

# Obama Gave CIA Free Rein for Drone Assassinations in Pakistan

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Global Research, April 28, 2015

[World Socialist Web Site](#)

Region: [Middle East & North Africa, USA](#)

Theme: [Intelligence, US NATO War Agenda](#)

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*The killing of US and Italian aid workers Warren Weinstein and Giovanni Lo Porto in a January 2015 drone strike stemmed, at least in part, from a secret order by President Barack Obama exempting the Central Intelligence Agency drone war in Pakistan from restrictions supposedly imposed on drone attacks in other countries.*

According to current and former US officials quoted by the *Wall Street Journal* Monday, the administration tightened the rules governing drone warfare in 2013, but issued a secret waiver allowing the CIA an essentially free rein in carrying out its murderous campaign in northwestern Pakistan's Federally Administered Tribal Areas, near the Afghan border.

President Obama made an extraordinary public admission of US responsibility for the killing of the two Western hostages in a White House announcement last Thursday. In the course of his remarks—which he cynically boasted were proof of an “American democracy, committed to openness”—Obama stated that the deadly operation last January had been “fully consistent with the guidelines under which we conduct counterterrorism efforts in the region.”

What he left concealed was the fact that the guidelines for “the region” were at odds with the formal rules existing everywhere else.

The US president outlined these rules in a speech delivered at the National Defense University in May 2013, insisting that drone strikes would be ordered only against alleged “terrorists” posing “a continuing and imminent threat to the American people,” and only under conditions of “near-certainty that no civilians will be killed or injured.”

These purported restrictions were made public as part of the administration's effort to lend a veneer of legality to a state assassination program that is in flagrant violation of both international law and the US Constitution. The American president arrogated to himself the power to order the killing of anyone— including American citizens— without charges, much less trials. In his speech, Obama acknowledged that he authorized the killing of US citizen Anwar al-Awlaki in a 2011 drone strike in Yemen. Awlaki's 16-year-old son, Abdulrahman, was killed in a subsequent US drone strike.

The reality is that the supposed restrictions have been observed nowhere in the world. In Somalia and Yemen, just as in Pakistan, strikes have claimed the lives of numerous civilians, while the targets selected for remote-control murder posed no “imminent threat” to the US.

In Pakistan, however, the CIA's covert drone program was relieved of even the pretense of

observing such constraints. Initially, the rationale was the need to eliminate forces opposed to the US occupation of Afghanistan, which was supposed to end last year. Now, with the occupation extended, the unfettered drone warfare is continuing.

Not only is the CIA under no obligation to ascertain that the targets pose an “imminent threat” to the American people, it does not have to identify them at all, carrying out “signature strikes” in which behavior observed from an altitude of 50,000 feet– military aged men traveling in a convoy or carrying weapons, for example– is sufficient reason to take human lives with Hellfire missiles.

The deaths of Weinstein and Lo Porto were the result of such a “signature” attack. While the CIA concluded that someone at the compound where they were held was an Al Qaeda leader, they did know the identity of the person they were trying to kill.

Such strikes have taken a massive toll in human life. According to a recent study by the British-based human rights group Reprieve, US drone missile strikes aimed at killing 41 supposed terrorists took the lives of a total of 1,147 men, women and children. In the attempt to assassinate one Pakistani militant, Baitullah Mehsud, the CIA carried out seven separate strikes, killing a total of 164 people.

The Bureau of Investigative Journalism has tallied 383 drone strikes against Pakistan alone between 2004 and the beginning of 2015, killing and maiming thousands of civilians.

Yet Thursday’s apology for the deaths of two Westerners was the closest the Obama administration has ever come to acknowledging civilian casualties inflicted by the CIA drone war. In his “democratic” and “open” announcement last Thursday, Obama stated only that “a US counterterrorism operation... in the Afghanistan-Pakistan border region accidentally killed Warren and Giovanni.” No mention was made of the agency responsible, the CIA, or the weapon used- a drone.

This was no accident. According to the *Journal* report, whether or not to acknowledge the CIA’s role was the subject of a dispute within the administration, with the CIA, the Pentagon and the State Department insisting that such an admission would threaten the continuation of the CIA program and provoke a conflict with the Pakistani government.

Others– the *Journal* names Deputy National Security Adviser Ben Rhodes, US Ambassador to the United Nations Samantha Powers and the director of national intelligence, James Clapper– insisted that disclosing the CIA’s role was necessary if the administration was to maintain the pretense of “transparency” that Obama promised in his speech two years ago.

The decisive argument, according to the *Journal*’s account, was that of the US Attorney General’s office, which “warned Mr. Obama that publicly disclosing the CIA’s role in this case would undermine the administration’s standing in a series of pending lawsuits challenging its legality.”

Among these cases is that of Kareem Khan, whose 17-year-old son, Zahirullah Khan, died instantly, along with his uncle Asif Iqbal and another man identified as Khaliq Dad, a stonemason, when a Hellfire missile fired by a CIA drone tore through their home in the North Waziristan region bordering Afghanistan in 2009. The family had no involvement with Al Qaeda or any other militant group.

A senior judge in Pakistan last month ordered the opening of a criminal case in connection

with the drone killings against former CIA Islamabad Station Chief Jonathan Bank and ex-CIA legal counsel John Rizzo. The charges are murder, conspiracy, terrorism and waging war against Pakistan.

The case could also set the stage for a multi-billion dollar class action lawsuit against the CIA and the US government by the relatives of the many more Pakistani civilians reportedly killed in drone strikes.

The drone strikes constitute war crimes under international law, which bars the arbitrary deprivation of human life and extrajudicial executions. The role of the CIA, which under international law is not a legal combatant, but rather a kind of state-run Murder, Inc., itself makes these strikes criminal.

For all of these reasons, the Obama administration is compelled to maintain a veil of secrecy over its drone assassination program.

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