

Obama's Drone Killing Spree Exposed

by Edward Spannaus

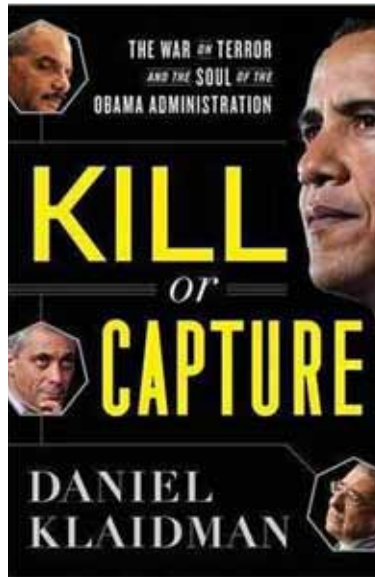
Oct. 8—Two new studies on President Obama's practice of mass-killing through drones strikes, have recently been issued by top law schools in the U.S. The two studies are hair-raising—both in their debunking of the notion of “surgical precision” which Administration officials claim for drone strikes, and for their demonstration of the illegality of Obama's practices under the laws of war and international humanitarian law.

In other words, by the standards of international law, particularly those established for the protection of civilians, after the atrocities of World War II, Barack Obama, President of the United States, is a war criminal.

The first of these studies, issued on Sept. 24, was a joint project of Stanford Law School and New York University Law School. Entitled “Living Under Drones: Death, Injury, and Trauma to Civilians from U.S. Drone Practices in Pakistan,” it is based on 130 interviews, including of 69 persons who were either victims of drone strikes, witnesses, or family members of victims from North Waziristan, in the Federally Protected Tribal Areas (FATA) on the Pakistan-Afghanistan border.

The second, titled, “The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions,” conducted by the Columbia Law School and the Center for Civilians in Conflict, was released Oct. 1, and deals with drone strikes in Yemen and Somalia, in addition to Pakistan.

Taken together, the two studies constitute a damning indictment of Obama's killing policy using covert drone strikes. A major theme of both studies, more explicit in the Columbia study, is to debunk the claimed notion of “precision” in drone strikes; Obama, for example, has



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described the strikes as “precise, precision strikes against Al Qaeda and their affiliates.” In truth, there is no such “precision” in either the targeting before strikes, or in assessing casualties and damage after the fact.

Obama did not, of course, invent drone strikes, but he has embraced them with a fervor and enthusiasm which is not widely recognized nor understood. *Newsweek* correspondent Daniel Klaidman, in his new book, *Kill or Capture: The War on Terror and the Soul of the Obama Presidency*, points out that by the time Obama accepted the Nobel Peace Prize in Stockholm in December 2009, he had already authorized more drone strikes than George W. Bush had during his entire Presidency. By his third year in office, Obama had approved the killing of twice as many “suspected terrorists,” as had ever been imprisoned at Guantanamo. Klaidman notes that, throughout Obama's first year in

office, while Republicans were portraying him as weak and bumbling in his approach to counterterrorism, what was not generally seen “was how quickly and intuitively Obama had taken to the shadowy world of intelligence and special operations.”

Speaking at the New America Foundation in Washington Oct. 5, Klaidman recounted what happened when Richard Clarke, counterterrorism advisor to both Bill Clinton and George W. Bush, had his first meeting with Obama in 2007, when Obama was campaigning for the Democratic nomination. Clarke, worried that Obama was an effete intellectual, confronted him directly with the fact that a President has to be brutal at times. “Senator,” Clarke told him, “As President, you kill people.” As Clarke tells it, Obama stared back and

said calmly, “I know that.” Clarke later described Obama as “steely,” noting: “He didn’t flinch.”

Quantifying the Drone Program

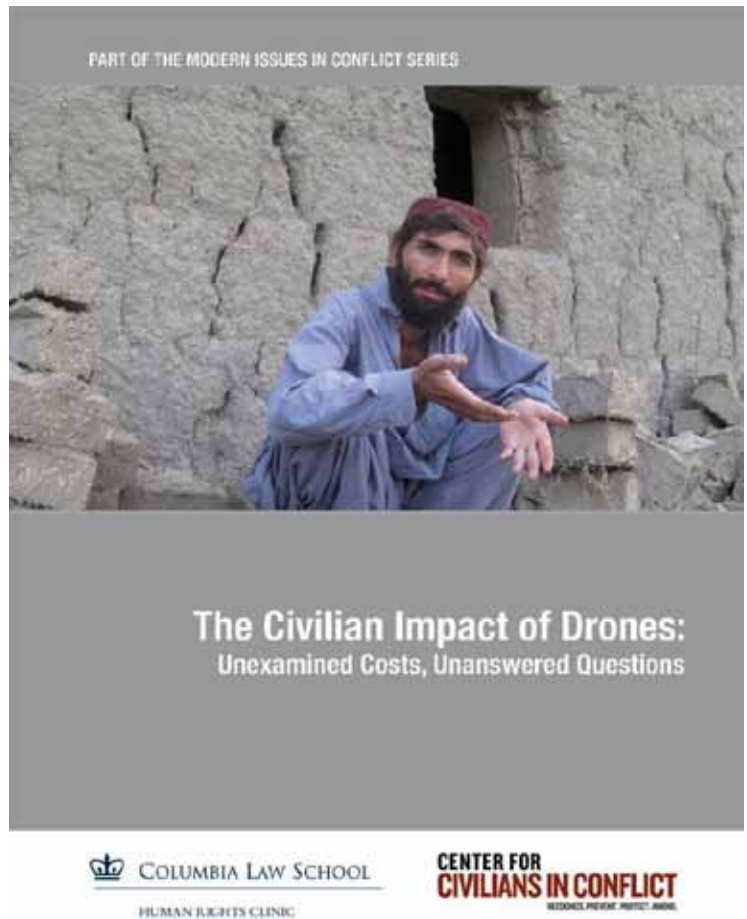
Before reviewing data presented in the two studies, we should issue a caveat, one which is much more explicit in the Columbia study: *No one*, outside of those in the CIA and in the Joint Special Operations Command (JSOC) actually knows how many drone strikes have been carried out, because of the extreme secrecy surrounding the use of drones. And no one—including CIA and JSOC—knows how many people have been killed and injured by the Administration’s campaign of drone strikes. This is not just an issue of secrecy and classification, but is a function of the lack of on-the-ground intelligence. The authors of these two studies have done their best to compile the existing evidence and estimates, but, ultimately, it’s still only educated guesswork.

And, as the Columbia study points out, the (often-contradictory) U.S. government estimates concerning civilian casualties refer only to CIA drone strikes, since there is no publicly available information concerning JSOC.

That being said, we note that the Stanford study reports that when George W. Bush left office, the U.S. had carried out 45-52 drone strikes from 2002-08. Obama has conducted almost 300 strikes in just three and one-half years—roughly six times more than Bush, in half the time.

Accurate figures on casualties are impossible to come by, but the Stanford report says that what it considers the best estimate, that made by the Bureau of Investigative Journalism (BIJ), is that 2,562 to 3,325 people were killed by drone strikes during the period from mid-2004 to mid-2012—most since Obama took office in 2009. The BIJ estimate is that 474 to 881 of these were civilians, including 176 children, these being the only cases that the BIJ could actually identify as civilians. The accounts of mass killings obtained in on-the-ground interviews in Pakistan show a much higher percentage of civilian deaths.

The Stanford report documents—as best can be done—that only a small percentage of those killed, by some estimates as low as 2%, are actually “militant leaders.” Other surveys have found much higher percentages of “militants” killed, versus civilians. But, considering



Two new authoritative studies, including the one shown here from Columbia Law School, represent a powerful indictment of the Obama Administration’s murderous policy using covert drone strikes.

that the U.S. considers any military-age male to be a “militant,” the unreliability of these figures is evident.

The Columbia study notes the difficulty in determining civilian casualties, but notes that the CIA and JSOC have the same problem: the lack of active intelligence. In the areas of drone-strike concentration—the Pakistan tribal areas, Yemen, and Somalia—the U.S. has little if any on-the-ground human intelligence, little signals intelligence (because of the low-technology environment), but lots of drone video surveillance. The video surveillance is of limited value because of the inability to distinguish individuals on the ground, and the “soda straw” effect—a very narrow view, missing the wider picture. (For example, one drone operator targeted a truck thought to be full of “insurgents”; after the missile had been fired, two boys on bicycles unexpectedly appeared on the screen, and the drone operator could do

nothing as he watched the missile kill them, along with the “insurgents.”)

The Columbia study quotes a former senior legal advisor to the U.S. Army Special Forces, as saying that, “based on my military experience, there’s simply no way so few civilians have been killed.” He explained that “for every one bad guy you kill, you’d expect 1.5 civilian deaths, because no matter how good the technology is, killing from that high above, there’s always the ‘oops’ factor.”

Impact on Civilians

Mere numbers and statistics don’t begin to capture the horror of Obama’s drone killing spree. “The missiles fired from drones kill or injure in several ways, including through incineration, shrapnel, and the release of powerful blast waves capable of crushing internal organs,” the Stanford report states. “Those who do survive drone strikes often suffer disfiguring burns and shrapnel wounds, limb amputations, as well as vision and hearing loss.”

One case study given in the Stanford study, is that of the bombing of a large gathering of individuals, largely community leaders and tribal elders, gathered for a *jirga*—a council—in North Waziristan, convened to resolve a dispute over a local mine. Four Taliban members, whose presence was considered necessary for the dispute to be resolved, were in attendance. This was a government-sanctioned meeting, and local military authorities had been notified of it in advance. Nonetheless, the gathering was hit by a series of missiles, killing 42 and injuring dozens of others. One witness recalled that “everything was devastated. There were pieces—body pieces—lying around. There was lots of flesh and blood.” Family members were unable to identify the body parts scattered around; one said that all he could do, was “collect pieces of flesh and put them in a coffin.”

To this day, U.S. officials insist that all those who were killed, were insurgents.

It is common that those who are not killed instantly by drone-fired rockets, often have to wait hours for help, because the U.S. carries out repeated strikes in quick succession—known as a “double tap”—killing those who have rushed to help. As the Stanford report states, “the U.S. practice of striking one area multiple times, and its record of killing first responders, makes both community members and humanitarian workers afraid to assist injured victims.” One humanitarian organization has enforced a six-hour mandatory delay

before going to the location of a drone strike.

This practice has been called a “war crime” by numbers of authorities, including the U.S. Special Rapporteur for extrajudicial, summary, or arbitrary executions, who stated that “if civilian ‘rescuers’ are indeed being intentionally targeted, there is no doubt about the law: those strikes are a war crime.”

The Columbia study explains the “military” rationale for these follow-up attacks: to ensure that all those within the “kill box” are actually killed. The unwarranted assumption is that all those in the designated area are “militants” rather than civilians. One commentator in a military journal suggests that rescuers are targeted in these follow-up attacks “in an attempt to score a windfall of extra militants killed.”

In a section on “Mental Health Impacts,” the Stanford report chronicles the sheer terror of living under constant drone surveillance and under the threat of unpredictable missile strikes. One man described the reaction to the sound of drones as “a wave of terror” coming over the community. “Children, grown-up people, women, they are terrified. . . . They scream in terror.” Another says, “They’re always over us, and you never know when they’re going to strike and attack.”

Families are even afraid to give their dead a proper and dignified burial. The Stanford study states that, because drone strikes have targeted funerals and the spaces where families gather, they have undermined local religious and cultural practices, because family members and the community are afraid to attend funerals, or participate in funeral processions, for fear of being bombed.

CIA and JSOC

The Columbia report presents a more thorough analysis of the respective roles of the CIA and JSOC, and the differing legal authorities under which they operate, but pointing out that they have become virtually indistinguishable in practice. As a number of observers have pointed out, JSOC, sometimes called “the President’s army,” has a particular fascination for Obama, and it is his favorite killing instrument. It is also subject to the least oversight and legal restrictions.

JSOC operates without any significant public scrutiny; it also evades Congressional oversight, the Columbia report notes. While the U.S. military, since the My Lai massacre, and even more so since the Abu Ghraib revelations, is obligated to observe the laws of war, and all military personnel are trained in this, the



The U.S. carried out 45-52 drone strikes from 2002-08. Obama has conducted almost 300 strikes in the three and a half years since. Shown: the results of a drone strike in Pakistan's FATA region.

CIA generally looks at the law as an impediment, or at best, a public relations problem. And JSOC, as Gen. Barry McCaffrey has noted, operates in “a parallel universe,” a world of its own. Lt. Gen. John Nagl, a former counterinsurgency advisor to Gen. David Petraeus, described JSOC as “an almost industrial-scale counterterrorism killing machine.

One consequence of this, is that many, if not most, of the drone strikes with high civilian casualties, which are attributed to the CIA, are actually carried out by JSOC. (This is not a new problem: *EIR* has reported, going back decades, that the CIA was often blamed for covert actions undertaken by the super-secret and less-accountable JSOC.)

And by operating outside of the conventional military command structure and rules of engagement, JSOC not only acts in almost total secrecy, but it maneuvers in the cracks, in between Congressional oversight which is conducted by separate committees with jurisdiction over military operations and intelligence operations, respectively.

Legal Obligations

When a state uses force, the Columbia study points out, there are legal obligations—under the Geneva Conventions and other provisions—to investigate harm to civilians that could violate international law. But in fact, especially if there are allegations of civilian casu-

alties raised, the U.S. government is quick to deny them, even before initiating any investigation, which only further incites public anger in the communities and countries subjected to drone strikes.

The Columbia study notes that although the U.S. government has cited the legal principles involved, there is no way of knowing what legal framework is actually being applied to the drone program. And while the Defense Department requires that all reports of potential war crimes be promptly investigated, how and if this applies to the covert drone program is an unknown. Do these procedures apply to the CIA drone program, which is technically not under military authority? And what about JSOC, which operates in a world of

its own? As the Columbia study dryly puts it, “There is a profound difference in institutional culture between the CIA and JSOC on the one hand, and conventional U.S. military forces on the other.”

As the use of drone strikes expands, the Columbia study notes, so does the definition of who may be targeted. This includes low-level fighters and individuals who engage in activity that may appear on the surface to be supportive of terrorist (“militant”) groups, but would be disproved upon closer examination. “Individuals who in other circumstances might be detained for some period, interrogated, and released might—as a result of drone strikes—instead be summarily killed. Moreover, because the U.S. government views these individuals as targetable, the civilians living with them, or in geographical proximity to them, are vulnerable to being harmed in a strike.” In other words, under the Obama Administration, the standards for summary execution, are lower than those for capture and imprisonment.

As both studies point out, the U.S. government (that is, the Obama Administration) counts any military-age male in a target zone as a “militant” who can be targeted for death.

“Under the laws of war,” the Columbia study makes clear, “warring parties must distinguish between combatants and civilians ... under any conventional interpretation of the laws of war, lethal targeting cannot be justified merely by geographical proximity to individu-

als identified as members of an organized armed group, or based on presumed association.”

These violations of the laws of war are particularly egregious in the case of so-called “signature strikes,” in contrast to “personality strikes.” In the latter, known, identified individuals are targeted and killed. In the former, individuals whose identities are not known, are targeted if their behavior fits a profile, or “signature” that supposedly demonstrates militant activity or association. As the Columbia study states, “signature” strikes can result in the deaths of a large number of individuals just based on their behavior or affiliations; these make up a large portion of drone strikes, and a majority of those in Pakistan.

Obama’s Killing Spree

Many observers have indicated that, for political reasons, Obama prefers simply *killing* “militants,” rather than capturing them and then facing the question of how and where to imprison and try them, in the face of Republican criticism. For Obama, we should add, it’s not only a political consideration, but a matter of his Nero personality syndrome, in which he takes great satisfaction in perpetrating such a killing spree.

One example from Obama’s first year in office, is given in some detail in the Klaidman *Kill or Capture* book. This involved Saleh Ali Saleh Nabhan, described as a senior operative in al-Qaeda’s East Africa branch who had been implicated in a number of terrorist attacks. The options presented were capturing him in a “snatch and grab,” conducting a helicopter assault on his convoy to ensure that the right guy was being killed, or launching a cruise missile strike offshore Somalia. Obama was presented with two options: capture, or kill. He chose to kill. That has been the continuing pattern, as evidenced by the fact that he has killed twice as many suspected terrorists as the total of those ever imprisoned at Guantanamo.

Since almost everything about drone strikes is classified, little is known about process of creating and approving “kill lists,” although some leaked information has appeared in newspaper accounts. It has been reported that President Obama personally approves, in weekly meetings known as “Terror Tuesday,” every military target in Yemen and Somalia, and about a third of those in Pakistan. These apparently are the higher-level targets; the CIA, which has its own “kill list,” also kills many individuals, described as low-level militants, who aren’t on any kill list. But again, remember

that most of what is leaked by the Administration in this regard, is done deliberately to try to make Obama look “tough”; there is no reason to regard any such reports as the truth or the whole truth.

Shortly after the Stanford report was issued, two commentaries worth noting quickly appeared.

One, reprinted under the title “How Obama’s Drones Bring to Pakistan the Same Horror as Hitler’s Rockets in World War II,” by the British Stop the War Coalition, was a *Guardian* column by Clive Stafford Smith, a British lawyer who participated in the preparation of the Stanford report.

Smith compared the Obama drone killings to the Nazi terror-bombing of London in 1944. Smith told of the story of his mother—then 17 years old—who was in London during this time, and how she knew that the Nazi drones were indiscriminate killers.

“So little changes,” Smith wrote. “Current RAF doctrine tells us, euphemistically, how ‘the psychological impact of air power, from the presence of a UAV [unmanned aerial vehicle] to the noise generated by an approaching attack helicopter, has often proved to be extremely effective in exerting influence....’”

“I hope that this report reminds us all what the U.S.—with British support—is doing to the people of Pakistan. Maybe then there will be less surprise at the hatred the drone war is engendering in the Islamic world and a chance that we will reconsider what we are doing.”

The second, by columnist Glenn Greenwald, now writing for the London *Guardian*, laid the responsibility for this campaign of terror and war crimes directly on Barack Obama, citing not only the killings and maiming of civilians, but the systematic suppression of information about civilian deaths. Greenwald was especially scathing toward the Democrats and “progressives” who now blindly applaud that which they once decried, when it was done on a much lesser scale, by Bush and Cheney.

“Democrats spent several days at their convention two weeks ago wildly cheering and chanting whenever President Obama’s use of violence and force was heralded,” Greenwald wrote. “They’re celebrating a leader who is terrorizing several parts of the Muslim world, repeatedly killing children, targeting rescuers and mourners, and entrenching the authority to exert the most extreme powers in full secrecy and without any accountability—all while he increases, not decreases, the likelihood of future attacks.”