

# Drones Fly, Children Die

by Judith Bello

Hancock Air National Guard Base was one of the first domestic drone bases to come on line. The base is located in a pleasant suburb of Syracuse New York, along side the International Airport. The 174th Attack Wing at Hancock is tasked with flying Reaper Drone missions over Afghanistan and other places on the far side of the world that they are unwilling to name. They also fly Drones berthed locally over the Adirondacks to the East and Lake Ontario to the West. I saw one 100 miles west of there heading for Rochester International Airport one day. Hancock is the domestic center for training Reaper pilots and mechanics. The men of the 174th are proud of their work, which is important to the imperial U.S. international policing mission. At least in some cases, the human consequences of their work is not entirely clear to these men.

About a week ago, a small group of protesters went out to Hancock Air National Guard Base to exercise their civil rights and petition the government for redress of grievances. They believe that the use of hunter, killer Drones to attack people in countries we are not at war with, mostly countries that do not have the international status or military capacity to defend their people, is morally wrong and a violation of international consensus in general and international law. Further, they believe that the use of Drones piloted from the neighborhoods where we live and work endangers us in the long run.

## **Video by Heriberto Rodriguez**

International law protects the rights of civilians. It also says that it is fair to retaliate against an attacker in the location where the attack is coming from. That would be

Hancock, or more generally, Syracuse New York. Drone attacks rarely target anyone who is an immediate threat to the United States or countries at war with the U.S. They protect U.S. 'Interests' abroad. Drones attack people in their own lands, often in countries that are destabilized by competing foreign interests. Drone bombs take out anyone who happens to be in the same area as the target. Though the targeting is technically precise, it is often inaccurate due to misunderstanding of the actions of innocent people on the ground.

But 'Why protest military Drones now?' The United States is currently at war with Afghanistan (after nearly 18 years), has a significant presence in Syria and Iraq and Yemen where it is engaged in proxy wars, and is threatening Venezuela and Iran very directly. The Russiagate enthusiasts and China-phobes are making plans for a 'limited' nuclear war and developing tools for a war in space that could isolate the earth from the rest of the universe for a very long time. Meanwhile, President Trump withdrew the United States from the Intermediate Range Nuclear Forces Treaty (INF) with Russia, which limits the development of medium range nuclear missiles. In early June, Russian President Vladimir Putin complained that the U.S. has been unwilling to engage in negotiations which must be completed by 2021 to to renew the New START treaty which is the only remaining strategic nuclear arms control agreement in place between the United States and the Russian Federation. We are entering the world of Dr. Strangelove. The Atomic clock is a few seconds from midnight and global nuclear annihilation is now a serious risk.

### ***Video by Heriberto Rodriguez***

So, why devote ourselves to protesting military Drones? Well, I'll get to the concerns that mobilized us in a minute. But first, the universe provided a perfect example of the significance of Drones in the above context a day or two

before our protest. The Iranians shot down a U.S. surveillance drone over their coastal waters. It was a Global Hawk, large and expensive, but unarmed. Trump and the 'B' team (Bolton, BiBi, Bin Zayad, Bin Salman) immediately went into action, preparing a retaliatory strike. The Pentagon worked out a plan and initiated it. Iran threatened to close the Strait of Hormuz, choking off oil shipping in the region, and asserted that they would defend their sovereignty to a very bitter end. But, according President Trump, he called off the attack, 10 minutes before the strike because he was told there would be 150 casualties. If a U.S. attack were to trigger a larger war there might be tens of thousands of casualties, including U.S. casualties.

Instead he called for new sanctions against individuals including sanctions against the Javad Zarif, a long time diplomat and peace maker who went to school in the U.S. and is very friendly to Americans, and Supreme Leader Khamenei, who does not have any assets outside of Iran. Since Iran is a relatively large country with an identity and history going back several millenia, and is very closely affiliated with Russia and China, starting a war over a piece of machinery would indeed have been a pretty stupid thing to do. But they didn't, this time.

### ***Video by Heriberto Rodriguez***

There were a number of factors that motivated the protesters to go out to Hancock in June, and that wasn't one of them. It was a total surprise. We haven't heard much about Drones lately, until the Iranian shoot-down, but not because they weren't in play. Military Drones are ubiquitous messengers of U.S. aggression.. A friend who did several tours of duty in Iraq pointed out that they provided protection for the soldiers on the ground. Of course, we don't have any soldiers on the ground in Libya, and supposedly, our soldiers in Iraq and Syria are keeping the peace, not engaged in open warfare.

What soldiers are they protecting in the battlefields where U.S. soldiers are not supposed to be present on the ground?

Over the last couple of years, the Africom has built several large military bases across Africa to support a massive expansion of the Reaper drone fleet there. Currently, Somalia is a primary target. Somalia became a failed state the last time the U.S. tried to democratize them. Armed Drones fly routinely over Yemen, where they target al Qaeda, Islamists who are allied, with our proxy, Saudi Arabia. They fly over Iraq and Iran. Reapers continue to be the primary air force in Afghanistan. When you hear a report that 3 or 5, or 10 or 50 people were killed in an airstrike there, most likely it was a Reaper Drone strike. A 500 lb Paveway bomb will kill a lot of people in a wedding tent or at a town meeting or in a multi-family household, a compound, as they like to call it. Of course, this is just the way people live in Afghanistan, at least people who can afford a decent home.

Drones are deeply embedded in every U.S. warzone and area of military interest. Drones are used to seek out individuals where they live and work. Maybe they are bad people, or maybe they just appear to be the bad people. And usually, they are in the company of their families and friends, engaged in the normal activities of their community when the Drone catches up with them. Targeted assassinations often rely on a cellphone to identify the target, so don't borrow anyone's phone there, don't walk in the store where a targeted individual is shopping. One man told me he sleeps in the mountains to protect his family. Heaven forbid someone should think he is home one night and take them all out while they are sleeping.

Signature Strikes, which target people who appear to be 'acting like militants', are still approved. So, men gathering for a meeting or emerging from their workplace, people praying after lunch along the roadside, schoolboys in a bus, people at a wedding firing their guns into the air, all might seem like good targets. The possibilities are endless when drone pilots

who have never left the U.S. and never met anyone from Afghanistan, Somalia, Yemen, Syria, Iraq, or wherever, and knows nothing about Islam. But at least our guys are safe over here.

### ***Video by Heriberto Rodriguez***

Drones violate international law. You have probably heard that before. What does it mean to say that military Drone strikes violate International Law. It means that they tear the very fabric of global society. It means that those who fly them do not feel constrained by the boundaries of nations or the rules of war. Drone warfare dehumanizes targets who are far away, and at least on the surface, appear to be more 'enemies' in a video game than humans living in society. The United States, having first launched a campaign of armed drones as weapons of war, is a role model for others coming on line, Russia, China and Iran. Israel pioneered Drones over the last decades, and also contempt for international law and the rights of other nations. Drones are consistently used against presumed 'fighters' who are not on a battlefield. Whatever war plans are in the making, Drones will be a central part of their enactment.

Now 'unarmed' Reapers are patrolling our borders. With the growing hysteria over illegal immigration, how long will they remain unarmed? ICE agents routinely check out the passengers on buses with dogs, and dust the baggage at train stations along the Canadian border for explosives. Drones have been used to target a couple of high profile criminals in this country. China and Russia, and even Iran now have their own military Drones. Armed Drones are not useful for dogfights, but they are very useful for policing. Just as in the interior of our cities, suspects are routinely killed to avoid risk and confusion, around the world suspects and anyone near them are routinely annihilated by hellfire missiles and Paveway bombs.

## ***Video by Heriberto Rodriguez***

Is this the world we want to live in? Members of Upstate (NY) Drone Action say no. And they put their bodies on the line to say it. If you want change, you have to do something about it. It is difficult to be heard these days, but its important to make the effort. If more people were to protest regularly in the name of peace and justice, it would become easier to be heard. Lots of people don't like U.S. wars and interventions. But if you don't come forward and put something on the line then your voice will be silent. Voting is a good idea, but so few candidates oppose the wars that most people don't have access to them. Donald Trump, of all people, ran as an advocate for withdrawing from the many ongoing U.S. wars around the world, but he seems to have forgotten now that he is in office. He has doubled down on military Drone use around the world. Obama ran as a peace candidate but he too presided over a huge increase in lethal Drone activity, the destruction of Libya and Syria and Honduras (to name a few), and the beginning of the Saudi war to occupy Yemen.

So, on the appointed day, we met at 6:45 with the items for our tableau, in the pouring rain and decided to go ahead anyway. Drones Fly; Children Die. War is an ugly and dark theme, why not roll it out in the rain. People set up the Tableau blocking the ingress lane of the road leading to the main gate at Hancock Field, and went to the Guard Shack to read the guards our complaint and ask them to forward it to the Colonel who is responsible for the Base. A soldier in a rain slicker immediately went into the main road to direct traffic to a different gate, and a lone policeman arrived. Sherri began chanting. She called out the names of some of the dead children killed in drone strikes. We joined her in a lament. Sherri and Peg chanted, sang and wailed through the entire event in the pouring rain, a couple of hours until the police took those practicing civil resistance to a holding pen in Onondaga County Jail.

*Video by Heriberto Rodriguez*

And all the while it rained and rained and rained. The rain poured down like tears from a universe where people's lives are a matter of consequence.

The clips embedded in this article were taken from footage filmed by Heriberto Rodriguez, who somehow captured beautiful clean footage in the pouring rain, including nice cameos of activists stating their reasons for protesting at the base and images of the vivid tableau in which they embedded themselves and the supporters across the street who held signs and chanted.

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On June 20th 2019, 8 protesters outside the front gate of Hancock were arrested and charged with Trespassing and Disorderly Conduct, both violations, and Obstructing Governmental Action, a misdemeanor. They were Ann Tiffany, Ed Kinane, Dan Burgevin, Julianne Oldfield, Les Billips, Ray Kraemer, Mark Scibilia-Carver and Tom Joyce.

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## **8 Arrested Exposing Hancock AirForce Base Terrorism**

by Ed Kinane, June 22, 2019

Shortly before 8 a.m. on Thursday, June 20, our Upstate Drone Action caravan of six or seven vehicles arrived, unannounced, at the main gate of Hancock AFB in De Witt, a suburb of Syracuse, New York. Two of us – accompanied by one of our videographers – proceeded to the guardhouse 50 yards in from

East Molloy Road to read aloud and deliver a statement (below). The statement called on base personnel, in accordance with U.S. and International Law, to refuse to obey their chain of command's illegal orders to commit what are ongoing drone war crimes.

Simultaneously we set about creating a street theatre tableau blocking the main entrance to the base. As we have many times over the past decade, we were calling out Hancock for hosting the 174<sup>th</sup> Attack Wing of the NY National Guard. The 174<sup>th</sup> remotely pilots missile-spewing robotic MQ9 Reaper drones over Afghanistan (and probably elsewhere). These classified operations result in the terrorizing, maiming and killing of uncounted and uncountable numbers of unarmed and undefended children and their parents.

Until our arrest about two hours later, we held an unadorned, white 3×8-ft. banner across the driveway leading to the gate. In bold black letters, it read:

**DRONE FLY, CHILDREN DIE – OUR HEARTS  
ARE BREAKING.**

Nearby, also in the ingress, two grandmothers in traditional black dresses silently sat grieving, holding "*infants*" in bloodied swaddling clothes. Bloodied "*body parts*" and children's toys and things were strewn about. Crossing back and forth between the banner and the road, pushed by a man in a cape and death's mask, a model Reaper on wheels fleshed out the tableau. Across the road from base property, over a dozen supporters, singing and chanting, held signs like: **CHILDREN ARE NOT "COLLATERAL DAMAGE."**

Two rain-soaked hours later, the DeWitt town police and Onondaga County sheriffs, having converged in numerous vehicles, ordered us to leave base property. Those eight who chose not to do so were arrested: Tom Joyce (Ithaca); Dan

Burgevin & Mark Scibilia-Carver (Trumansburg); and Rae Kramer, Julianne Oldfield, Les Billips , Ann Tiffany and Ed Kinane (Syracuse).

We were handcuffed, separated by gender and taken in two paddy wagons to the sheriffs' north station where we were held in three small cells. After a couple hours we were transported by van to the downtown Syracuse "*Justice Center.*" In booking we were ordered strip, spread our cheeks, and where applicable, lift our scrotums. Our street clothes were put in a device for what seemed to be some chemical inspection and replaced with jail issue.

We were held in a chilly, dirty holding cell with other inmates all day. In the early evening we separately appeared before a Judge Murphy. Public defenders pled us not guilty. The assistant D.A. recommended we be ROR'ed and, released on our own recognizance, without bail. After being taken back to the holding cell, we were released – to the welcoming arms of support people and fellow perps – sometime after 10:30 p.m.

Five of us – LB, DB, TJ, EK, RK – must appear in the DeWitt town night court at 6 p.m. Tuesday, June 25; J0, AT & MS-C. must appear June 26, also at 6 p.m. We were each charged with two violations – trespass and disorderly conduct, and with a misdemeanor, obstruction of government administration (OGA). Thus far Hancock's crimes against humanity go insufficiently exposed.

Thanks to our videographers our entire action was live-streamed. The arrest appeared on YouTube. The next morning brief footage appeared near the top of Amy Goodman's "Democracy Now" news hour viewed by hundreds of thousands here and abroad. For a three-minute overview, check out:

Video by Heriberto Rodriguez

Arrest Video by John Amidon

\*Featured photo by Heriberto Rodriguez

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# A Forgotten Drone Victim And the U.S. War on Indigenous Peoples

by Judith Bello, 2017



Malik Jalal in Islamabad in 2012.

In Pakistan in October of 2012, my group of peace activists met Malik Jalal, who spoke to us about the effect of drones on his community in Waziristan and later accompanied our caravan up to Tank, a town on the edge of Waziristan, where we joined a lively anti-war rally. I specifically remember Malik Jalal as a handsome man in the prime of life, accustomed to having authority. He had a full beard and wore the garb of a Tribal leader, and spoke about the suffering of his people living under drones. There was humor in his expression and I

remember that he laughed and his eyes twinkled when members of our delegation told of being arrested for sitting outside a military base demanding an end to drone wars. Only in response to a direct question did he talk about his own experience. He said that he sometimes slept in the mountains so as not to put his family at risk.



Click the Photo to read Malik Jalal's story in his own words.

Last summer, in 2016, I saw a photo of a man visiting London to share his experience with living under drones and demand that the drones stop flying over Waziristan. His name was Malik Jalal. I thought I recognized the man I had met in Pakistan, but an organizer with my group dismissed the possibility out of hand. I waited a little, then went to my photos and took out a photo to compare with the one in the British news article. \*\* I was then certain it was the same man. He had aged, and his beard was shorter. He was dressed in ordinary Afghan and Pakhtun garb rather than the robes of a Chieftain. But it was the same Malik Jalal we had met in Pakistan. It was sad, really, to see him so much aged in the few years since I had met him.

This week, when I was researching the story of Faisal bin Ali Jabar, I noticed an article on the Reprieve website about Malik Jalal. They are the ones who hosted him in London last summer, and also hosted the CodePink Peace Delegation to meet

Waziri Drone victims in Pakistan. I think the headline I saw last summer was in the Guardian. In any case, what interested me were the details of Malik Jalal's story. When we met him in Pakistan, he had primarily focused his remarks on the suffering of his people. I imagine he did the same when he was in London. However, the article on the Reprieve website described how he was targeted and stalked by US drones. On repeated occasions, people were blown up by drone in proximity to Jalal's path; a friend expecting him for dinner, people at a meeting he was on his way to attend, a family member who was driving his car, and even a random car the same color as his own traveling down the road behind him.

Malik Jalal is not an Al Qaeda operative or member of the Taliban. As a Malik, he is a tribal leader on the payroll of the Pakistani government. He works as a moderator in resolving tribal disputes and is a senior member of the North Waziristan Peace Committee. While carrying out his duties, he might occasionally attend a meeting with a Taliban member present. They too belong to local tribes, and some hold positions of authority. But there is no possible justification for stalking Malik Jalal to try to kill him, terrorizing his family and killing a number of innocent people who were mistaken for him. But Malik Jalal says that the reason he is being targeted is because he came forward and spoke out against the drone strikes on other members of his community.

In 2011, Reprieve called a Jirga with a lawyer named Shahzad Akbar to bring together the people of Waziristan who wished to end the drone killing in their towns and villages. Another person who came forward to try to end the drone strikes in Waziristan, and they were many, was a teenage boy who offered to search for missile parts in the vicinity around his home town. The Jirga (town hall meeting) must have been infiltrated by CIA agents because within a few days this 16 year old boy was incinerated by a drone strike while driving

down the road with his 11 year old cousin. Reprieve and Shahzad Akbar, however, have persevered in their efforts to end drone killing in Pakistan, Afghanistan, Yemen and elsewhere, and they have continued to work with members of the community like Malik Jalal who are willing to come forward with information and to demand that the murderous drone strikes end.

Today, we don't hear about this issue very often in the mainstream news. The war in Afghanistan is going badly. After hearing Malik Jalal's story, this is not surprise. It may be that there are less drone strikes in Pakistan this year, but although the drone strikes in Afghanistan are neither tracked or recorded, they are surely occurring at an accelerated pace. If we are loosing there, perhaps we should look at other solutions than war. There is no moral justification for the US war in Afghanistan and no moral or legal justification for bombing people in the tribal region of Pakistan, a country which is not at war with us. Code Pink invited Shahzad Akbar to come and speak in the US in 2013, but he was unable to get a visa. The Afghan Peace Volunteers and their mentor, Hakim were invited a couple of years later, but also failed to receive visas. These are all peace activists who can inform us about the damage done by US wars in their countries.

Drone wars have drifted out of our attention, but that is not an accident. Since the early days of broad political resistance to the use of drones for targeted killing (execution of suspects) and surveillance, it is become more and more difficult to get specific information about drone strikes. They are reported together with manned air strikes in Afghanistan, Iraq and Syria. But what they don't tell us is that over time, drone strikes have become the majority of aerial attacks. Drone strikes in Yemen, Somalia and Pakistan are not reported at all. Google doesn't bring in the news from foreign news outlets about local drone strikes the way it

used to. The news is disappearing before our eyes.

How can we support a peace that will allow a country like Afghanistan to reintegrate? Malik Jalal's story gives us some ideas. The tribal councils can go a long way towards restoring balance if they can be safely held. Americans have a strongly negative understanding of tribes because they are the indigenous power structure in countries like Afghanistan that have been resistant to westernization. But is westernization right for Afghanistan, or Pakistan? Maybe not. The United States works through militarization. That is strong suit of U.S. foreign policy. Therefore, the only tribal representatives who are empowered through U.S. intervention are violent warlords. These same men are then brought together with westernized rulers to govern the country.

Malik Jalal and his ilk are grass roots leaders who come from the communities they govern and take personal responsibility for the welfare of the people. Tribal leaders at this level actually do represent the people. They can lead an independence movement that really is independent of foreign intervention. These are the men who attend tribal councils and support the public welfare. Warlords and western educated ideologues only have coercive relationships with the people. Grass roots movements are dependent on the people on the ground and their local representatives, men like Malik Jalal. Unfortunately, they cannot safely meet with US drones on the wing. In 2011, a US drone strike in Waziristan killed 54 men at a tribal Jirga where they were meeting to discuss a local mine.

Men like Malik Jalal are deemed terrorists, threatened and targeted by drone strikes, and driven from their homes. Why? They represent the people and not the power structure the U.S. is attempting to impose on their countries. This is true in many places. Hezbollah in Lebanon and the Sadrist movement in Iraq are both engaged in the national political

system as well as supporting powerful militias that are determined to protect their countries and their people. So called 'Signature' strikes which target 'suspicious' gatherings make any kind of meeting or gathering dangerous. People are isolated and alienated. Grass roots governance is not the worst basis for the blasted tribal society of Afghanistan. But, drones cause a barrier to that possibility.

I liked Malik Jalal so I wanted to tell you his story. Unfortunately, though the Independent covered his visit in a respectful manner as did the Daily News, they along with some members of the U.S. press wonder why he is in London and has not been arrested. Clarissa Ward, a bold modern woman, a professional journalist, became a friend of Al Qaeda in Syria, willing to report from East Aleppo while it was still held by Ahrar Al Sham, Al Nusra and ISIS last fall, standing in an empty street dressed in a black dress with veil and hijab in a city where women were liberated from that requirement decades ago.

Under the Tabloid style headline: I'm on the U.S. Kill List Pakistani Elder Claims. Clarissa Ward tells you that she doesn't buy his claim. Ms. Ward criticizes Malik Jalal as paranoid and a complainer. She wonders how he could he have got a visa to the UK if he were on the U.S. 'kill list'. Malik Jalal didn't jump on a plane to NY because he could never get a visa there, and men identified for targeted killing are routinely not arrested. The idea is to avoid the complexity of a legal confrontation. Dead men tell no tales.

Clarissa Ward is both arrogant and ignorant. She doesn't listen. Clarissa Ward didn't meet Malik Jalal near the beginning of his ordeal when he spoke to a group of foreign peace activists on behalf of his community without mentioning his own suffering. Her world is firmly under control unlike the real world she pretends to unveil for her listeners. Ms. Ward pretends. That is her job. Malik Jalal lives the nightmare the pretenders want to erase. Jalal was brought to

London by Reprieve, an organization that defends drone strike victims, Guantanamo prisoners and men on death row. Reprieve is the real deal. Malik Jalal represents the real people of Waziristan.

Jalal came to London for relief nearly 4 years after sharing his story, along with several other survivors of drone strike victims, with my delegation in Islamabad. He had come forward to a meeting arranged and facilitated by Shahzad Akbar to reach a broader audience. We brought their stories back but it wasn't enough to end the killing and was soon dropped by the ever busy news cycle. Malik Jalal says that he fears to go home now. He doesn't want to die and he wants his family to be safe. Imagine! What if your friends and family members were regularly killed when they attempted to interact with you? It was sad for me to see the man who so proudly represented his people 4 years before, now terrorized into leaving his country to seek relief. It was heartbreaking to see his face lined with stress to the point where those who had met him with me did not recognize him, and so did not support him.

But this is, and has been from the start, the U.S. pretense of 'a War on Terrorism'. Peace loving leaders of indigenous communities, men like Malik Jalal, are threatened, stalked and then ridiculed. Extremist murderers holed up in East Aleppo flying ISIS and Al Nusra (Al Qaeda) flags and shelling civilian housing and schools that happen to border their territory in West Aleppo are presented as noble 'rebels' and their defeat continues to be mourned by the U.S. mainstream media and some alternative venues, even as residents of liberated communities return home in the hundreds of thousands. In Syria, Clarissa Ward happily complied with the oppressive demands with regard to women's dress asserted by a mostly foreign force controlling the area. She presents this as adopting to a 'Syrian' cultural requirement. Apparently she never took the time to research the common

culture of Syria before the war began.

In Yemen, the drone strikes against AQAP (Al Qaeda in the Arabian Peninsula) were gobbled up by a war against all the people of Yemen. Now AQAP, a Saudi ally on the ground, controls vastly more territory in Yemen than before the war, while the United States gives unbounded support to the Saudi air war that is tearing the country apart. They claim to be fighting AQAP with a deadly drone strike here and there, while they are all in supporting the Saudi war against Houthi 'Shia terrorists', an indigenous militia that is a broadly popular movement in the north part of the country who are allied with the remnants of the Yemeni army. The 'internationally recognized' government of Yemen that the Saudis and their allies claim to fight for is a joke; one man; a single, unpopular, temporary 'president' who refused to call an election when his term had ended, for some reason internationally recognized as the rightful ruler of Yemen. The United States and the United Nations are ready to stand by while Yemen is subjected to a genocidal mix of famine and disease caused by U.S. assisted bombing of public infrastructure and a siege enabled by U.S. and western European ships in the Arab Sea blocking access to Yemeni ports.

We call Hezbollah in Lebanon and the Sadrists in Iraq 'terrorists' despite the fact that both organizations are deeply involved in the politics of their respective countries, both support secular governance despite the fact that they are movements lead by Shia clerics, and both groups have political alliances with movements backed by other religious organizations. Muqtada al Sadr has met with the Kurdish government and with the respected Council of Sunni Scholars. Hezbollah is allied with one of the Christian currents in Lebanon, supports the liberation of Palestine and has seen the danger of a regional wave of extremist violence. Both Hezbollah and the Sadrists are popular grass roots

organizations that grew out of civil wars initiated by western interventions. Both have powerful militias, but neither has fought beyond the mandate to protect their own country. Yet the U.S. designates them as the most dangerous of terrorists in league with their sworn enemies in ISIS and Al Qaeda because Hezbollah is capable of defending Lebanon against Israel, and the Sadrists support a secular socialist government in Iraq.

Populist leaders and grass roots leaders are the ultimate enemy of American hegemony. They operate below the radar when they are at their best. They are trusted because they are men who come from the people and who have not forgotten their roots, and because they choose to support the welfare of the people above their own. They can't be bought and they don't make good proxies for empire.

And so dear Malik Jalal, you have my highest respect wherever you are, in London or somewhere in Pakistan. I pray that one day you will be able to go home and live in peace with your family. And that all the victims of U.S. aggression and the violence of U.S. allies will be restored to your homes and your lives. I bow to your suffering and to your dignity. I raise your name so that you and the others like you will not be forgotten.

**\*\*Featured Image:** *Malik Jalal with his family ~Printscreen From CNN/Relieve Video, April 22, 2016*

**\*\* Note:** I went to look for a video recording I made of Malik Jalal in Pakistan in late 2012, but YouTube had removed (deleted) it from my account since the last time I looked – some time in the last few months.

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# Yemeni Drone Victim Sues US Government

*Header Image: Boys gather near the wreckage of car destroyed last year by a US drone air strike targeting suspected al-Qaida militants in Azan of the south-eastern Yemeni province of Shabwa. ( The car in which bin Ali's relatives were murdered) Photograph: Khaled Abdullah/Reuters*

## Faisal bin Ali Jabar Sues Germany



“No one will say publicly that an American drone killed Salem and Waleed, even though we all know it,” says Faisal bin Ali Jabar, pictured above. “This is unjust.”(Photo: Deutsche Welle)

In the spring of 2014, Faisal bin Ali Jabar sued the German Government for the drone killing of his brother-in-law and nephew in Yemen. Jabar’s brother-in-law was an imam, and very much opposed to the program of Al Qaeda in the Arabian Peninsula (AQAP). When some low level AQAP militants came to town and threatened people in his congregation, he decided to meet with them and attempt to convince them to leave his people alone. He took along a young man who was a local policeman, Jabar’s nephew. The suit brought out some

information, including the fact that there is a repeater on the US Ramstein Base that was necessary for all US drone strikes in the Middle East and North Africa.

Essentially, there is a trunk line from the US Drone Base in Creech Nevada to Ramstein in Germany, where the signal is received and forwarded to the satellite which provides the data streams that direct the drones. On this basis, Mr. Jabar sued the German government for the wrongful death of his relatives. The last I remember hearing was that the case was turned down, but the judge encouraged the plaintiff to appeal. The case brought a light on the treaty obligations that Germany has been under since World War II that require it to refrain from war making and the hypocrisy of the Americans who have a base there that is necessary to bring about the slaughter of thousands, the majority of them innocent civilians.

The case raised a discussion of these issues in Germany, and Americans were informed, and participated to support the German peace movement in pressuring the German government to push back against their American benefactors who have become parasitic in this context and who are placing Germany in a contradiction with its own laws and the laws of the European Union as well as the constraints placed on it by the United Nations since World War II. You can read more about this campaign and the legal issues in Germany on the site, Action Reports.

Faisal Ali Bin Jabar came to the United States to testify before Congress a few months later about the human cost of Drone strikes in Yemen where both targeted strikes and so called 'signature' strikes against people whose behavior is suspicious were both common at the time. The strike against his relatives was a 'Signature' strike. The three militants they went to meet were under observation due to their 'suspicious' pattern of activity and it seemed a propitious time to strike when a couple of more men would be taken out as

well. After that I didn't hear more about Mr. Jabar's case.

## **Background of Interim Events: the Saudi War on Yemen**

In the spring of 2015, Saudi Arabia began bombing Yemen with assistance from the United States and the United Kingdom who have provided weapons, but also intelligence, guidance and in-air fueling for the US made jets Saudi pilots fly ever since. Saudi Arabia formed a coalition with the United Arab Emirates (UAE) and other Gulf states and called in markers from Pakistan and Egypt, and hired mercenary foot soldiers from around the world to lay waste to the impoverished and embattled country of Yemen. The United States has not only assisted the Saudi 'coalition' in making war on Yemen over the last 2 years, but provided political cover for them at the United Nations and assisted in maintaining a siege on Yemen that is killing more people than the bombing.

AQAP, the original US target of drone bombs, has been empowered by the war. When the war began, the US withdrew its diplomatic staff from Sana'a, and it also withdrew the personnel from the a military base they were using there, which was immediately taken over by AQAP, an ally of the Saudi coalition, who now control significant territory in Yemen. Meanwhile, the US continues to bomb AQAP with drones and other means, which puts it in a rather contradictory position as it is both supporting the Saudi aggression in Yemen, and attacking one of it's affiliates.



People gather as a

bulldozer removes debris of a house to recover a missing woman at the site of a Saudi-led air strike on an outskirts of the northwestern city of Saada, Yemen August 4, 2017. REUTERS/Naiif Rahma

It's not a surprise that Mr. Jabar's case has fallen off the radar. From the very beginning of the war in early 2015, the Saudi coalition has bombed schools and hospitals, water purification plants and power plants, factories and farms and people's homes. The civilian infrastructure of the country is in ruins. Civilians are starving to death and a cholera epidemic is raging. Children are dying in significant numbers. The statistics of injury and death are deeply underestimated. Saada, the Houthi capital in the north of Yemen has been leveled, along with numerous towns and villages.



A family with a malnourished child is pictured in their home in Sanaa June 21, 2012. (Reuters/Mohamed al-Sayaghi)

We keep hearing that Yemen is on the brink of famine. But it

certainly appears that Yemen crossed that brink more than a year ago. They are talking about 10,000 civilians dead from the war right now, but a Yemeni student in the US quoted in today's Moon of Alabama blog says that since early 2015, more people have died from hunger and disease in Yemen than from the war. Of course, those people also died from the war. In Key Facts About the Yemen War, published in June of 2016, Al Jazeera reported that

*Both sides have been accused of killing civilians: the United Nations High Commissioner for Human Rights has estimated that Saudi-led coalition air strikes caused almost two-thirds of reported civilian deaths.*

And then, of course, you have the mercenaries on the ground and the siege. According to the article in Al Jazeera, there were 2,800 civilian deaths reported in Yemen in January of 2016, and 8,000 total. If air strikes are the main killer, the proportion seems off. There are lots of militias fighting in Yemen, but all the members were civilians when the war started, who were moved to act by the ongoing violence. The Houthis were a force of a couple of thousand camped out in Sana'a, demonstrating against the government.

## **Faisal bin Ali Jabar Sues the US for Wrongful Death of his Family Members**



Boys gather near the wreckage of car destroyed last year by a US drone air

strike targeting suspected al-Qaida militants in Azan of the south-eastern Yemeni province of Shabwa. Photograph: Khaled Abdullah/Reuters

So, I was surprised last week when I received a newsletter from Reprieve stating that Mr. Jabar's Appeal of his wrongful death case against the US Government was heard last December. Kathleen McLellan and Jesselynn Radack filed an Amicus Brief on behalf of whistle blowers Brandon Bryant, Lisa Ling and Cian Westmoreland, all involved in the Drone program prior to their leaving the military. Apparently, the original lawsuit was adjudicated in 2015. I found an article in the Guardian, but nothing in the US press on the subject. Of course, nearly two years have passed and much has changed. The Guardian focused on the human element: Yemeni man denied apology from US for drone strike that killed his family. Jabar actually offered to drop if suit if President US President and Top Drone Barak Obama would offer condolences as he has to western victims of drone strikes. This of course was not going to happen.

So, it turns out that the reason I heard about Mr. Jabar's Appeal just now is that the case was heard in December of 2016, but the decision was presented in July of 2017. The Judges who heard the appeal upheld the original court decision. The decision was that the judiciary does not have the authority or the expertise to contradict a decision by the Executive with regard to war and peace. So, in matters of 'war and peace', 'checks and balances' do not apply. Therefore, despite the fact that all were sympathetic with the complainant and recognized the merit of the case itself, the court declined to decide it.

\*\*\* Court Documents

- Amicus Brief
- Judgment of the Court

And so, this critical case was not only dismissed on questionable grounds, but it has been lost in the fog of an escalating war on a country that is no threat whatsoever to the United States or Saudi Arabia for that matter, a poor country whose people have been struggling for security, independence and some kind of democratic governance for decades.

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# Dead Syrian Children and Drones on the Wing

## **Dead Syrian Children and Drones on the Wing**

*by Judy Bello* rePosted from The Deconstructed Globe

Recently the Pentagon admitted to killing two Syrian children in a drone attack last fall when they bombed a group of al Qaeda fighters in the suburbs of the Syrian city of Aleppo. Someone from the press asked me if I thought this was a sign of increasing transparency. A few of my remarks were quoted in the ensuing article, which I have linked at the end of this one. What follows is my full response.

Recently the Pentagon admitted to killing two Syrian children in a drone attack last fall when they bombed a group of al Qaeda fighters in the suburbs of the Syrian city of Aleppo. At the time they claimed this group was a critical target because they were high level operatives associated with Al Qaeda who were planning attacks on the United States mainland.. No one that I know had ever heard of this group, but their name, Khorasan, is the name of a province in Iran, which is an odd choice for an Al Qaeda affiliate. So they

bombed this small group of 50 or less foreigners, holed up in a suburb of Aleppo, Syria, in a civilian neighborhood in the middle of a war zone, plotting to kill Americans in America. It is a stretch to to wrap the mind around this rather incredible story.,

But, it isn't a surprise that some children were killed in Syria in a drone strike. In fact, children are regularly killed in U.S. drone strikes in Afghanistan, Pakistan, Somalia, Yemen and wherever. In 2013, due to a lot of negative



attention brought by International Human Rights NGOs and the United Nations on drone killings in Pakistan and Yemen, President Obama produced a document that set standards limiting drone strikes where civilians might be present. Last year, after declaring war on ISIS in Syria and Iraq, he waived those limits. Soon thereafter, these children were killed by a U.S. drone strike in Syria. The picture is actually of some other children killed by drone strikes in Syria, Now, there is once again discussion of placing limits on drone strikes.

This is all very amusing, but not very helpful. In fact, any kind of military strike likely to harm uncounted (but certain to be present) civilians is a violation of international humanitarian law. The U.S. government wants to bend the definitions to allow us to have these unconventional non-state wars, but it doesn't want to accept the limits that, in old fashioned wars, were enforced by the existence of a battlefield where civilians would not be likely to be present. But we no longer fight under the formal procedures of interstate war which both require and demand boundaries.



War is the name we now use for global policing, which has not boundaries as far as the United States is concerned, but which is governed by international human rights law, which is even more stringent in its protection of civilians than

humanitarian law, or the laws governing war.. So, why are we, the people, the dissatisfied populace, the defenders of peace and justice,, asking for transparency rather than justice under the law? Why should we respect fluctuating assertions of compliance or noncompliance by serial violators as new law? The result is an endless buzz of discussion around a line that is already deep in civilian territory and wholly outside the law. No one is safe in a war zone that is not and cannot be defined. Endless dribbles of transparency in a constantly redefined context have no substance.

In revealing the latest transgression, focusing our attention on the deaths of these children and whatever remedies President Obama might choose to put in place, the Pentagon is covering for something larger and creating a cover story that it can use to have an appearance of transparency. The tragic deaths of these 2 children are just a drop in the bucket of casualties from US airstrikes in countries our leaders wish to control.. When they choose to target groups that are 'bunkered' in civilian areas, even when they are legitimate targets – and that isn't always the case – the strikes are bound to hit civilian targets. This war is not being fought on a battlefield but in the cities and villages of Syria. The fact that these deaths occurred in this brazenly illegitimate context has been forgotten. There are only these children.

At the time these children died, there were other stories in the alternative press about civilian casualties of U.S.

strikes in the vicinity of Raqqa. Notably, there were strikes on a grain silo which stored precious food for the civilians living in this desert city, and another instance where a US strike on a compound targeted a Da'ish prison, killing a large number of 'prisoners-of-war' being held by a handful of Da'ish guards. Strikes on Da'ish targets in the city Raqqa were fruitless because Da'ish had abandoned their urban headquarters for civilians neighborhoods in the suburbs of the city. So, armed U.S. drones followed with the expectable consequence of civilian deaths.

Words like 'building' and 'compound' cover up the reality that the buildings and compounds are homes, schools, places of business and the structures of



ordinary social living. Just because the children aren't playing in the street during a war doesn't mean they aren't present. Not every gathering of men is a militia. As I learned in Pakistan, the women we don't see are generally in kitchens attached to the public areas where the men meet, and which are primary drone targets. This war is taking place in the cities and towns of Syrian, not on a battlefield. It is impossible that U.S. military and government decision makers don't know this.

In modern wars, which are largely fought in the cities and villages of someone's country, there is no way to entirely avoid a vast number of civilian casualties, usually more in number than the combatant casualties. Combatants are paying attention, and often protected by their weapons and armored vehicles and so on. Civilians have no protection. This is one reason why starting and fueling these wars is such a heinous crime.

The Syrian Arab Army and their allies consistently attempt to evacuate the sites of battles before engaging the enemy. They

have the information to do this because they are part of the local society. Yet western news sources generally paint them as psychopathic murderers. The US strikes are based on abstract intelligence; video feedback from drones a couple of miles in the air, satellite imagery that can only pick out certain types of physical material and temperature gradients and radio signals, and information provided by spies on the ground who often have agendas separate from US interests. The information is evaluated by people with little understanding of the local context. So that information is not complete and may be very misleading. The guys with the joysticks know this. Their bosses know this. Yet they fire anyway. Who are the real psychopathic killers?

To lessen the risk of civilian casualties the US would have to coordinate with the Syrian government and the Syrian Arab Army and their allies who have reliable information about civilians on the ground. They would also have to rethink some of their surveillance and weapons deliveries. Some percentage of weapons are delivered directly to Da'ish and Jabhat al Nusra forces on the ground, and many more are delivered to areas and organizations they can easily control and co-opt. Then our barbarism could be reduced to the level of the Syrian Arab Army loyal to Bashar Assad, who are doing their best to preserve their county and protect their countrymen.

And yes, other instances have occurred where the United States has admitted deadly errors. This is part of a shell game that engages people to look at small disturbing details while the broad pattern of abuse remains invisible. People receive apologies and expend their outrage. Such revelations do cause outrage among activists and others, but since it is no mystery to those who are informed, and explained to those who aren't, they do not incite further analysis and discussion. The truth is that The U.S. violates International laws of war and peace on a regular basis, day in and week out, month in and year out, while the world vacillates around a fruitless

discussion of transparency, as if the truth is irrelevant until after a liar confesses.



Meanwhile, even as U.S. forces are focused on surveilling these civilian neighborhoods where 'enemy' forces might be set up under civilian cover, they apparently don't take the trouble to surveil areas where these forces are in the process of vanquishing or have recently vanquished local forces. After pretty much every victory, Da'ish has a celebratory parade, often transporting weapons not only through the city, but across the desert for long distances as they redistribute their resources. Surely these events are visible on satellite surveillance, but none of these caravans have ever been struck by U.S. forces. Also, there appears to be no US surveillance on the Turkish border with Syria or the Israeli border, both of which are the locus of known supply lines for Da'ish and Al Nusra. These facts have been known, literally for years.

Additionally, U.S. proxies are feeding al Qaeda, ISIS and the foreign Jihadis in Syria and Iraq, while the U.S, makes a show of fighting them. What isn't obvious, what the broader citizenry turns away from, is that there would be no necessity of anyone bombing anywhere if the US would focus it's substantial economic and political power on blocking it's allies from supporting these groups it then bombs in the towns and cities of Syria and Iraq.

Turkey is the middle man, profiting from the sale of Da'ish oil, and also a transit hub for foreign fighters. It allows border crossings to be openly controlled by Da'ish and Al Nusra fighters, who use these crossings as supply routes and for troop movement. Turkey hosts training camps for the incoming jihadis, and there is some indication that the US Base at Incirlik is involved in this project. Foreign fighters fly

into Istanbul and can be seen on public transportation in the city as they make their way to the training camps and the Syrian border.

Israel is providing logistical support to al Nusra fighters in the Golan, including supply routes and medical support. Israel also bombs Syrian government sites periodically. They not only bomb government military sites, but recently have attacked Iranian and Hezbollah fighters in the region. Binyamin Netanyahu has been photographed visiting wounded Al Nusra fighters in an Israeli hospital.

Jordan also hosts training camps.

Saudi Arabia and Qatar and other oil rich Emirates have been funding both al Nusra and Da'ish fighters. Qatar has been providing salaries to Syrian Muslim Brotherhood members to induce them to take up arms against their government since 2011. Both countries are home to wealthy donors who fund transportation and payroll for fighters in Syria, and provide weapons and training to them. Powerful satellite news organizations, Al Jazeera and Al Arabia, owned by members of the royal families of Qatar and Saudi Arabia, provide political cover for the ongoing wars and popularize or normalize vicious sectarian points of view.

The US does nothing to contain any of these activities. Instead it supports them with weapons and diplomatic cover.

The tragic deaths of 2 children provide us with a glimpse of a much larger tragedy, The United States and its allies have the Syrian government and the Syrian people enmeshed in a war that they did not initiate, and which they cannot end because it is fueled by an endless supply of men and resources coming from outside the country. Many more men women and children have died in this senseless war to undermine the sovereignty of Syria, and we can expect that they will continue to die as long as those forces continue to prevail in the region.

The U.S. also continues to use weaponized drones for so called targeted killings in civilian areas of countries whose governments we are not at war with, and that includes Afghanistan. Targeted killing target so called 'militants' – if they were 'combatants' they would have some rights under International law – in their homes, mosques and marketplaces where it is unsurprising to find them surrounded by women, children and other civilians who have nothing to do with the so called wars in the context of which they are being targeted.

Sputnik article based on the original interview: US Lacks Transparency on Drone Policy Despite Children's Deaths

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# Open Letter to German Chancellor Angela Merkel

**On Ramstein: An Open Letter From US Citizens to German Chancellor Angela Merkel**

*authored by Elsa Rassbach, Judy Bello, Nick Mottern, Ray McGovern*

reprinted from Truthout.org Speakout

The letter was written and endorsed by Americans who stand in solidarity with the Yemeni survivors of drone strike victims on behalf of their murdered loved ones. Faisal bin Ali Jaber, the first complainant on the suit, has previously met with members of Congress in the United States, but received no satisfactory response. We further stand in solidarity with the German people who should not be made to host a U.S. center of warmaking and facilitate the illegal murderous U.S. military drone program.

The Upstate Coalition to Ground the Drones and End the Wars, the Syracuse Peace Council and Rochester Peace Action and Education are among the endorsers of the letter, which has been signed by Judy Bello and Carol Baum on our behalf.

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May 26, 2015

Her Excellency Dr. Angela Merkel  
Chancellor of the Federal Republic of Germany  
Bundeskanzleramt  
Willy-Brandt-Straße 1  
10557 Berlin, Germany

Dear Chancellor Merkel:

On May 27th a German court in Cologne will hear evidence from Faisal bin Ali Jaber, an environmental engineer from Yemen who lost two relatives to a 2012 U.S. drone strike. This is the first time that a court in a country providing significant military/technical support for the U.S. drone program has permitted such a case to be heard.

U.S. drone strikes have killed or maimed tens of thousands in many countries with which the U.S. is not officially at war. The vast majority of drone-strike victims have been innocent bystanders, including large numbers of children. One respected study found that for every target or known combatant killed, 28 "unknown persons" were also killed. Because the victims were/are not U.S. citizens, their families do not have standing to initiate legal action in U.S. courts. Shamefully, the families of these victims have had no legal recourse whatsoever.

Thus the case of Mr. bin Ali Jaber, representing his family in a German court, is of great interest to many who have long been dismayed at the U.S. government's violations of human rights and international law in the so-called "war on terror." Reportedly, Mr. bin Ali Jaber will argue that the German

Government has violated the German Constitution by allowing the U.S. to use Ramstein Air Base in Germany for extrajudicial “targeted” killings in Yemen. He is expected to request that the German government “take legal and political responsibility for the U.S. drone war in Yemen” and “forbid use of the Satellite Relay Station in Ramstein.”

Credible evidence has already been widely published indicating that the U.S. Satellite Relay Station in Ramstein plays an essential role in ALL U.S. drone strikes in the Middle East, Africa, and Southwest Asia. The killings and maiming resulting from missiles fired from U.S. drones would not be possible without the cooperation of the German government in enabling the U.S. to use Ramstein Air Base for the illegal drone wars – a military base which, we respectfully suggest, is an anachronism a full seventy years after the liberation of Germany and Europe from the Nazis.

Irrespective of the ultimate outcome in court of Mr. bin Ali Jaber’s case, which possibly could continue for years, now is the time for Germany to take effective measures to stop the U.S. from using Ramstein Air Base for combat drone missions.

The reality is this: The military base in Ramstein is under the legal jurisdiction of the Federal Government of Germany, even though the U.S. Air Force has been allowed to use the base. If illegal activities such as extrajudicial killings are conducted from Ramstein or other U.S. bases in Germany – and if U.S. authorities do not desist from these legal offenses then we respectfully suggest that you and your government have a duty under international law to act. This is clearly expressed in the Nuremberg Trials Federal Rules Decisions of 1946-47 (6 F.R.D.60), which were adopted into US law. Accordingly, every individual participating in the enactment of a war crime is responsible for that crime, including businessmen, politicians and others who enable the criminal

act.

In 1991 the reunited Federal Republic of Germany was granted “complete sovereignty at home and abroad” via the Two-plus-Four-Treaty. The Treaty emphasizes that “there shall be only peaceful activities from German territory” as does Article 26 of the Basic Law of the Federal Republic of Germany, which states that the acts undertaken to prepare for a war of aggression are deemed “unconstitutional” and “a criminal offense.” Many in the U.S. and around the world hope that the German people and their government will provide much-needed leadership in the world on behalf of peace and of human rights.

The German Government often states that it has no knowledge of the activities being conducted at Ramstein Air Base or other U.S. bases in Germany. We respectfully submit that if this is the case, you and the German Government may have a duty to require the needed transparency and accountability from the U.S. military and intelligence agencies in Germany. If the present Status of Forces Agreement (SOFA) between the U.S. and Germany precludes the transparency and accountability that the German Government needs in order to enforce German and international law, then the German Government must request that the U.S. make appropriate modifications in the SOFA. As you know, Germany and the U.S. each have the right to unilaterally terminate the SOFA upon giving two years’ notice. Many in the U.S. would not oppose but would indeed welcome a renegotiation of the SOFA between the U.S. and Germany if this should be required to restore the rule of law.

The end of hostilities in 1945 seventy years ago saw the world faced with the task of restoring and advancing the international rule of law. This led to efforts to define and punish war crimes – major efforts like the Nuremberg Tribunal and the formation of the United Nations, which in 1948 proclaimed the Universal Declaration of Human Rights. While Germany has sought to adhere to the principles of the

Declaration, the U.S. increasingly in recent years ignored these principles. In addition, the U.S. seeks to draw NATO and other allies into complicity in violating these principles.

The U.S. began the drone program in secrecy in 2001 and did not reveal it to the American people or to most of their representatives in Congress; the drone program was first discovered and revealed by U.S. peace activists in 2008. The British people were also not informed when the United Kingdom in 2007 obtained killer drones from the U.S. And only recently have the German people been informed, through courageous reporting by independent journalists and whistleblowers, of the key role of Ramstein in the illegal U.S. drone program.

Now aware of the role Ramstein in undermining human rights and international law, many German citizens are calling upon you and the German government to enforce the rule of law in Germany, including on the U.S. bases. And because of the indispensable role of Ramstein for all the U.S. drones strikes, the government of Germany now holds in its hands the power to actually stop the illegal U.S. drone killings altogether.

If the German Government were to take decisive action in this matter, Germany would surely find support among nations of the world, including the nations of Europe. The European Parliament in its Resolution on the Use of Armed Drones, which was adopted by a landslide vote of 534 to 49 on February 27, 2014, urged its Member States to “oppose and ban the practice of extrajudicial killings” and “not perpetrate unlawful targeted killings or facilitate such killings by other states.” The European Parliament Resolution further declares that Member States must “commit to ensuring that, where there are reasonable grounds for believing that an individual or entity within their jurisdiction may be connected to an unlawful targeted killing abroad, measures are taken in accordance with their domestic and legal obligations.”

Extrajudicial killing – the killing of ‘suspects’ – is in fact also a grievous violation of the U.S. Constitution. And the U.S. initiation and prosecution of killings and wars in sovereign countries that do not threaten the U.S. mainland violate international treaties the U.S. has signed and Congress has ratified, including the United Nations Charter.

Tens of thousands of Americans have struggled in vain for years to expose and end the U.S. drone program and other U.S. war crimes that have quite predictably led to increasing hatred for the U.S. and its allies among the targeted and terrorized populations. Like the incarceration without due process at Guantanamo, drone warfare has clearly undermined the post-WWII international law upon which we all rely.

We hope that major U.S. allies – and particularly Germany, because of the indispensable role it plays – will take firm action to end extrajudicial drone killings. We implore you to take all steps necessary to put a stop to all activities in Germany that support drone warfare and killings by the U.S. government.

**Signed:**

- Carol Baum, Co-Founder of Upstate Coalition to Ground the Drones and End the Wars, Syracuse Peace Council
- Judy Bello, Co-Founder of Upstate Coalition to Ground the Drones and End the Wars, United National Antiwar Coalition
- Medea Benjamin, Co-Founder of CodePink
- Jacqueline Cabasso, National Co-convener, United for Peace and Justice
- Leah Bolger, Former President of National Veterans for Peace
- David Hartsough, PeaceWorkers, Fellowship of Reconciliation
- Robin Hensel, Little Falls OCCU-PIE
- Kathy Kelly, Voices for Creative Nonviolence

- Malachy Kilbride, National Coalition for Nonviolent Resistance
- Marilyn Levin, Co-Founder of United National Antiwar Coalition, United for Justice with Peace
- Mickie Lynn, Women Against War
- Ray McGovern, Retired CIA Analyst, Veteran Intelligence Professionals for Sanity
- Nick Mottern, KnowDrones
- Gael Murphy, CodePink
- Elsa Rassbach, CodePink, United National Antiwar Coalition
- Alyssa Rohricht, Graduate Student in International Relations
- Coleen Rowley, Retired FBI Agent, Veteran Intelligence Professionals for Sanity
- David Swanson, World Beyond War, War is a Crime
- Debra Sweet, Director of World Can't Wait
- Brian Terrell, Voices for Creative Nonviolence, Missouri Catholic Worker
- Colonel Ann Wright, Retired Military Officer and Diplomatic Attaché, Veterans for Peace, Code Pink

**Endorsed by:**

- Brandywine Peace Community, Philadelphia, PA
- CodePink Women for Peace
- Ithaca Catholic Worker, Ithaca, NY
- Know Drones
- Little Falls OCC-U-PIE, WI
- National Coalition for Nonviolent Resistance (NCLR)
- Peace Action and Education, Rochester, NY
- Syracuse Peace Council, Syracuse, NY
- United For Justice with Peace, Boston, MA
- United National Antiwar Coalition (UNAC)
- U.S. Foreign Policy Activist Cooperative, Washington DC
- Upstate (NY) Coalition to Ground the Drones and End the Wars

- Veterans For Peace, Chapter 27
- Voices for Creative Nonviolence
- War Is A Crime
- Watertown Citizens for Peace Justice and the Environment, Watertown, MA
- Wisconsin Coalition to Ground the Drones and End the Wars
- Women Against Military Madness, Minneapolis, MN
- Women Against War, Albany, NY
- World Beyond War
- World Can't Wait

### **Afterward:**

The Yemeni plaintiffs did not prevail on May 27, nor was it anticipated that they would prevail in such an important matter in a lower court in Germany. Nevertheless, the Court's decision in the case set some important legal precedents:

a) The Court ruled that the Yemeni survivors, who are not German citizens, have standing to sue the German government in the German courts. This is the first known time that a NATO country that has granted drone survivors or victims who are not citizens of their country such standing in court.

b) The Court stated in its decision that the media reports regarding the essential role of Ramstein in the US drone killings are "plausible," the first time that this has been officially acknowledged by authorities Germany.

But the Court held that it is in the discretion of the German government to decide what steps must be taken to protect the people of Yemen from the danger of being killed by drones with essential assistance from Ramstein Air Base. In addition, the Court mentioned that the present Status of Forces Agreement (SOFA) between the US and Germany may at this time prohibit the German government from closing the Satellite Relay Station in the Ramstein base. The plaintiffs argued that the SOFA

could be renegotiated or even cancelled by the German government.

In an unusual step, the Court immediately granted the plaintiffs the right to appeal. ECCHR and Reprieve will appeal on behalf of the Yemeni plaintiffs as soon as the full written decision of the court in Cologne is available.

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# **Taking Responsibility for Drone Killings**

## **Taking Responsibility for Drone Killings *President Obama and the Fog of War***

*by Brian Terrell, reprinted from Voices for Creative Nonviolence*

When President Barack Obama apologized on April 23 to the families of Warren Weinstein and Giovanni Lo Porto, an American and an Italian, both hostages killed in a drone attack in Pakistan in January, he blamed their tragic deaths on the “fog of war.”

“This operation was fully consistent with the guidelines under which we conduct counterterrorism efforts in the region,” he said, and based on “hundreds of hours of surveillance, we believed that this (the building targeted and destroyed by drone launched missiles) was an al Qaeda compound; that no civilians were present.” Even with the best of intentions and most stringent of safeguards, the president said, “it is a cruel and bitter truth that in the fog of war generally and our fight against terrorists specifically, mistakes –

sometimes deadly mistakes – can occur.”

The term “fog of war,” *Nebel des Krieges* in German, was introduced by the Prussian military analyst Carl von Clausewitz in 1832, to describe the uncertainty experienced by commanders and soldiers on the battlefield. It is often used to explain or excuse “friendly fire” and other unintended deaths in the heat and confusion of combat. The term raises vivid images of chaos and ambiguity. Fog of war describes incredible noise and trauma, volleys of bullets and artillery shells, bone jarring explosions, screams of the wounded, orders shouted out and countermanded, vision limited and distorted by clouds of gas, smoke and debris.

War itself is a crime and war is hell, and in its fog soldiers can suffer from emotional, sensory and physical overload. In the fog of war, fatigued past the point of endurance and fearful both for their own lives and for those of their comrades, soldiers must often make split second decisions of life and death. In such deplorable conditions, it is unavoidable that “mistakes – sometimes deadly mistakes – can occur.”

But Warren Weinstein and Giovanni Lo Porto were not killed in the fog of war. They were not killed in war at all, not in any way war has been understood until now. They were killed in a country where the United States is not at war. No one was fighting at the compound where they died. The soldiers who fired the missiles that killed these two men were thousands of miles away in the United States and in no danger, even if anyone were firing back. These soldiers watched the compound go up in smoke under their missiles, but they did not hear the explosion nor the cries of the wounded, nor were they subjected to the concussion of its blast. That night, as the night before this attack, it can be assumed that they slept at home in their own beds.

The president attests that those missiles were fired only

after “hundreds of hours of surveillance” were carefully studied by defense and intelligence analysts. The decision that led to the deaths of Warren Weinstein and Giovanni Lo Porto was not reached in the crucible of combat but in the comfort and safety of offices and conference rooms. Their line of sight was not clouded by smoke and debris but was enhanced by the most advanced “Gorgon Stare” surveillance technology of the Reaper drones.

The same day as the president’s announcement the White House Press Secretary also issued a release with this news: “We have concluded that Ahmed Farouq, an American who was an al-Qa’ida leader, was killed in the same operation that resulted in the deaths of Dr. Weinstein and Mr. Lo Porto. We have also concluded that Adam Gadahn, an American who became a prominent member of al-Qa’ida, was killed in January, likely in a separate U.S. Government counterterrorism operation. While both Farouq and Gadahn were al-Qa’ida members, neither was specifically targeted, and we did not have information indicating their presence at the sites of these operations.” If the president’s drone assassination program sometimes accidentally kills hostages, it also sometimes accidentally kills Americans alleged to be members of al-Qa’ida and apparently the White House expects us to take some consolation in this fact.

“Hundreds of hours of surveillance” notwithstanding, and despite being “fully consistent with the guidelines under which we conduct counterterrorism efforts,” the order to attack the compound was given in the absence of any indication that Ahmed Farouq was there or that Warren Weinstein was not. Three months after the fact, the United States government admits that they blew up a building that they had been watching for days without the slightest idea who was in it.

The “cruel and bitter truth” is actually that Warren Weinstein and Giovanni Lo Porto were not killed in a “counterterrorism effort” at all, but in an act of terrorism by the United

States government. They died in a gangland style hit that went awry. Killed in a high-tech drive-by shooting, they are victims of negligent homicide at best, if not of outright murder.

Another "cruel and bitter truth" is that people who are executed by drones far from a battlefield for crimes they have not been tried for or convicted of, such as Ahmed Farouq and Adam Gadahn were, are not enemies lawfully killed in combat. They are victims of lynching by remote control.

"Predators and Reapers are useless in a contested environment," admitted General Mike Hostage, chief of the Air Force's Air Combat Command in a speech in September, 2013. Drones have proven useful, he said, at "hunting down" al Qa'ida but are no good in actual combat. Since al Qa'ida and other terrorist organizations have only flourished and multiplied since Obama's drone campaigns took off in 2009, one might take issue with the general's claim for their usefulness on any front, but it is a fact that the use of lethal force by a military unit outside of a contested environment, outside of a battlefield, is a war crime. It might follow that even the possession of a weapon that is useful only in an uncontested environment is a crime, as well.

The deaths of two western hostages, one an American citizen, are indeed tragic, but no more so than the deaths of thousands of Yemeni, Pakistani, Afghan, Somali and Libyan children, women and men murdered by these same drones. Both the president and his press secretary assure us that the events in Pakistan last January were "fully consistent with the guidelines under which we conduct counterterrorism efforts," business as usual in other words. It seems that in the president's view, death is only tragic when it is inconveniently discovered that western non-Muslim people are killed.

"As President and as Commander-in-Chief, I take full

responsibility for all our counterterrorism operations, including the one that inadvertently took the lives of Warren and Giovanni,” said President Obama on April 23. From the time President Ronald Reagan took full responsibility for the Iran-Contra arms deal to the present, it is clear that a presidential admission of responsibility means that no one will be held accountable and that nothing will change. The responsibility that President Obama accepts for only two of his victims is too paltry for consideration and, along with his partial apology, is an insult to their memories. In these days of governmental evasions and official cowardice, it is crucial that there are some who do take full responsibility for all of those killed and act to stop these acts of reckless and provocative violence.



### **Taking Responsibility for Drone Killing At Beale AFB, California**

Five days after the president's announcement of Weinstein's and Lo Porto's murders, on April 28, I was privileged to be in California with a dedicated community of activists outside of Beale Air Force Base, home of the Global Hawk surveillance drone. Sixteen of us were arrested blocking the entrance to the base, reciting the names of children who have also been killed in drone attacks but without a presidential apology or even, for that matter, any admission that they died at all. On May 17, I was with another group of anti-drone activists at Whiteman Air Force Base in Missouri and in early March, in the Nevada desert with more than one hundred resisting drone murders from Creech Air Force Base. Responsible citizens are

protesting at drone bases in Wisconsin, Michigan, Iowa, New York at RAF Waddington in the United Kingdom, at the CIA headquarters in Langley, Virginia, at the White House and other scenes of these crimes against humanity.

In Yemen and in Pakistan, too, people are speaking out against the murders taking place in their own countries and at great risk to themselves. Lawyers from Reprieve and the European Center for Constitutional and Human Rights have filed suit in a German court, charging that the German government has violated its own constitution by allowing the U.S. to use a satellite relay station at Ramstein Air Base in Germany for drone murders in Yemen.

Perhaps one day President Obama will be held responsible for these murders. In the meantime, the responsibility that he and his administration shirks belongs to all of us. He cannot hide behind a fog of war and neither can we.

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## **Drones and Discrimination: Kick the Habit**

*Kathy Kelly talks about her recent trial, the action she was convicted for, and her pending jail sentence. She talks about drone victims and the victims she is sure to meet when she arrives at whatever prison she is told to report to.*

On December 10, International Human Rights Day, federal Magistrate Matt Whitworth sentenced me to three months in prison for having crossed the line at a military base that wages drone warfare. The punishment for our attempt to speak on behalf of trapped and desperate people, abroad, will be an opportunity to speak with people trapped by prisons and

impoverishment here in the U.S.

Our trial was based on a trespass charge incurred on June 1, 2014. Georgia Walker and I were immediately arrested when we stepped onto Missouri's Whiteman Air Force where pilots fly weaponized drones over Afghanistan and other countries. We carried a loaf of bread and a letter for Brig Gen. Glen D. Van Herck. In court, we testified that we hadn't acted with criminal intent but had, rather, exercised our First Amendment right (and responsibility) to assemble peaceably for redress of grievance.

A group of Afghan friends had entrusted me with a simple message, their grievance, which they couldn't personally deliver: please stop killing us.

I knew that people I've lived with, striving to end wars even as their communities were bombed by drone aircraft, would understand the symbolism of asking to break bread with the base commander. Judge Whitworth said he understood that we oppose war, but he could recommend over 100 better ways to make our point that wouldn't be breaking the law.

The prosecution recommended the maximum six month sentence. "Ms. Kelly needs to be rehabilitated," said an earnest young military lawyer. The judge paged through a four page summary of past convictions and agreed that I hadn't yet learned not to break the law.

What I've learned from past experiences in prison is that the criminal justice system uses prison as a weapon against defendants who often have next to no resources to defend themselves. A prosecutor can threaten a defendant with an onerously long prison sentence along with heavy fines if the defendant doesn't agree to plea bargain.

In his article "Why Innocent People Plead Guilty," Jed S. Rakoff draws attention to the institution of plea bargaining which now ensures that less than 3% of federal cases go to

trial at all. "Of the 2.2 million U.S. people now in prison," Rakoff writes, "well over 2 million are there as a result of plea bargains dictated by the government's prosecutors, who effectively dictate the sentence as well."

"In 2012, the average sentence for federal narcotics defendants who entered into any kind of plea bargain was five years and four months," Rakoff writes, "while the average sentence for defendants who went to trial was sixteen years."

It's one thing to read about the shameful racism and discrimination of the U.S. criminal justice system. It's quite another to sit next to a woman who is facing ten or more years in prison, isolated from children she has not held in years, and to learn from her about the circumstances that led to her imprisonment.

Many women prisoners, unable to find decent jobs in the regular economy, turn to the underground economy. Distant relatives of mine knew plenty about such an economy several generations ago. They couldn't get work, as Irish immigrants, and so they got into the bootlegging business when alcohol was prohibited. But no one sent them to prison for 10 years if they were caught.

Women prisoners may feel waves of guilt, remorse, defiance, and despair. In spite of facing extremely harsh punishment, harsh emotions, and traumatic isolation, most of the women I've met in prison have shown extraordinary strength of character. When I was in Pekin Prison, we would routinely see young men, shackled and handcuffed, shuffling off of the bus to spend their first day in their medium-high security prison next door. The median sentence there was 27 years. We knew they'd be old men, many of them grandfathers, by the time they walked out again.

The U.S. is the undisputed world leader in incarceration, as it is the world leader in military dominance. Only one in 28

of drone victims are the intended, guilty or innocent, targets. One third of women in prison worldwide, are, at this moment, in U.S. prisons. The crimes that most threaten the safety and livelihood of people in the U.S. of course remain the crimes of the powerful, of the corporations that taint our skies with carbon and acid rainfall, peddle weapons around an already suffering globe, shut down factories and whole economies in pursuit of quick wealth, and send our young people to war.

Chief Executive Officers of major corporations that produce products inimical to human survival will most likely never be charged much less convicted of any crime. I don't want to see them jailed. I do want to see them rehabilitated

Each time I've left a U.S. prison, I've felt as though I was leaving the scene of a crime. When I return to the U.S. from sites of our war making, abroad, I feel the same way. Emerging back into the regular world seems tantamount to accepting a contract, pledging to forget the punishments we visit on impoverished people. I'm invited to forget about the people still trapped inside nightmare worlds we have made for them.

On January 23, 2015, when I report to whichever prison the Bureau of Prisons selects, I'll have a short time to reconnect with the reality endured by incarcerated people. It's not the rehabilitation the prosecutor and judge had in mind, but it will help me be a more empathic and mindful abolitionist, intent on ending all wars. Kathy Kelly (Kathy@vcnv.org) coordinates Voices for Creative Nonviolence ([www.vcnv.org](http://www.vcnv.org))