

ICC Prosecutor Now Targets Taliban, Daesh, Not US, in Afghan War Crimes Probe

by *Saini* published on *NamNews Network*, September 28, 2021

THE HAGUE, Sept 28 (NNN-AGENCIES) – The International Criminal Court prosecutor said he was seeking approval to resume a war crimes investigation of Afghanistan, focusing on the actions of the Taliban and the Islamic State Khorasan (ISIS-K) militia.

A statement said the request was being made to the court's judges in light of developments since the Taliban militants seized control of Afghanistan in a lightning advance last month.

Prosecutors had previously also looked into suspected crimes by US forces and Afghan government troops. But Karim Khan, six months into his nine-year tenure, said they would now "*deprioritise*" that element due to lack of resources, and instead focus on "*the scale and nature of crimes within the jurisdiction of the court*".

Afghan human rights activist Horia Mosadiq, who has been helping victims to support the ICC probe for many years, called the announcement "*an insult to thousands of other victims of crimes by Afghan government forces and US and NATO forces*".

The ICC had already spent 15 years looking into war crimes allegations in Afghanistan before opening a full investigation last year.

But that probe was put on hold by the Afghan government, which said it was investigating the crimes itself. The Hague-based

ICC is a court of last resort, intervening only when a member country is unable or unwilling to prosecute war crimes, crimes against humanity or genocide.

Khan said the fall of the internationally recognised Afghan government and its replacement by the Taliban represented a *"significant change of circumstances"*.

"After reviewing matters carefully, I have reached the conclusion that, at this time, there is no longer the prospect of genuine and effective domestic investigations ... within Afghanistan," his statement said.

The court had found there was a reasonable basis to believe war crimes had been committed between 2003 and 2014, among them suspected mass killings of civilians by the Taliban, as well as suspected torture of prisoners by Afghan authorities and, to a lesser extent, by US forces and the US CIA.

But the United States is not a party to the ICC, and imposed sanctions against the office of the prosecutor for investigating the role of US forces. Shifting the focus of the probe could help mend the court's relationship with Washington.

"We're pleased to see that the ICC prioritises resources to focus on the greatest of allegations and atrocity crimes," State Department spokesperson Jalina Porter told reporters in response to the prosecutor's statement.

A lawyer who represents Afghan victims of suspected US torture in the ICC investigation said the narrowing of its focus was *"deeply flawed"*.

"Allowing powerful states to get away (with) multi-year, multi-continent torture against so many, feeds impunity for all," she said on Twitter.

Judges will now review the request.

If approved, the investigation will face an uphill battle to gather evidence, as the Taliban rulers appear unlikely to cooperate in the same way as the governments in place since the Taliban's last period in power ended in 2001.

The Taliban administration in Kabul could not immediately be reached for comment.

"Early indications suggest that their policies on matters related to criminal justice and other material considerations are unlikely to conform to those adopted since 2002," Khan said in his submission to the court. – NNN-AGENCIES++

Ban Killer Drones: International Grassroots Movement to Ban Weaponized Drones Launched (P1)

by **Jack Gilroy**, published on **Covert Action**, May 10, 2021

An international grassroots movement to ban weaponized drones and military and police surveillance, entitled Ban Killer Drones, has been launched. Go to www.bankillerdrones.org to see the teamwork results of this excellent resource on the United States's not-so-secret assassinations around the world.



Protests outside Hancock Air National Guard Base in Syracuse, New York, in 2014.
[Source: Syracuse.com]

A group of long-time anti-drone war organizers, including Nick Mottern, Brian Terrell and Chelsea Faria, with support from two Nobel Peace Prize candidates, Kathy Kelly and David Swanson, worked to make this site the prime resource site to ban killer drones internationally.

Progressive readers will remember the years of struggle that produced the recent ban on nuclear weapons as well as the struggle that produced agreements on landmine and cluster bombs.

I remember well where I was on October 1, 2014: I was handcuffed tighter than I had ever been, wiggling my fingers to keep my hands from going numb. I had been stuffed prostrate between the front and rear seat of an Onondaga Sheriff's Department car in Syracuse, New York.

DeWitt Town Court Judge Robert Jokl had just sent me on my way to the nearby Jamesville Correctional Facility to begin a three-month sentence for my participation in a die-in at the main gate of the NY Air National Guard 174th Attack Wing at Hancock Field killer drone base.



Die-in outside Hancock drone base in April 2013. [Source: space4peace.org]

Lying on the floor, squeezed between the seats, I asked the two deputies to give me room to sit. The deputy in the passenger seat called out: "You'll be at the jail in just 15 minutes or so, live with it."

I lived with it, serving 60 days of my 90-day sentence, with time reduced for "good behavior."

But I'm still mad as hell that my U.S. government continues to assassinate "suspected terrorists," expands its drone war and encourages other countries to do the same.

It is time to promote a treaty to ban weaponized and surveillance drones world-wide.



Gilroy protesting outside Hancock Air Force base on Earth day, April 22, 2021. [Photo courtesy of Heriberto Rodriguez]

The Predator

When I became aware of the drone protests at Hancock Field, I had written coming-of-age novels about conscientious objectors from WWII and the Vietnam war, but now war was being waged in my own back yard and few seemed to know about it.

The resisters at Hancock were, of course, trying to educate the public.

Sadly, even when some Americans did learn of assassinations operating out of United States drone bases, the acts of drone terror seemed of little importance to them. After all, the terrorists were in foreign lands and we needed to “take them out” and not to worry about Hellfire missiles and bombs since they were in the Middle East, not in Syracuse.

Hancock’s 174th Attack Wing just did the electronic firing of weapons hovering over suspects thousands of miles away, seen

of course by Attack Wing pilots with high-tech drone cameras via satellite.



[Source: 174attackwing.ang.af.mil]

I researched Predator and Reaper drones, spoke to folks who had been arrested for trespass at Hancock and was arrested a couple of times myself.

At the time, I was chair of the St. James Peace and Justice Committee in Johnson City, New York, 75 miles south of Syracuse. The headquarters of the Syracuse Diocese and the leader, Bishop William Cunningham, was hiking distance from the nearby weaponized drone base.

I had tried for more than two years with letters and phone calls to speak to Bishop Cunningham. My intent was to ask him his views on being so close to an institution that orchestrates assassinations, the 174th Attack Wing of the New York National Guard, just up the road a bit from his residence.

Persistence paid off. The bishop agreed to meet with our team of six resisters.

I asked Bishop Cunningham what he thought of the morality of the Hancock weaponized drone base. Bishop Cunningham said: "It's one way to keep our boys' boots off foreign soil. We don't need to be sending our young men off to war." Then, a bit later, he noted: "You do know that a lot of Catholics work at Hancock, don't you?"

We had assumed that to be so since we knew Bishop Cunningham had assigned one of his priests to minister to Hancock drone pilots.



Scene from *The Predator*: "I had hoped you'd go to one of the military academies." Jay Becker as Major Jennifer Golden, drone pilot, and Sarah Latham as her daughter, Ella. [Source: awaketodrones.blogspot.com]

Realizing that the Bishop's office was a dead end, I began to form a play in my mind of a young woman whose mother was a drone pilot at Creech. I decided to go with the title *The Predator* for obvious reasons.

In November 2013, the first staging of *The Predator* was done at Georgetown University in Washington, D.C., with students

from Syracuse University and the University of Scranton as actors. The event was the annual Ignatian Family Teach-In, the largest annual Catholic social justice conference in the United States.



Jack Gilroy discusses The Predator.
[Source: awaketodrones.blogspot.com]

Thankfully, I had a professional to assist: Aetna Thompson, a former member and singer with the satirical group in Washington called “The Capitol Steps.”

An eye-catching prop was set up on campus, a facsimile of a Reaper drone designed and made by Nick Mottern, of Hastings-on-Hudson, New York, and coordinator of <https://www.knowdrones.com/>

Nick drove the disassembled mock drone from his home to Route 81 in Scranton, Pennsylvania, where he showed me how to assemble it and then covered the mock Hellfire missiles with blankets—“just in case a State Trooper wonders about these rockets,” said Nick. The Reaper was my traveling mate in my old Volvo, the fuselage resting on my dashboard and the tail bumping my rear window.



Nick Mottern with mock drone. [Source: lehighvalleylive.com]

I drove south for our first gig at Georgetown University and then on to Ft. Benning, Georgia, where I stationed the Reaper mock-up at the entrance to the Columbus, Georgia, convention center, with a large sign tacked onto it announcing “*THE PREDATOR.*”

The Predator had legs, playing at many college campuses and church halls around the nation from around 2013 to 2017 with activists such as Ann Wright, former U.S. Army Colonel and U.S. diplomat and Kathy Kelly, Director of *Voices for Creative Nonviolence*, taking on roles.

The play is still available to download (and tweak to bring it up-to-date) for any group to use.

Did the reflection, the thinking of the outlandish immorality and cowardly killing of people with high-tech American terrorism lead me to write the play? Quite likely, it was a factor. But I felt that what I had done with the play was not enough, hence my arrest and jailing, noted above.

Going International

The work of Up State Drone Action to expose the international crimes of the 174th Attack Wing at Hancock killer drone base has been outstanding. From the first direct action at Hancock in 2011 to Earth Day 2021, a team of creative artists have

used street theater at the very edge of the killer drone base on East Malloy Rd in Syracuse, NY.

Developing themes for each action, Dan Burgevin of Trumansburg, NY, Ed Kinane of Syracuse, John Amidon of Albany, Ellen Grady of Ithaca and many others have used a variety of scenes and song to illustrate the crimes going on inside the 174th Attack Wing.

For example, the Syracuse District Attorney's office liked to bring into court physical evidence (exhibits) to prove their case against the killer drone resisters. So, one action, called *Big Books* used huge facsimiles of anti-war books—8'x4' and blocked the gate to the Hancock weaponized drone base. The local court room didn't have room for the big books. Consequently, no big books were taken into court as exhibits by the Syracuse District Attorney's Office.



Protestors display replicas of books that point to evils of the drone war. [Source: Photos courtesy of Ellen Grady and

MaryAnne Grady who designed the book replicas]



Bill Quigley
[Source:
ignatiansolidarity
.net]

Weaponized drones have nothing that is praiseworthy. Weaponized drones are unmanned weapons carriers used to assassinate people in foreign (for now) lands. The use of weaponized drones is immoral, illegal, racist (used mainly to kill people of color) and pragmatically stupid.

No other nation does what the United States does frequently: assassinate with weaponized drones in places like Afghanistan, Iraq, Somalia, Syria, Libya. The United States is still the greatest purveyor of violence in the world and killer drones have become our deadly calling card.



Funeral for pine-nut farmer killed in drone strike in Nangarhar Province in Afghanistan in September 2019. [Source: [theguardian.com](https://www.theguardian.com)]

Armed drones make bitter enemies around the world and create insecurity as they sow hate and vengeance.



Protest against U.S. drone strikes after drone attack in Multan, Pakistan, in 2012. [Source:

President Biden ended his inauguration speech with “May God bless America and God protect our troops.” That’s where we’re at: praising America and beseeching God to protect our troops. The arms industry and the religious arm of the military-industrial complex are smiling. It is clear that we must reach outside our borders and build an international consensus to end drone killing and drone surveillance.

I encourage readers to join the movement to establish an international ban on weaponized and surveillance drones. Go to www.bankillerdrones.org to initiate international action while pressuring Joe Biden and the war-prone Democrats to end weaponized and surveillance drones.

****Featured Image:*** *Anti-drone protest outside New York Air National Guard Base in April 2013. [Source: spaceforpeace.org]*

Game of Drones

Friends, this is a great film on the damage done by drone warfare and the increasing potential for state terrorism presented by drones. The video is from 2016 but I have never seen it before so I’m glad it turned up in my email today.

The film has interviews with whistleblower Sean Westmoreland, and many of the antidrone activists and drone victims from Waziristan whom we met there as well. And, interviews with our good friends Nick Mottern of Knowdrones.com and Ann Wright, who needs no introduction in the antiwar universe.

*****The film is on YouTube on the RT Documentary channel, and also on the RT website. Header image is a cropped screenshot***

from the film.

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.

May 26, 2015

Her Excellency Dr. Angela Merkel

Chancellor of the Federal Republic of Germany

Bundeskansleramt

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. drone 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 (NCNR)
- 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 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.

German Activist Confronts Foreign Minister Over Drones



Activist Elsa Rassback
and German Foreign
Minister Steinmeier

German activists are engaged in drone resistance around US Ramstein base which houses a critical repeater that is necessary for drone strikes in West Asia and Africa. Ramstein has been a critical asset to US wars since the US occupation of West Germany after World War II. Now it's drone control. There are a number of things going on in German resistance at present.

ECCHR, the European Center for Constitutional and Human Rights, is arguing a lawsuit against Germany on behalf of Yemeni citizens whose relatives were killed in drone strikes. The issue is that Germany is supporting the US base at Ramstein where there is a repeater that makes US drone strikes in West Asia and Africa possible. The ask is for Germany to make the US remove the repeater at Ramstein and not allow it to be replaced on German soil.

So they aren't asking for transparency and explanations but rather the cessation of German support for US drone strikes. The German government has been hiding the facts on this issue and denying responsibility. However, the truth is

documented on the Intercept, which ran a great article by Jeremy Scahill on the case a week ago. They will have to confront their complicity in a program of targeted killing and random murder of civilians around the globe.

German American activist Elsa Rassbach had the good fortune to run into Foreign Minister Steinmeier at a function recently, where she share with him a little piece of her mind. Good Going Elsa!