneva Conventions thus, it is held to be a War Crime, cognizable by the International Court of Justice or Special Tribunal for War Crimes, constituted or to be constituted by the UNO for this purpose.
- ii. That the drone strikes carried out against a handful of alleged militants, who are not engaged in combat with the US Authorities or Forces, amounts to breach of International Law and Conventions on the subject matter, therefore, it is held that these are absolutely illegal & blatant violation of the Sovereignty of the State of Pakistan because frequent intrusion is made on its territory / airspace without its

consent rather against its wishes as despite of the protests lodged by the Government of Pakistan with USA on the subject matter, these are being carried out with impunity.

iii. That the civilians casualties, as discussed above, including considerable damage to properties, livestock, wildlife & killing of infants/ suckling babies, women and preteen children, is an uncondonable crime on the part of US Authorities including CIA and it is held so.”

– Judgment of [Peshawar High Court](#) [excerpt] on [petition #1551-P/2012](#) and two other cases, issued [May 9, 2013](#)

“So it is in this context that the United States has taken lethal, targeted action against al Qaeda and its associated forces, including with remotely piloted aircraft commonly referred to as drones.” – President Obama, [May 23, 2013](#), at the National Defense University

The two most familiar U.S. serial-killing drones are appropriately [named Reaper](#) and Predator, with a wingspan of about 65 feet, almost twice as long as the body. A drone’s payload of almost two tons can include a mix-to-taste array of air-to-ground missiles, air-to-air missiles, and laser-guided bombs with [explosive power](#) in the 500-2000 pound range. Drones have flown hundreds o missions over Pakistan since 2004, bombing a country with which the U.S. is not at war, a country which has officially demanded that the U.S. stop violating Pakistani sovereignty while simultaneously doing nothing about it.

The Pakistani government has done nothing to enforce the Peshawar High Court’s order of May 2013. Even suggesting that the government act to protect its people [creates controversy](#). An uncertain number of other cases are still pending in Pakistani courts. One of those is Kareem Khan’s 2010 [wrongful death suit](#) against the CIA for killing innocent people in his house in 2009.

On New Year’s Eve in 2009, Kareem Khan was a respected working reporter in Islamabad, Pakistan, perhaps wishing he could be home that night. At 9 pm on [December 31, 2009](#), an American drone controlled by the CIA attacked Kareem Khan’s house in North Waziristan, killing all three civilians inside: Khaliq Dad, a visiting stone mason; Asif Iqbal, a secondary school teacher and Kareem Khan’s brother; and Zahin Ullah Khan, a government security employee and the reporter’s 18 year old son.

None of these three had any connection to militants in the region, nor did Kareem Khan, other than sometimes reporting on them.

Attorney [Shahzad Akbar](#), working with Reprieve, filed Kareem Khan’s wrongful death suit in late 2010, seeking [\\$500 million](#) from [the CIA](#). The case is still pending. In the interim, another 35 Pakistanis have joined the suit, seeking justice for the wrongful deaths of members of their families.

Will the International Criminal Court act on war crimes?

On February 19, Kareem Khan and Attorney Akbar were at The Hague, where they filed a complaint against NATO countries for committing war crimes by aiding and abetting U.S. drone assassinations. A press release from Reprieve announcing the filing said: “It has been revealed in recent months that [the UK](#), Germany, [Australia](#), and other NATO partners

support US drone strikes through intelligence-sharing. Because all these countries are signatories to the Rome Statute, they fall under The ICC's jurisdiction and can therefore be investigated for war crimes. [Kareem Khan](#)... is at The Hague with his lawyers from the [human rights charity Reprieve](#) and the [Foundation for Fundamental Rights](#) who have filed the complaint on his behalf."

[Last fall, a group of [Egyptian lawyers](#) filed a complaint with the International Criminal Court, charging President Obama with crimes against humanity in connection with U.S. support for the Muslim Brotherhood. In June 2013, in [South Africa](#), the Muslim Lawyers Association there petitioned the court to arrest and try President Obama for war crimes and crimes against humanity resulting from the American drone killing program.]

Accused of murder, the United States has offered no explanation, no defense, no information whatsoever to justify this extrajudicial execution campaign in which President Obama functions as judge, jury, and executioner, although he sometimes delegates some of these activities to underlings. The United States has become a rogue state and a state sponsor of terrorism and apparently the best justification the president has to offer for a decade-long killing spree in Pakistan and wanton lawless executions elsewhere is that - they do it too!

Never mind that the countries the U.S. is "protecting" are tired of the American protection racket. What's important, according to the president in his [May 23, 2013](#) speech is to keep in mind that crimes against humanity justify other crimes against humanity, although he put it somewhat more obliquely:

"Remember that the terrorists we are after target civilians, and the death toll from their acts of terrorism against Muslims dwarfs any estimate of civilian casualties from drone strikes. So doing nothing is not an option."

How is that any different from the [Hellfire missile victim](#) who says: "If God gives me the chance of getting to Obama, I will. He is not only the killer of my son and brother, but he is the killer of many Muslims. The punishment or killing is to be killed. I would kill [Obama]."

Or are we facing another, grimmer parallel from Macbeth as he approaches the endgame and observes:

"All causes shall give way. I am in blood

"Stepped in so far that, should I wade no more,

"Returning were as tedious as go o'er."

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