

Obama Killer Drones Scored by UN Official

by Carl Osgood

June 25—Anyone who still doubts the Nazi-like character of the Obama Administration needs to examine, closely, how the U.S. killer-drone program operates in Pakistan, Yemen, Somalia, and other places. The Administration, using the CIA and the military's Joint Special Operations Command, carries out targeted killings in countries with which it is not officially at war, using Reaper and predator drone aircraft, without any sort of accountability or oversight or even any explanation of the legal basis for this campaign.

Among its victims have been at least three American citizens, killed in Yemen, whom the Administration claimed were terrorist facilitators, without ever providing evidence of its claims, never mind any due process for the victims. The White House has refused to officially acknowledge the program, despite Congressional inquiries and Freedom of Information Act lawsuits.

However, leaks known to have come from the White House bragged about how the perverse President takes personal responsibility for choosing targets and directing strikes.

Lyndon LaRouche minced no words in describing what the drone program is on June 23. "You know, when the people in the United States know they have a Hitler running the U.S. government, which is what they have—this drone business and similar processes, done personally by the dictator, *der Führer*—that is a big issue! That any one of you, anyone out there, can suddenly disappear—then it reminds me of a case in Germany, where the town, which was a quiet town, and there's a big smokestack in a wooded area around that

town, and occasionally great billows of smoke were coming out of that smokestack. And life went on otherwise. And millions of people were killed, in the course of that, and the warfare, just because people didn't notice what the smokestacks had meant, back then.

"And that's the same thing that's going on in the United States, under *der Führer*, now! And people who are less old than I am—there's only a million or fewer other people still around doing things—but we remember; and other people get the smell, which tells them what we remember."

Obama Violates Human Rights

This brutal, targeted killing by the Obama Administration, with little regard for civilian casualties, has damaged the United States in more ways than one. Not only has the policy backfired in places like Pakistan and Yemen, where the killings have turned the local populations against the U.S., and increased sympathy for the enemies we're supposed to be fighting, but it has also damaged our credibility in international fora. How can the U.S. claim to be concerned about human rights violations when it ignores human rights principles in its operations in other countries?

By former President Jimmy Carter's count, as published in an op-ed in the June 24 *New York Times*, the Obama Administration's counter-terrorism policy violates at least 10 of the 30 articles of the 1948 Universal Declaration of Human Rights, including the one against "cruel, inhuman, or degrading treatment or punishment."

The killer-drone campaign has been the target of investigation by the UN Human Rights Council for some years, and the subject of a report, released last week by Christof Heyns, the UN's Special Rapporteur for Extrajudicial Killings, Summary and Arbitrary Executions. Heyns' report noted that his predecessor had raised concerns about the program in 2008, but that the U.S. has done nothing to bring about improved transparency and accountability of the program since that time.

Heyns said that the program not only threatens 60 years of international law, but that *some attacks may even constitute war crimes*. "Are we to accept major changes to the international legal system which has been in existence since World War II and survived nuclear threats?" he asked. Some states, he said, "find targeted killings immensely attractive. Others may do so in the future. Current targeting practices weaken the rule of law. Killings may be lawful in an armed conflict [such as in Afghanistan], but many targeted killings



UN/Jean-Marc Ferré

Christof Heyns, UN Special Rapporteur for Extrajudicial Killings, Summary and Arbitrary Executions.

take place far from areas recognized as being an armed conflict." He added that there have been reports of secondary drone strikes on rescuers helping the injured from the first drone strike, and if these reports are true, "those further attacks are a war crime."

Heyns has put the questions of accountability and transparency to the Obama Administration's representatives, but is not satisfied with the response. "I don't think we have a full answer to the legal framework and we certainly don't have the answer to the accountability issues," he told reporters on June 20. "How are these decisions taken?" he asked. "Also the effect on citizens, civilians, how are these decisions taken in the first place and the numbers that are involved and also the effect in terms of accountability when civilians are also killed? The standards, also if one looks at the recent newspaper reports that came out, how are the direct participants in hostilities, how are they identified, the legitimate targets as opposed to the civilians? Is it simply everybody who's around someone who's considered to be a legitimate target—those things are very worrying and certainly those are things that I will follow up on."

The U.S. response to Heyns' report was to say that most of the issues of concern are outside the purview of the Human Rights Council, and besides, the rationale and legal basis for the program has already been articulated, in public speeches by Deputy National Security Advisor John O. Brennan at Harvard Law School on Sept. 16, 2011, and at the Woodrow Wilson International Center for Scholars on April 30, 2012; by Attorney General Eric Holder at Northwestern University

School of Law on March 5, 2012; and by Department of Defense General Counsel Jeh Johnson at Yale Law School on February 22, 2012.

Heyns ridiculed the U.S. argument that the drone killings are a legitimate response to 9/11. "It's difficult to see how any killings carried out in 2012 can be justified as in response to events in 2001," he said. "Some states seem to want to invent new laws to justify new practices."

Obama Sets Killer Precedent

The Human Rights Council session opened on June 19 with Heyns presenting his written report, which followed up from the report of his predecessor in 2008, which had taken notice of the lack of a legal framework for drone killings and the lack of transparency into the policy behind them. "The Special Rapporteur reiterates his predecessor's recommendation that the [U.S.] Government specify bases for *decisions to kill rather than capture 'human targets'* and whether the State in which the killing takes place has given consent," Heyns wrote (emphasis added).

"It should also specify procedural safeguards in place to ensure in advance that targeted killings comply with international law, as well as the measures taken after such killing to ensure that its legal and factual analysis is accurate." Heyns concludes that he "is seriously concerned that the practice of targeted killing could set a dangerous precedent, in that any government could, under the cover of counter-terrorism imperatives, decide to target and kill an individual on the territory of any state if it considers that said individual constitutes a threat."

The figures Heyns reported were astounding.

Citing the Pakistan Human Rights Commission, Heyns said U.S. drone strikes killed at least 957 people in Pakistan in 2010 alone. Thousands have been killed in 300 drone strikes there since 2004, 20% of whom are believed to be civilians.

"Although figures vary widely with regard to drone attack estimates, all studies concur on one important point: there has been a dramatic increase in their use over the past three years. While these attacks are directed at individuals believed to be leaders or active members of al Qaeda or the Taliban, in the context of armed conflict, in other instances, civilians have allegedly also perished in the attacks in regions where it is unclear whether there was an armed conflict or not," Heyns said. Human rights law requires that every effort be made to arrest a suspect, in line with the "principles

of necessity and proportionality on the use of force." There had been no official or satisfactory response to demands issued by Heyns' predecessor, Heyns wrote.

Heyns' predecessor, New York University law professor Philip Alston, was also sharply critical of the U.S. killer drone program. In a September 2011 report after he left the UN, Alston wrote that the use of targeted killings by the Obama Administration "represents a fundamental regression in the evolution of both international law and United States domestic law." Until 9/11, the trend on both international law and U.S. law had been away from targeted killings and assassinations, a trend reversed by the George W. Bush Administration and, even more aggressively, by the Obama Administration. The complete lack of transparency and accountability of the program, Alston concluded, "means that the United States cannot possibly satisfy its obligations under international law for its use of lethal force" thereby undermining international law and setting precedents "which will inevitably come back to haunt the United States before long, when invoked by other states with highly problematic agendas.

'The Public Does Not Have a Right To Know'

Not only did the Obama Administration representatives in Geneva refuse to provide satisfactory answers to Heyns' questions, but back home, the Administration made clear that it has no intention of clarifying the legal basis for the killer-drone program, nor releasing any other pertinent information to the American public regarding the program. In response to an ACLU/*New York Times* lawsuit, government lawyers told a Federal judge in New York on June 21 that: "Whether or not the CIA has the authority to be, or is in fact, directly involved in targeted lethal operations remains classified." Furthermore, "Even to describe the numbers and details of most of these documents [that the suit seeks] would reveal information that could damage the governments counter-terrorism efforts."

ACLU deputy legal director Jameel Jaffer ridiculed the government's argument, noting that the drone program is an open secret and that the Administration has boasted about it to reporters. "The public is entitled to know more about the legal authority the administration is claiming and the war the administration is using it for," Jaffer said in a statement. The ACLU is calling on Obama to reveal more information "about the process by which individuals, including American citizens, are added to government kill lists."