

# The Illegality, Illegitimacy and Immorality of U.S. Drone Strikes

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*For the past 12 years, following the attacks of September 11, 2001, the United States has been waging what it initially called a global “war on terror.” Through various adjustments and “rebrandings,” this has included the invasion and occupation of Afghanistan and Iraq; the construction of a massive apparatus to spy on people all over the world; and increasingly global drone warfare: missiles fired from unmanned aircraft, or drones.*

Since 2002, there have been hundreds of drone strikes in Afghanistan, Pakistan, Yemen, Somalia, and perhaps other countries. Thousands have been killed.

The U.S. government steadfastly claims these drone strikes are “necessary, legal, and just.” This past May, President Obama, who has radically escalated U.S. drone warfare, said the U.S. only targets “terrorists who pose a continuing and imminent threat to the American people.” He stated that “before any strike is taken, there must be near-certainty that no civilians will be killed or injured.” Because of these criteria, his administration claims that very, very few non-“terrorist” civilians have been killed in drone strikes. The bottom line, according to Obama: “our actions are effective.... Simply put, these strikes have saved lives.”

Recently, a series of in-depth investigations by human rights groups, United Nations agencies, and news organizations have exposed these claims and shined a light on the brutal reality of U.S. drone warfare. For the most part, these exposures are being ignored or downplayed by the mainstream media and the U.S. government. But an analysis of what is revealed in these reports reveals not just that most of these attacks are illegal (which the human rights reports document), beyond that, they are illegitimate and immoral.

## **Evening, July 6, 2012, Zowi Sidgi village, northwest Pakistan**

Laborers were gathered in a tent on the edge of the village of Zowi Sidgi, home to hundreds in northwest Pakistan, after working a long, hot summer day. Most there worked in the local chromite (iron ore) mine. Others made their living from farming, cutting and selling wood, or driving. “It was our gathering place; usually at the end of the day after work the villagers sit together and talk to each other about our daily business,” said Ahsan, a chromite miner.

Four drones were visible overhead. The sound of Hellfire missiles piercing the air at 950 miles an hour came without warning. At least one scored a direct hit on the tent. At least eight were killed instantly. The tent burned. “When we went to where the missiles hit to help

people,” Ahsan told Amnesty International, “we saw a very horrible scene. Body parts were scattered everywhere. [I saw] bodies without heads and bodies without hands or legs. Everyone in the hut was cut to pieces.”

Family and friends ran to help and retrieve the bodies, carrying water, blankets, and stretchers. But moments after the first volley, another was launched, instantly massacring at least six first responders. “Some people lost their hands,” one villager said of the follow-on strike. “Others had their heads cut off. Some lost their legs. Human body parts were scattered everywhere on the ground. The bodies were burnt and it was not possible to recognize them.”

Eighteen were killed that night, and at least 22 more would be wounded, including an eight-year-old girl.

### **Mid-Afternoon, October 24, 2012, Ghundi Kala village, northwest Pakistan.**

A little before 3:00 in the afternoon, Mamana Bibi, a 68-year-old grandmother, was picking okra for the evening meal in her family’s field in Ghundi Kala, a small agricultural village in northwest Pakistan. Eid al-Adha, the year’s holiest day for Muslims, was the next day. Her eight-year-old granddaughter Nabila and 12-year-old grandson Zubair were helping her nearby.

Nine-year-old Nabila Rehman holds a drawing she made depicting a drone strike that killed her grandmother Mamana Bibi in the North Waziristan region of Pakistan one year ago. Nabila, her father Rafiq ur Rehman and her 13-year-old brother Zubair were invited to speak to members of Congress in Washington, D.C. in late October this year. Only five members of Congress attended. The family has received no acknowledgement of the attack from the U.S. government, much less an apology or compensation. Photo: [AP](#)

“They noticed drones overhead. They were sort of used to that, because drones are ubiquitous in the skies over there,” an Amnesty International researcher told *Democracy Now!* Suddenly, there was a whistling sound, a loud explosion. Mamana was hit directly by a U.S. Hellfire missile, fired from a drone. She was blown to bits, pieces of her body scattered across the field. Two of her grandchildren witnessed the attack: “There was a very bad smell,” said Zubair, “and the area was full of smoke and dust. I couldn’t breathe properly for several minutes.” Nabila went to look for her grandmother: “I saw her shoes. We found her mutilated body a short time afterwards. It had been thrown quite a long distance away by the blast and it was in pieces. We collected as many different parts from the field and wrapped them in a cloth.”

Two other grandchildren, Kaleemul and Samadur Rehman, were in the family home drinking tea when they heard the explosion. “I ran outside and saw the rocket had left a big crater in the field and dead animals, and the area was full of smoke and dust. I could not see my grandmother anywhere,” said Kaleemul. He and Samadur were afraid of more strikes so they tried to flee. They were too late. A few moments after their grandmother had been blown to pieces, the U.S. launched another strike about nine feet from where Mamana had been working. Shrapnel hit Kaleemul. “This time I felt something hit my leg and the wave of the blast knocked me unconscious. Later I regained consciousness and noticed that my leg was wounded and my cousin was carrying me on his back to the main road, about 1.5 miles away.”

No one from the United States government ever contacted Mamana's family to acknowledge their grandmother was killed by a U.S. drone, much less apologize or compensate the family.

## **Lies, Laws, and Legitimacy**

These two accounts come from a new report by the human rights organization Amnesty International, "'Will I Be Next?' US Drone Strikes in Pakistan." This extensively documented study, released on October 22, is based on on-the-scene investigations, including testimony from survivors of drone attacks and analysis of the 45 known drone strikes in North Waziristan, Pakistan, that occurred from January 2012 to August 2013. On Tuesday, October 29, the late Mamana Bibi's son, Rafiq ur Rehman, and his two children, Nabila and Zubair, also gave their testimony to a Congressional committee. It was the first time victims of drone strikes had testified before Congress. Only five of 435 members of the House of Representatives bothered to attend.

On October 22, Human Rights Watch (HRW) released its own report on drone strikes in Yemen: "'Between a Drone and Al-Qaeda': The Civilian Cost of US Targeted Killings in Yemen." The same day, the *New York Times* carried a lengthy front-page story and an editorial on Amnesty's and HRW's findings, and its own investigation of the impact of the drone war on Miranshah, a small town in North Waziristan. United Nations Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions, and on Human Rights and Counterterrorism also issued reports documenting and criticizing U.S. attacks, reports which were debated at the UN.

All of this is coming in the context of an international uproar over America's NSA global spy net and the revelations of whistleblower Edward Snowden. The *Washington Post* reports that Snowden's documents reveal the NSA's "extensive involvement in the targeted killing [drone] program," that many drone attacks have been based on information culled from NSA phone and Internet surveillance.

While these reports do not analyze or question the fundamental nature of the U.S. "war on terror," they do expose the illegality, under current international law, of many of these strikes, the lie that very few innocent people have been killed by U.S. drones, and the enormous toll these attacks have taken on thousands upon thousands of oppressed people.

For instance, Amnesty's investigation found that "In some circumstances arbitrary killing can amount to a war crime or extrajudicial execution, which are crimes under international law." Human Rights Watch's 102-page report concluded, "United States targeted airstrikes against alleged terrorists in Yemen have killed civilians in violation of international law."

## **Not "A Single Collateral Death"? Or Hundreds of Non-Combatants Murdered by U.S. Drones?**

One issue these investigations focus on is the death of civilians or non-combatants.

The Obama administration has dismissed past investigations reporting that many civilians had been killed by U.S. drone strikes. In 2011, White House counter-terrorism advisor John Brennan (now CIA director) even stated that "for nearly the past year, there hasn't been a single collateral death because of the exceptional proficiency [and] precision" of U.S. drone strikes. The CIA later claimed the number of civilian were in the "single digits."

In his May 2013 speech, Obama claimed, “we only target al Qaeda and its associated forces,” that “we act against terrorists who pose a continuing and imminent threat to the American people,” and that “before any strike is taken, there must be near-certainty that no civilians will be killed or injured.” He pushed aside concerns about civilian deaths saying, “There’s a wide gap between U.S. assessments of such casualties and nongovernmental reports.” (Of course, the government refuses to release its assessments.)

Yet the cases examined by Amnesty show Obama’s statements are not true. “The killing of Mamana Bibi appears to be a clear case of extrajudicial execution,” said Mustafa Qadri, who wrote Amnesty’s report. “It is extremely difficult to see how she could have been mistaken for a militant, let alone an imminent threat to the U.S.”

Summing up its latest investigation, Amnesty writes, “Contrary to official claims that those killed were ‘terrorists,’ Amnesty International’s research indicates that the victims of these attacks were not involved in fighting and posed no threat to life.”

Amnesty’s and other reports point to the reality that hundreds and hundreds of non-combatants are being killed by U.S. drones—not just a handful of people. Amnesty states, “According to NGO and Pakistan government sources the USA has launched some 330 to 374 drone strikes in Pakistan between 2004 and September 2013...according to these sources, between 400 and 900 civilians have been killed in these attacks and at least 600 people seriously injured.”

(The Pakistani government recently, and inexplicably, reduced its estimate of civilian drone deaths to 67. It’s widely suspected this is a political fabrication, put forward in the wake of a U.S.-Pakistani agreement struck during Prime Minister Nawaz Sharif’s recent meeting with Obama in Washington.)

In just six of the dozens of drone and missile strikes in Yemen, Human Rights Watch found that 82 people had been killed, “at least 57 of them civilians.” One 2012 strike on a passenger van killed 12; a 2009 cruise missile strike “killed more than 40 civilians, most of them women and children...” Pakistani officials told UN investigators that U.S. drone attacks have killed at least 400 to 600 or more civilians. (*Democracy Now!* October 21, 2013)

According to the New America Foundation, overall (both so-called “militants” and civilians), more than 640 people have been killed in U.S.-directed drone strikes in Yemen over the past decade, and some 2,065 people in the hundreds of strikes in Pakistan. The London-based Bureau of Investigative Journalism estimates that in Pakistan alone, between 2,371 and 3,433 people have been killed by drones since January 1, 2008, including between 308 and 789 civilians.

### **Obama Argument for Death by Drones**

“It is a hard fact that U.S. strikes have resulted in civilian casualties, a risk that exists in every war,” Barack Obama said this past May. “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...”

Stop for a minute. Try and wrap your mind around this typically Obama-esque hypocrisy and deceit. True—“no words or legal construct can justify” the murder of a 68-year-old grandmother like Mamana Bibi, or the hundreds of children killed or injured. But Obama

feigns compassion to skip past his administration's *refusal* to disclose its "legal construct" for drone murder, or to offer any "words" of condolence or apology for those killed, or to halt the killing that supposedly "haunt" him and his death merchant officer corps. Rather, he's invoking phony compassion to justify and continue mass murder. (Days after reports exposing drone killings were issued, the U.S. launched strikes killing two in Somalia on October 29, three in Pakistan on October 31, and another four there on November 1.)

In fact, disclosing the truth about the U.S. drone program could greatly impede it. "Secrecy surrounding the drones program gives the US administration a license to kill beyond the reach of the courts or basic standards of international law," Amnesty's Qadri stated.

There is no reason to think these killings really do "haunt" Obama or others in the U.S. military apparatus deciding who lives and dies in Pakistan, Yemen, and any number of countries around the world. But even if they did, those feelings would be overridden by the needs and interests of empire, and the killings would continue. One thing *is* certain: these murders *will* haunt Maman Bibi's family and thousands of other victims for the rest of *their* lives—and millions of oppressed peoples for the rest of *ours*.

### **The Heinous Logic of the "Double-Tap"**

So, if U.S. drones are so accurate, why have so many non-combatants been killed? Is Obama telling the truth when he says the U.S. only targets those bent on attacking the U.S., and that a little "collateral damage" is a sad but inevitable risk in war?

No, the issue is not faulty electronics or the "fog of war." The Obama administration refuses to release its "rules of engagement," but the U.S. has consistently targeted groups of people for drone attacks, not "carefully selected" individuals.

Take the issue of "follow-on" strikes, or the so-called "double-tap" (imperialist slang that both sanitizes and "macho-izes" mass murder). "The US relies on consecutive rounds of strikes—missiles are dropped, killing people," the BBC reports. "A moment later—when people in the area have raced to the scene to help the wounded, another round of missiles is dropped. This practice, known as a 'double tap', as journalists have described, is being used more often"—such as at Zowi Sidgi and Ghundi Kala.

Christof Heyns, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, calls targeting civilian rescuers a "war crime." "When one drone attack is followed up by another in order to target those who are wounded and hors de combat or medical personnel, it constitutes a war crime in armed conflict and a violation of the right to life, whether or not in armed conflict."

Think about it: how is it remotely possible to tell ahead of time who exactly will rush to aid victims of a drone strike, or whether they're members of "al Qaeda and its associated forces," and to make sure there's "near-certainty" no civilians are killed. Is rushing to help someone who is injured or trying to find or retrieve the body of a loved one now proof, in the eyes of the empire, that someone is a "terrorist"?

### **The Illegitimacy of U.S. Drone Strikes... And the Entire "War on Terror"**

There is a logic and a reason the "double-tap" and mass civilian casualties. It's rooted in the nature and objectives of the U.S. "war on terror," and imperialist logic and necessities driving it.

In his May speech, Obama claimed, “America’s actions are legal. We were attacked on 9/11. ... Under domestic law, and international law, the United States is at war with al Qaeda, the Taliban, and their associated forces. We are at war with an organization that right now would kill as many Americans as they could if we did not stop them first. So this is a just war—a war waged proportionally, in last resort, and in self-defense.”

This statement is packed with distortions, half-truths, and outright lies. The U.S. “war on terror” is, at heart, an unjust war for greater empire—not a “just” war to liberate people, “defend the American homeland,” or rid the world of violence and terror. A key aim of this war *is* defeating al Qaeda, the Taliban, and other “associated” Islamist forces. This is not simply or mainly because these groups are plotting attacks on the U.S. It’s mainly because they pose a big challenge to U.S. control of Central Asia and the Middle East, including because they’re directly clashing with U.S. client regimes. This could greatly weaken the U.S. hold on these regions, which are key to U.S. global dominance and the functioning of its empire of exploitation. And provide openings for rival regional and global powers.

The U.S. initially tried to deal with this problem by invading and occupying Afghanistan and Iraq. But this strategy has, in many ways, backfired. The U.S. has not succeeded in either outright defeating the Islamists or in “draining the swamp”—restructuring these societies to undercut the societal roots of the Islamic fundamentalist opposition. And these occupations have cost the U.S. dearly, and have further fueled anti-U.S. Islamist trends.

So the U.S. has wound down the occupations of Iraq and now Afghanistan. But it hasn’t abandoned the “long war” to defeat Islamic fundamentalism and maintain control of the arc from Morocco through Saudi Arabia to Pakistan and Afghanistan. Rather it is increasingly employing drone warfare and other covert operations to achieve its imperial objectives, while avoiding, as Obama has put it, American “boots on the ground.”

The U.S. drone war in North Waziristan in northwest Pakistan is a key front in this war, which shows a lot about what it’s actually about, and why so many are being blown to bits. North Waziristan, home to some 840,000 people, borders Afghanistan. It’s where Zowi Sidgi, Ghundi Kala, and Miranshah are located and is a base area for the Taliban fighters from both Afghanistan and Pakistan and other Islamist forces. These groups oppose the U.S. puppet government in Afghanistan and the current regime in Pakistan, and are fighting for reactionary Islamic states in both countries.

This is why U.S. drone surveillance is constant and drone strikes have been concentrated in this region. Here the U.S. is targeting individual Taliban, al Qaeda, or other Islamist leaders or fighters.

Even when the targets of U.S. drone attacks actually are commanders of jihadist forces who may be plotting or carrying out terrorist attacks, these attacks are not about “saving lives.” U.S. drone attacks, regardless of the intended victim, create a state of ongoing terror among *all* the people in large regions of the world. They are in the service of imposing the U.S. empire, which has brought so much misery to the Middle East, North Africa, and the rest of the world.

Again, the U.S. drone strikes are not at all limited to targeted strikes on jihadist leaders. There is also the “double-tap” logic at work of attacking any who might be Islamists or their supporters, or “associated forces”—a definition which can be stretched to mean most anything. This leads to murdering, injuring, and terrorizing whole groups—even whole



populations—of people who may support, sympathize or *just tolerate* the Islamists, or who're just part of the population the fundamentalists draw from. And so these drone attacks perpetuate and accelerate the vicious cycle of U.S. imperialist aggression driving people into the arms of the jihadists.

These patterns have been evident since the drone strikes began a decade ago. Wedding parties in Afghanistan were obliterated. Funerals have been attacked. And then there were widely used “signature strikes” targeting people or groups of people based on “behavior patterns”—not because they'd been specifically identified as members of al Qaeda or “terrorists who pose a continuing and imminent threat to the American people.”

The *New York Times* report (October 22, 2013) on the impact of the drone war on Miram Shah [Miranshah], a small town of some 3,500 in northwest Pakistan near the Afghan border, paints a picture of systematic terror impacting a whole population:

[V]iewed from Miram Shah, the frontier Pakistani town that has become a virtual test laboratory for drone warfare, the campaign has not been the antiseptic salve portrayed in Washington. In interviews over the past year, residents paint a portrait of extended terror and strain within a tribal society caught between vicious militants and the American drones hunting them. “The drones are like the angels of death,” said Nazeer Gul, a shopkeeper in Miram Shah. “Only they know when and where they will strike.”

It has become a fearful and paranoid town, dealt at least 13 drone strikes since 2008, with an additional 25 in adjoining districts—more than any other urban settlement in the world. Even when the missiles do not strike, buzzing drones hover day and night, scanning the alleys and markets with roving high-resolution cameras... the strikes in the area mostly occur in densely populated neighborhoods. The drones have hit a bakery, a disused girls' school and a money changers' market, residents say... While the strike rate has dropped drastically in recent months, the constant presence of circling drones—and accompanying tension over when, or whom, they will strike—is a crushing psychological burden for many residents. Sales of sleeping tablets, antidepressants and medicine to treat anxiety have soared, said Hajji Gulab Jan Dawar, a pharmacist in the town bazaar.

### **The Immorality of American Lives First**

The reality of life under U.S. drones in Pakistan, in Yemen, in Afghanistan is systematically suppressed and hidden from people in the U.S. But when the news leaks out, when people begin to get a glimpse of what the U.S. is doing around the world (whether spying, drones or whatever), the rulers have an answer: it's all to protect *you and yours*, to save American lives. “To begin with, our actions are effective,” Obama said in May. “Simply put, these [drone] strikes have saved lives.”

Far too many have swallowed or passively tolerated the ideological poison that they should accept the slaughter of unnamed and uncounted thousands in distant lands because it makes them more “secure.” That obliterating people in Pakistan is a small, and acceptable, price to pay for their own personal safety.

Putting American lives ahead of the lives of others is profoundly immoral. Today this is the moral equivalent of supporting slavery in the 1800s because you benefited, or thought you benefited, from it.

## **“Transparency” Is Not the Essential Problem, Imperialism Is**

The exposure of the U.S. drone war, calls for disclosing government secrets, and for prosecuting those who have carried out war crimes—done by human rights organizations, UN special rapporteurs, and news agencies—is important. But these reports accept the framework and basic legitimacy of the U.S. “war on terror” and its “right to self defense.” So while Amnesty International, Human Rights Watch, some UN agencies, and others have called for “transparency,” “legality,” and “accountability,” they have neither challenged nor opposed the “war on terror.” For instance, Amnesty’s Qadri stated on *Democracy Now!*, “There are genuine threats to the USA and its allies in the region, and drone strikes may be lawful in some circumstances.”

But the root problem is that the entire “war on terror” is illegitimate, unjust, and directly contrary to the interests of humanity—as is the system of imperialism from which it flows. The U.S. rulers have violated their own laws and international agreements, but their greatest crime is waging an immoral and unjust war in service of global exploitation and oppression, a war that has further stoked reactionary Islamic fundamentalism which inflicts its own set of horrors on the people. And making such an unjust war of empire more “transparent,” and concocting a more coherent and public legal justification for it, even restricting certain military actions or more complying with existing international law (which is bourgeois law), doesn’t make it just or in the interests of humanity—quite the contrary.

## **What Is the U.S. Trying to Defend and Preserve in Pakistan?**

Think about what the U.S. is fighting to preserve in Pakistan: an oppressive tyranny ruling over one of the most brutally exploited and impoverished countries on earth. A country where 82 million people will spend their entire lives in poverty, earning less than \$19 per person per month. Where millions of children are driven to work in factories earning perhaps \$10 a week to support their families. Where nearly all medium-size and large agricultural enterprises are owned by a tiny elite—less than 1 percent of the population. A country shackled by feudal, patriarchal traditions where less than half of women living in rural areas can read.

This is why—despite tensions and contradictions—the U.S. and Pakistani governments work together to crush any challenges, whether reactionary like the Islamists, or revolution, to the current order. This is why the Pakistani government, like the Islamists and the U.S., target restive populations: “We are scared that at any time there could be a blast [from an armed group] and then the Army will fire mortars without caring who they hit,” one villager told Amnesty. And this is why despite its public protests, the Pakistani government supports U.S. drone strikes: “top officials in Pakistan’s government have for years secretly endorsed the program and routinely received classified briefings on strikes and casualty counts, according to top-secret CIA documents and Pakistani diplomatic memos,” *Washington Post* reports (October 24, 2013).

What kind of empire and global order is it that depends on violence to preserve such oppression and suffering? That murders 68-year-old grandmothers, blowing them to pieces as they tend their small fields, and then attacking their children and grandchildren when they try to help? Or that massacres chromite miners, landless farmers, and near-penniless drivers? What is legitimate about trying to violently preserve a world in which millions upon millions are forced to live in destitution and fear, now, in the 21st century? Yet this is, at bottom, what the “war on terror” is about.



Why should anyone accept U.S. drone strikes, Obama's lies, and most fundamentally, this kind of world?

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