



DAVID HOWELLS/CORBIS

Games without frontiers, war without tears

By Chris Woods

More US pilots are now being trained to fly drones than conventional jets. But given that “the most precision weapons in history” kill so many civilians, should they be legal?

The recent news that President Barack Obama presides over a secret kill-list, which has sentenced thousands to death by drone, has disturbed many. Torture and extraordinary rendition under George W Bush, it turns out, have been replaced with industrial-scale extrajudicial execution by his successor, as many view it.

Today, CIA and Pentagon armed drones range at will over Pakistan, Yemen and Somalia, seeking out alleged terrorists. These wars are “secret” only in that they are removed from proper accountability. White House and CIA officials brag in selective leaks about drones’ effectiveness, even as they use the courts to block close scrutiny. Lawyers and journalists seeking to expose the truth have been smeared. Mounting evidence of hundreds of civilian casualties is pushed aside. And, until now, the compliant US media have barely raised a whisper.

No wonder Obama’s re-election team seeks to present him as the warrior president, the decapitator of al-Qaeda. Domestic US opinion polls show 83 per cent support for the covert drone war; those unmanned killing machines may help put Obama back in the White House. And yet, like in the case of Guantanamo, there

may be a devastating cost to the international reputation of the United States.

The armed drone, or unmanned aerial vehicle (UAV), is the defining weapon of America’s seemingly endless global “war on terror”, just as the tank once symbolised an earlier conflict. The CIA used weaponless drones in the 1990s during the Balkan wars, but there were grave concerns at the implications of slinging missiles under their wings. Only in the summer of 2001 did the CIA practise bombing a mock-up of Osama Bin Laden’s Afghan training camp out in the Nevada Desert. And just days before 11 September 2001, the CIA and the Pentagon were still bickering over who should control the drones programme. Neither wanted the responsibility for extrajudicial killings.

No wonder, with Bush’s state department bluntly telling Israel a fortnight earlier: “We remain opposed to targeted killings. We think Israel needs to understand that targeted killings of Palestinians don’t end the violence.” That principle was soon ditched, along with many others. The first weaponised Predator took to the skies above Afghanistan just days after the atrocities of 9/11. The first US extrajudicial ►

Winged death: a Predator drone at Creech Air Force Base in Nevada

► targeted killing by drone took place in Yemen the following year. Since then, more than 3,000 people have died in roughly 400 covert drone strikes by the US.

Most drone strikes take place within conventional warfare. Hundreds of armed US UAVs – and a handful of British ones – now patrol the skies above Afghanistan. Satellite control direct from the US is near-instant, as the pilot and navigator sit in air-conditioned comfort at an ever-expanding network of air force bases. More US pilots are now being trained to fly drones than for conventional fighter and bomber jets. Little wonder that the sequel to Tony Scott's *Top Gun* is likely to be set on a drone base, a world where “kids play war games” by day “and then they party all night”.

Until recently, only one company was making lethal drones for the US: the privately owned General Atomics. It is unknown quite how many billions of dollars Washington has spent on the Predator and its bigger, faster successor the Reaper. The company's accounts are not publicly available.

We do know that the General Atomics production lines in San Diego work day and night to churn out these ungainly killers. The only approved rival is in the form of a tiny hand-launched aircraft being “trialled” by US special forces in Afghanistan. The Switchblade by AeroVironment is better known as “the kamikaze drone”, because it can be flown into a crowd of opponents and detonated.

Firing line

Great claims are made about the effectiveness of the Predator and Reaper, and US officials frequently tout drones as being “the most precise weapon in the history of warfare”. During Nato's 2011 aerial campaign in Libya, there were hundreds of drone strikes among 9,700 strike sorties. A proud Nato secretary general, Anders Fogh Rasmussen, told the world last November, “We have carried out this operation very carefully, without confirmed civilian casualties.” That claim was later exposed as bogus: Human Rights Watch chronicled at least 72 civilians killed, among them 24 children and 20 women. Drones had a hand in those deaths. Yet Nato chose not to investigate the reports of civilians killed, claiming that it had no mandate to gather information on the ground. It had never asked for permission to do so.

Armed drones do appear to bring greater accuracy to battle. Able to loiter over an area, they can examine a target with multiple sensors before attacking. Women and children in the firing line? A drone can wait for minutes, even hours, for a cleaner shot.

Early Predator strikes led to far higher death counts as Hellfire missiles designed for destroying armoured tanks were used on houses built of mud bricks. Over time, the explosives content of the missiles has been lowered at least twice. “Collateral damage” has declined. Yet still civilians die. In Afghanistan, that can

lead to investigation, remorse and compensation. When drones cross the border to conduct attacks in the other, supposedly secret war, all such accountability stops.

CIA-controlled Predators and Reapers have been bombing Pakistan's tribal areas since June 2004. According to the Bureau of Investigative Journalism, where I lead a team looking at the covert war, 330 US drone strikes (278 of them under Obama) have so far killed at least 2,500 people in Pakistan. At least 482 civilians are credibly reported among the dead.

Al-Qaeda has certainly suffered in this campaign. With the death of its deputy leader Abu Yahya al-Libi on 4 June, the terrorist group has been reduced to almost nothing, stripped of its leadership by US air raids and earlier joint

US drones have targeted rescuers retrieving the dead and injured

counterterrorism operations with Pakistan. There is little doubt that for years Islamabad tacitly approved most of the US strikes on its soil, but any co-operation has been progressively withdrawn over the past 18 months. Now Pakistan condemns every attack as being “in total contravention of international law”. The US, meanwhile, simply ignores its “ally”.

US officials routinely claim that no more than 50 or 60 civilians have died in eight years of bombing in Pakistan. Only recently, a senior US administration official claimed in an interview with the *New York Times* that the number of civilians killed by Barack Obama in Pakistan is in the “single digits”. This is a lie. Three days after his inauguration, on 23 January 2009, Obama authorised two drone strikes. Both missed their intended targets. At least 15 civilians reportedly died on that day alone, and the president knew about those civilian casualties within hours. “You could tell from his body language that he was not a happy man,” as one observer puts it.

In fact, credible reports indicate at least 300 civilians (63 of them children) among a minimum 2,000 drone fatalities since the start of Obama's Pakistan campaign. Some particularly vicious tactics have also emerged. On 23 June 2009 the CIA attacked a public funeral attended by thousands as it attempted to kill a senior Taliban commander. Between 18 and 45 civilians were among the 83 people killed. The “object” was unharmed. On numerous other occasions, US drones have targeted rescuers trying to retrieve the dead and injured from previous drone strikes, as a major Bureau investigation with the *Sunday Times* showed in February. In the past few days, these odious tactics appear to have returned to Pakistan: there are reports of US attacks on funeral prayers and a mosque.

Despite US denials of their deaths, we often know a great deal about the “non-combatant”

victims. It is often claimed that the region of Waziristan is “inaccessible” and that establishing the facts is “impossible”. Nevertheless, sustained efforts by lawyers, academics, NGOs and journalists have uncovered extensive details of many of these people who have died.

Based on this information and its own field investigations, the UK-based Bureau of Investigative Journalism has so far been able to put names to more than 310 civilians killed in Pakistan. So far only 170 or so militants have been identified. For instance, we know that on 8 January 2010, Akbar Zaman, a high school teacher, together with his friends Mir Qalam, Saad Wali Khan and Muhammad Fayyaz, died when Zaman's house was hit. Next door, three-year-old Ayesha was also killed by missile shrapnel. That case is before the UN Human Rights Council and on 7 June Commissioner Navi Pillay called for an urgent inquiry into civilian casualties in Pakistan.

Even when it is clear what happened, the US persists in making denials. On 17 March 2011, the CIA hit a tribal meeting, or jirga, attended by dozens of civic leaders from north Waziristan. Up to 42 civilians died that day in Miran-shah, prompting loud protests from Pakistan's president, prime minister and army chief. In a mealy-mouthed response, an anonymous US official told the *New York Times*: “The fact is that a large group of heavily armed men, some of whom were clearly connected to al-Qaeda and all of whom acted in a manner consistent with AQ-linked militants, were killed.” A current high court case in London, led by the legal charity Reprieve and based on multiple affidavits by survivors, has failed to convince the CIA that it killed anyone but “terrorists” on that day.

The Pakistani barrister Mirza Shahzad Akbar, who represents a number of families of civilians killed in strikes (and who has been smeared by US intelligence officials trying to brand him as an ISI agent), once noted that “since every man in Waziristan has a turban and a gun, every one of them is a likely CIA target”. Perversely, we now know this to be the case. Recent revelations prove that the US defines combatants in Waziristan as “all military-age males in a strike zone”. As if to reassure us, it also says that the dead can be “reclassified posthumously as civilians if explicit evidence proves them innocent”. Jameel Jaffer and Nathan Wessler of the American Civil Liberties Union, which has struggled to hold the Obama administration to account on the legality of its drone strikes, are blunt. “Direct targeting of noncombatants is a war crime,” they argued this month in a joint article. “A ‘shoot first, ask questions later’ policy is entirely inconsistent with international law, not to mention morally grotesque.”

Obama has vastly expanded the covert drone war, drawing in ever more countries. In Yemen, more than 90 Pentagon and CIA drone strikes may have taken place in the past year. In Somalia, drones began killing last year. There are credible reports of one US strike in the Philippines.

And CNN reports that covert (possibly armed) US drones have just taken to Libya's skies in response to fears of rising militancy.

There is a startling absence of effective scrutiny for all of this. Despite US claims that its covert drone strikes are in accordance with international law, no US court has ever ruled on the matter. The CIA routinely claims "state secrets privilege" to strike down legal challenges – the same system the British government is flirting with introducing here. Diane Feinstein, the Democrat who chairs the powerful Senate intelligence committee, insists that it "question[s] every aspect of the programme including legality, effectiveness, precision, foreign policy implications and the care taken to minimise non-combatant casualties". But don't expect her to examine the morality of these strikes.

Discussing an alleged al-Qaeda bomber, Feinstein told Fox News last month: "I am hopeful that we will be able to, candidly, kill this bomb-maker and kill some of these other associates." Mike Rogers, her opposite number in the House of Representatives, is equally onside. Talking about the expanding secret US drone war in Yemen on CBS recently, he described the strikes as "bringing folks to justice".

Whose patsy?

Given such dysfunctional legislative oversight, the US media could have played a stronger role in holding Obama to account, but, with honourable exceptions, they have failed all too often. Beginning in January 2011, anonymous US officials began to brief US journalists that CIA drones had reached a point of perfection: they were no longer killing any civilians in Pakistan. For seven months, those claims went unchallenged by any news organisation. It took a Bureau investigation to identify at least 45 civilians – and likely many more – killed in the defined period. For that, and for its other work exposing the civilian cost of the US drones campaign, US officials have labelled the Bureau as an al-Qaeda-helping patsy of Pakistani intelligence.

Armed drones used conventionally are just another innovative weapons platform. Used covertly, however, they risk lowering the threshold at which wars are fought, and undermining the very laws of war. Some former senior US intelligence officials are warning that any strategic success may be undermined as new generations of Yemenis, Somalis and Pakistanis become radicalised by US tactics.

Michael Hayden, the former CIA director who introduced covert drone strikes in Pakistan back in 2004, said recently that "democracies do not make war on the basis of legal memos locked in a [department of justice] safe". For eight long years, the US has conducted these strikes, often killing civilians, without proper scrutiny or accountability. That needs to change, urgently. ● *Chris Woods works with the Bureau of Investigative Journalism and is writing a book for Hurst on the US's secretive drone wars. @chrisjwoods*



Death from above: the funeral of a Palestinian father and son killed by an Israeli drone strike in Gaza in 2011

THE LAW

Drone attacks go against every human rights principle in the book. By *Geoffrey Robertson*

Trial by fury

It has for centuries been lawful to kill enemy commanders, on the principle that "a man who is dead renews no war", a thought that comforted Cromwell as he viewed the body of Charles I. The outcry in the 1970s over comical CIA plots to murder Fidel Castro by sending him exploding cigars and poison pens led Congress to ban political assassinations under Executive Order 12333: "No person employed by or acting on behalf of the United States government shall engage in, or conspire to engage in, assassination." This comports with the Fifth Amendment to the US constitution, which protects "any person" (not just US citizens) from being "deprived of life . . . without due process of law".

Until 9/11, the legal position was clear: in war, active combatants could kill and be killed, subject to rules governing surrender, use of banned weapons, etc. But "war law" applied only to conflicts between armed forces of opposing states, invoking the right of self-defence. Confrontations with insurgents, rioters and terrorists were governed by human rights law, which requires state use of force against serious criminals to be reasonable in the circumstances. This is more restrictive – after three IRA bombers

were shot dead on Gibraltar in 1988, the European Court held that the UK had denied them the right to life because MI5 had jumped to mistaken conclusions. In the case of known members of terrorist organisations, the "reasonable force" requirement exercises a necessary and humane restraint over the trigger-happiness of "special forces" and drone targeters. This is why the US, Russia and Israel pretend they are bound only by the law of war, which allows suspects to be killed without much compunction.

The states that deploy drones argue that they are operating under war law, where human rights are less relevant. As Harold Koh, legal adviser to the US state department, puts it: "The US is in an armed conflict with al-Qaeda . . . and may use force consistent with its inherent right to self-defence . . . including by targeting persons such as high-level al-Qaeda leaders who are planning to attack us." This bald statement prompts many questions. How can you have "an armed conflict" without an enemy state? What criteria are used for putting names on the secret death list: is it enough to be sympathetic to terrorism, married to a terrorist, or anti-American? To provide shelter or give funds to terrorist ►

► groups? What is the required degree of proof? There are no accountability mechanisms – no inquests, sometimes not even a casualty list (although the US usually announces and celebrates when it hits a “high-value target”).

In drone warfare, there is no fairness or due process to enable the potential victim, his relatives or any outside body to challenge the accuracy of the information on which the targeting decision has been made. The Senate foreign relations committee reported in 2009 that the Pentagon’s approved list of “prioritised targets” contained 367 names and had been expanded to include 50 Afghan drug lords suspected of donating money to the Taliban. Suppose the suspicion was unreasonable, or the donation had been at gunpoint, or of a negligible amount? What the Pentagon is doing is secretly sentencing people to death for an unproven crime.

The Israeli Supreme Court is the only tribunal to have confronted the legality of targeted killing, at a time (2008) when 234 victims had been members of Hamas and a further 153 had been civilians who got in the way. The court contented itself with comments about limiting the targets to dangerous terrorists and issued Polonius-like precautionary precepts: “well-based information is needed”; “innocent civilians are not to be harmed”; “careful verification is needed before an attack is made”. In reality, innocent civilians very often are killed, and “verification” always seems careful to the minds of the targeters.

Israeli officials seem morally content to risk civilian lives: after a one-tonne bomb was dropped on Gaza City in 2002, killing many civilians in order to assassinate the Hamas military leader Salah Shehadeh, an inquiry merely noted “shortcomings” in evaluation of information. This was a case of manslaughter by gross negligence. The CIA’s anxiety to kill the al-Qaeda leader Ayman al-Zawahiri led to a drone attack in 2006 on a village in Pakistan where he was mistakenly thought to be hiding, and 18 civ-

Drone attacks often target individuals who are no clear and present danger

ilians were killed. There was no explanation, no accountability and no compensation for what the CIA calls a “decapitation strike”.

Koh says that drone strikes are an exercise in self-defence under Article 51 of the UN Charter. But Article 51 applies only to attacks (or imminent attacks) by other states, not by terrorist groups. Nobody has yet noticed the irony of squeezing terrorism into this war-law paradigm. Because the Geneva Conventions and customary rights must apply to terrorist and law enforcer alike, if it is lawful to kill Osama Bin Laden, al-Zawahiri and Hamas commanders, then it must be lawful for them to kill their opposite

numbers – Barack Obama and Binyamin Netanyahu, generals, allies. (Even the Queen, as head of a co-belligerent state, may qualify.) Those who take the lives of innocent civilians in order to spread terror deserve to be treated like dangerous criminals and shot down when necessity requires, not dignified in law as if they were warriors matched in combat with great states.

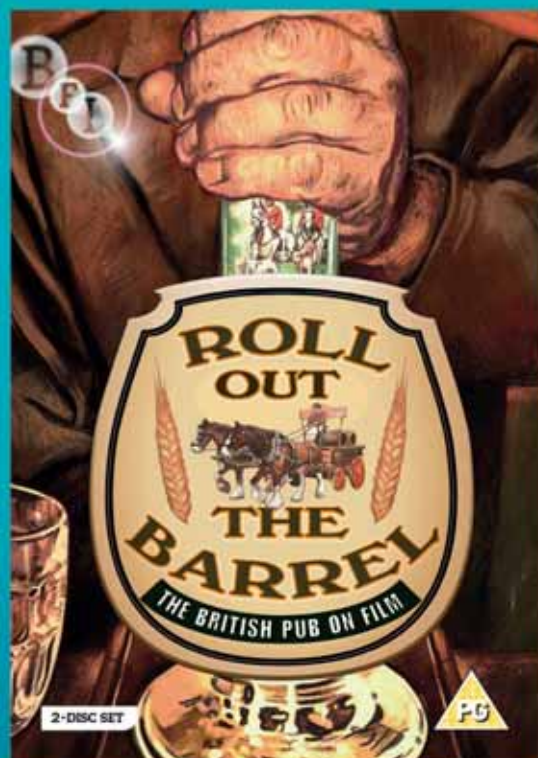
What is the position under human rights law? It would obviously be a breach of the right to life if terrorist sympathisers were targeted to deter others, or killed in circumstances where it was possible to arrest them. It would be reasonable to kill terrorists on missions to blow up civilians, or engaged in conspiracies to kill them. But the record of drone attacks demonstrates that often individuals are targeted when they constitute no clear or present danger.

Drone killings in tribal areas of Pakistan and in Yemen have taken the lives of targets who are armed and in conspiratorial meetings, but others have merely been attending weddings or funerals or emerging from hospitals or mosques. In Pakistan, there have been cases where pro-government leaders, their families and even army soldiers have been killed by mistake in drone attacks that have severely damaged US relations with a politically tense, nuclear-armed nation that is not at war with the US.

There was little protest in the US until last year, when a drone strike in Yemen targeted a US citizen, Anwar al-Awlaki, rumoured to be



RAISE A GLASS TO THE BRITISH PUB ON FILM



‘A brilliant, frequently hilarious collection of social history’

Rob Young, Uncut

19 entertaining shorts and documentaries from 1944 to 1982, celebrating the great British pub.

2 DVD set
Out Now

£15.99 from MovieMail

MovieMail
www.moviemail-online.co.uk

0844 376 0009

bfi.org.uk

al-Qaeda's leader in that area. The rockets were fired at his pick-up truck, in which he might have been picked up rather than bombed. Obama's lawyers said that the Fifth Amendment could not avail a US citizen who joined an enemy force. This is correct as far as it goes, but the Fifth Amendment must entitle a citizen or his family to know whether he is on a death list and to apply to have himself taken off it. When al-Awlaki's father sought judicial review, the judge told him he did not have standing. If a father does not have standing to challenge a targeted killing, who does?

The Obama administration seems to have given the CIA carte blanche to choose targets, subject to the approval of Koh, a law professor, now an executioner. Those who press the Hell-fire buttons in Nevada do not pause to consider whether their targets are engaged in combatant missions or not. But there is no point speculating about the criteria for listing or executing: these are secret CIA prerogatives, beyond the jurisdiction of the courts or the provisions of the Freedom of Information Act.

The battlefield utility of drone technology is such that it will be used widely in future conflicts, and by states much less scrupulous than the US and Israel (Syria and Iran, for example). Drones will become more compact, and more difficult to detect or shoot down – already there are plans for bird- and even insect-sized drones, capable of crawling inside homes or squatting on window ledges to listen and send “kill” messages to their bigger brethren without any “pilot” in Nevada pressing a button.

There is an urgent need for the US to make its drone operations more principled, first, by moving responsibility from the CIA to the department of defence, which is more accountable and bound by the Geneva Conventions. Second, there must be transparency in respect of both the target list and criteria for listing, and an opportunity for those listed to surrender or seek judicial review of whether the evidence against them proves they are an active combatant. Third, rules of engagement must exclude any killing if civilians are likely to be present, and finally, rules must prevent killing of a target who can be captured or arrested.

There is a sense that international law has failed: the UN Charter, the conventions and the norms of the courts have not provided satisfactory guidance for waging asymmetric warfare. Hence the silence of states and the recent earnest request, by the UN's human rights commissioner, for urgent clarification of the law. The way forward may be to find a way back, to reasonable force and proportionality. At present, many drone killings can only be described as summary executions – the punishment of the Red Queen (“sentence first, trial later”), which denies the right to life, the presumption of innocence and the right to a fair trial. ●

Geoffrey Robertson QC's full legal analysis of drone warfare is in his fourth edition of "Crimes Against Humanity" (Penguin, September 2012)

THE TECHNOLOGY

Can you play a video game? Then you can fly a drone. No wonder everyone from farmers to jewellery thieves wants one. By *Michael Brooks*

Eyes in the sky

If you happen to be at the London Olympics this summer, look up and smile. You will almost certainly be caught on camera by a Royal Air Force surveillance drone.

A near-perfect storm of GPS, sensor and weapons technology, and a desire to minimise risk to personnel has created a boom in use of unmanned aircraft among the military across the world. Now, with the enormous experience gained over the past few decades, a crossover into civilian use is under way. “The technology is ready,” says Mary Cummings, a former navy fighter pilot who researches robotics interfaces at the Massachusetts Institute of Technology (MIT).

Congress has already ordered the US Federal Aviation Administration to work out how to integrate unmanned aerial vehicles (UAVs) into US civilian airspace by 2015. Eurocontrol, the organisation responsible for maintaining safety in Europe's airspace, is engaged in a similar task and is due to issue a report on the way forward in the autumn.

Though these aircraft are not cheap (a Global Hawk UAV costs roughly \$210m), their ability to keep soldiers safe from harm has made them extremely popular with defence planners. So much so, that Congress set the military a goal in 2000: make one-third of the “operational deep strike force aircraft fleet” unmanned. The success of this initiative has been extraordinary. In 2005, 5 per cent of the US defence department's aircraft were unmanned. Today it is 61 per cent. The only remaining problem is recruiting enough human beings to control them.

The US military refers to it as the “UAV pilot crunch”. Rated pilots are not keen to fly UAVs. Sitting in a booth watching a screen and pushing a joystick around is boring to anyone used to real-life flying. The solution has been to lower the bar. While the US air force still uses only experienced pilots to fly remote weapons, the US army sees the need for relatively basic training only. The reasoning is that the military gives rifles to young recruits and allows them

to kill people. If those same soldiers can operate a video game as well as they can use a rifle – and that is now part of the entry test – they can fly a drone, and use that to kill people, too.

The strategy works because the control technology is becoming ever more similar to that used in modern video games. A recent recruitment ad for the British army features a soldier explaining UAV use while using an unbranded Microsoft Xbox controller to fly his drone over a troop of patrolling soldiers. Mary Cummings has used her experience as a fast jet pilot to create an iPhone-based control for a drone; last summer, researchers at Boeing's research and development centre in Seattle used her iPhone system to fly a plane around the MIT campus 2,500 miles away. “We have shown in two different studies that, with only three minutes of training, people can fly a UAV in a surveillance task and not crash,” Cummings says.

Night vision

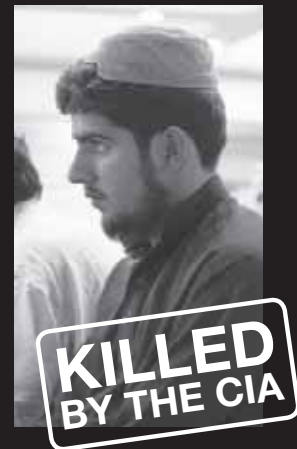
Despite their deliberately intimidating names – Hawk, Predator, Reaper – drones are little more than sophisticated remote-controlled aircraft. Depending on their size, they take off using a runway, a folding ramp or a paper-plane-style throw from a soldier. Once airborne, the drone uses a GPS satellite receiver to establish its location and receive navigation instructions.

The pilot gets a bird's-eye view through a variety of on-board cameras. One is a straightforward optical feed, giving a movable view of the ground or the airspace ahead. An infrared camera provides night-vision capability.

A synthetic aperture radar also allows the remote pilot to see through cloud, haze, smoke and fog by using sophisticated electronics to convert radar signals reflected off nearby objects and turned into detailed images of the scene. In certain scenarios, a few of the cameras are swapped for laser sights and range-finders for the on-board missiles.

Military drones are highly portable and essentially disposable. A boxed Predator, for ►

Tariq will now never help us stop the US drones. But you can.



16-year-old Tariq Aziz was killed last October alongside his 12-year-old cousin Waheed Khan when they were blown up by a Hellfire missile. It was fired from an unmanned drone controlled by someone sitting at a computer in the US.

Tariq wanted to become one of our evidence gatherers. He volunteered to take photographs to document the carnage caused by drone attacks, to help us bring an end to the killing through legal and peaceful means.

Young Tariq attended a specially-convened Jirga (a traditional parliament and courtroom of elders) in Islamabad. For the first time, community leaders were meeting with Reprieve's lawyers to discuss ways of counteracting the CIA's secret bombing campaign in the area, which has already claimed hundreds of civilian lives.

Our project supported the local calls for transparency. Each US drone has a camera and the footage showing murderous and illegal actions is suppressed. By recording the real bloody aftermath of drone strikes we can provide evidence to discredit any potential misrepresentations globally.

The day Tariq and Waheed were killed, truth was the third casualty. Only these two teenagers (on their way to see their aunt) died in the attack. Yet the media were briefed that 'four militants' were wiped out.

Such propaganda that this airborne terror is somehow 'successful' in the 'War on Terror' prevents public debate. And the lack of public outcry encourages the US administration to continue.

THERE ARE HUNDREDS MORE HORRIFIC CASES LIKE TARIQ AND WAHEED'S

To date, the US administration has authorised drone attacks in Pakistan which have killed over 3,000 people. At least 1,000 – including nearly 200 children – are known to have been entirely innocent. President Obama is now approaching his 300th drone strike in a supposed allied sovereign state.

The people of Pakistan are not alone in their suffering. In Yemen, around 40 drone strikes have killed around 140 civilians. In Somalia, it's reported that the CIA has taken the lives of 169 innocent men, women and children.

Such killings do more than cut short the lives of ordinary, innocent people. They incite militancy and extremism among the young in the tribal areas. And they can destabilise governments, risking widespread chaos.

With hard evidence, we can throw light into the darkest corners and prove that many of the CIA's so-called 'successes' are in fact catastrophic and criminal failures. And you can play your part.

HOW YOU ARE VITAL TO REPRIEVE

With your support, we can train more observers and local lawyers how to gather powerful evidence – and stay safe. Armed with hard facts, we can build legal cases against those responsible for this lawless slaughter of innocents to present to national and international courts. This will force the US Administration to account for its actions.

When the CIA killed Tariq, he was not on President Obama's notorious 'Kill List'.

They murdered a young man who wanted to protect his family by doing what he could for justice and the rule of law.



'I met Tariq the week before he was killed when he volunteered to help us gather evidence after drone attacks. He was no more a terrorist than my mother.'

Clive Stafford Smith, founder and director of Reprieve, pictured at the Jirga

Will you please help us carry out the work Tariq was prevented from ever starting?

REPRIEVE

Delivering justice, saving lives

Reprieve, PO Box 52742, London UK, EC4P 4WS www.reprieve.org.uk Registered Charity No.1114900. Registered Company No.5777831.

I want to help stop drone attacks killing innocent people

I would like make a donation of:

☐ £100

☐ £50

☐ £20

☐ £10

Other amount: £

£

Title Name

Address

Postcode

Email

Telephone

☐ I am happy for Reprieve to contact me via email

giftaid it

Increase your donation by 25% I would like Reprieve to treat all donations I have made prior to this declaration, and all donations I make from the date of this declaration until I notify you otherwise, as Gift Aid donations. **I pay, and have paid income tax or capital gains tax in the UK** equal to the tax that Reprieve will reclaim.

Signature

Date

☐ I enclose a cheque made payable to 'Reprieve'

Or ☐ Please debit my debit /credit card with the amount specified

Card Number

Expiry Date

Security Code
(The last three numbers from the signature strip)

Or Donate online by scanning the QR code or visiting www.reprieve.org.uk/stopdroneattacks

Thank you for supporting Reprieve's work

Please return this form in an envelope to

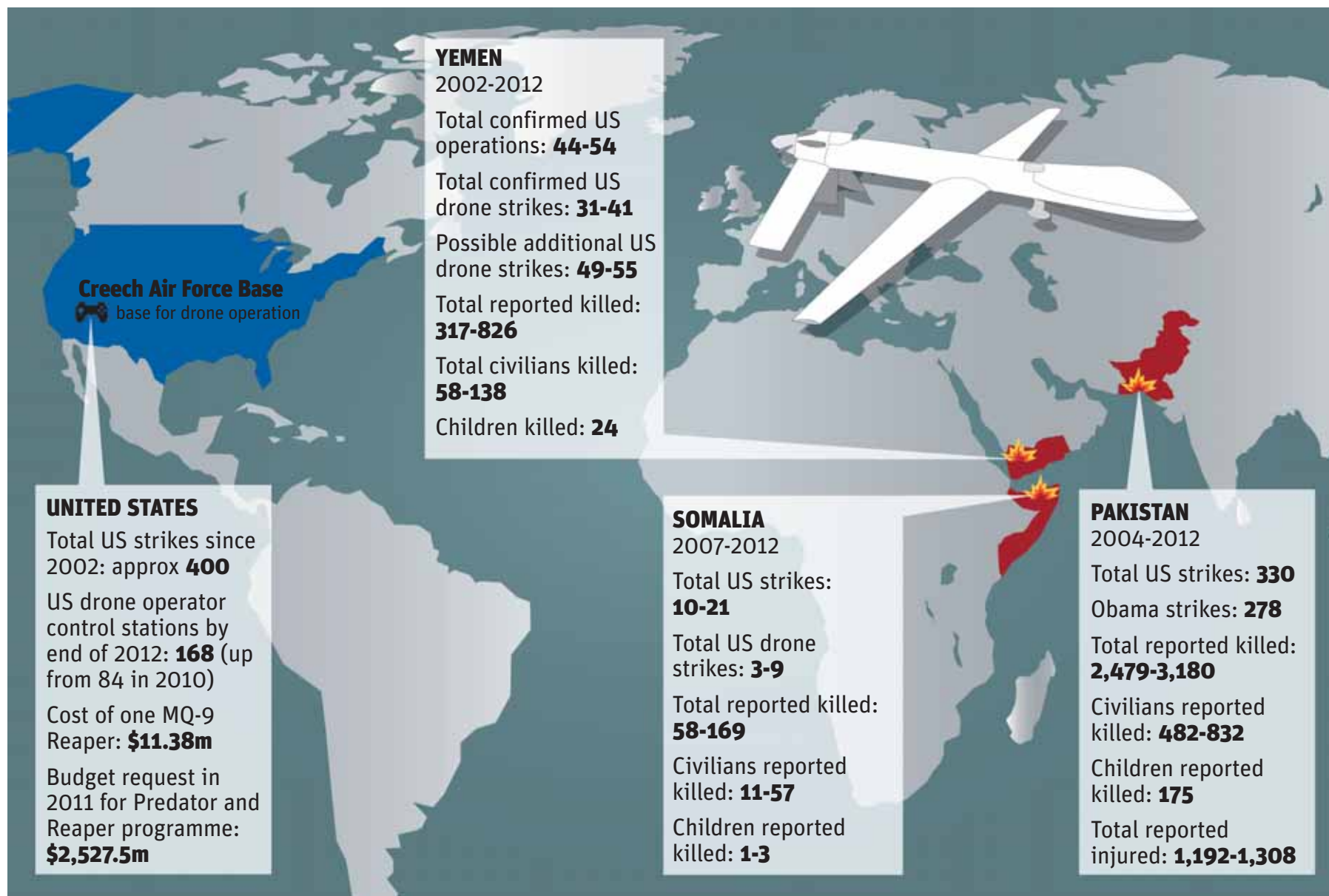
FREEPOST REPRIEVE

(No postage or further address details required.)

We will treat your details in confidence and in accordance with data protection legislation. If you would rather not hear from us please contact Reprieve.



EA1



► instance, can be delivered to a war zone by transport plane and then put together by a team of four soldiers in roughly eight hours. It can carry cameras and weapons, and even be used as a weapon. In one situation in Afghanistan, a Predator had used up its Hellfire missiles but an important target remained intact. “They turned the Predator into a kamikaze plane,” says Peter Singer of the Brookings Institution, an expert in UAV technology and deployment.

And now the civilian use of UAV technology is taking off. “Thousands of people have built their own,” Singer says. The catalogue of applications is impressive. Japanese farmers have been using them for crop-dusting for years now. Fishermen use them to track tuna movements. A group of Taiwanese thieves used a fleet of robot helicopters to carry out a jewellery heist. Polish protesters used a mini-UAV to monitor the movements of riot police deployed to intercept them. “The technologies are here – you can fly a \$300 quadcopter using an iPhone app,” Singer says.

Restrictions on the use of airspace are still a hindrance for larger craft, but the military is an important player in moving things forward. Aware of the vast numbers of drones that will soon be coming back to the west after deployment in Iraq and Afghanistan, the US military has got behind a push for UAVs to be allowed

to fly in civilian airspace; it wants to keep its operators sharp. Chris Johnson, who researches safety systems at Glasgow University, is not convinced that opening up the use is a good idea as yet, however.

“There is a host of issues about the procedures and protocols to be used when operating with air-traffic controllers,” he says. “Nobody really knows how to control them when in close interaction with civil traffic. There are numerous stories of the problems that have

Taiwanese thieves used robot helicopters to carry out a jewellery heist

arisen.” The FAA shares Johnson’s concerns. It says it will change the regulations only when drones can sense and avoid other aircraft as well as manned aircraft.

Until then, large UAV flights are by special permission only. The FAA has granted US Customs and Border Protection permission to fly Predator drones to survey regions where other smuggling countermeasures are ineffective. In the UK, the Civil Aviation Authority (CAA) has had no cause to make exceptions: very few police authorities have purchased drones, and

the ones that have done seem to have little taste for them as yet.

Small wonder that the CAA says it hasn’t granted any permissions for UAV flights over London in August. “No one has applied for permission, and we’re not aware that anyone is going to,” says Jonathan Nicholson, a senior spokesman for the CAA. But he does add a qualifier suggesting that military deployment – which lies outside the CAA’s scope – is entirely possible: “From a civil perspective, there are no plans to use UAVs.”

UAVs patrolled last year’s Pan American Games in Guadalajara, and Singer thinks that deployment in London is likely. “I remember discussions about a year ago about using RAF Reapers for that role,” he says.

A movement towards using UAVs over cities is a somewhat frightening prospect, when the US army’s road map for 2010-2035 includes equipping drones with non-lethal acoustic, chemical and “directed-energy” (laser or microwave beam) weapons. The implication is clear: in future, drones will be used for crowd control. In London, however, they will be used for surveillance only – they’re not going to be firing Hellfire missiles at unruly sports fans. But keep an eye on the skies; they’ll be watching you. ●

Michael Brooks is the NS science correspondent
newstatesman.com/writers/michael_brooks



INSTITUTE

Incautious, good company and hard to dislike: the general has spent the past three years living between west London and Dubai

He spends his days watching cricket, but Pervez Musharraf is plotting his political comeback. The former president of Pakistan condemns the “liar” Hamid Karzai and “double-crossing” world leaders

“If you are weak, anyone can come and kick you”

By Jemima Khan

Portrait by Kate Peters

General Pervez Musharraf, former president of Pakistan, former chief executive of Pakistan, former army chief and former chairman of the joint chiefs of staff committee, is watching the England v West Indies Test series in his neat, unostentatious flat off the Edgware Road in west London. He has spent the past three years living between here and Dubai, in self-imposed exile, watching cricket, keeping fit, playing golf, giving lectures for large fees and plotting his return to Pakistani politics. There are no armed guards, no entourage and no fanfare. His private secretary, Anjum Choudhry, a friend I’ve known as “Jim” for many years, sits quietly and reads a paper at the dining room table as the general, in a brown suit and pink shirt, welcomes me into his home and invites me to ask him anything I want. Which, given the rumpus that resulted from my last interview with him (when, on the eve of the 2007 presidential election, he told me a number of things that he later regretted), is very trusting indeed.

In this way, Musharraf differs from most politicians I have met. He is unguarded, forthcoming and at times appears disarmingly naive. He tells me of his imminent return to Pakistan to contest elections, as his housekeeper offers samosas, *meethi* (Pakistani sweets) and chai. “I think one can look after one’s security. There will be danger but not as much as all my family and all my friends think.” Already there have been many attempts on his life.

Musharraf thinks that politically he is in with a good chance. In October 2010, he launched a new party, the All Pakistan Muslim League, of which he is the president, and he plans to return to contest elections in Pakistan next year. He tells me that according to a recent, informal

poll, conducted by a friend from Lahore, 91 per cent of respondents want him to be president and Imran Khan, the leader of Tehreek-e-Insaf (“Movement for Justice”), to be prime minister. “I strongly believe this is the feeling. Even my own supporters tell me Imran is the person who should be with us. I think we can turn the tables if we are together. If he is alone and if I am alone I don’t think we can turn the tables.”

I pass this on to Imran later. He laughs, and says: “And then did he wake up . . . ?”

It was Musharraf who put Imran – once a supporter of his – in jail during the state of emergency in 2007 for publicly protesting after the chief justice was dismissed. Pakistani politics is a fickle and expedient game in which the players have short memories and flexible loyalties.

In conversation, Musharraf is often undiplomatic, describing the Afghan president, Hamid Karzai, as “a liar and fraud” who “has been operating against Pakistan’s interests, playing into the hands of Indians and maligning us. The bad name that Pakistan has, I would give 50 per cent of the blame to him.” He says Barack Obama is a “slow decision-maker” who lacks leadership qualities. Whereas most politicians are maddeningly taciturn, terrified that the media will magimix even the most mundane of statements, Musharraf is incautious and, for that reason, good company and hard to dislike. It is no surprise that he has been forced to deny quotes he has given in the past. (He denied telling the *Washington Post* that rape in Pakistan had become “a money-spinning concern. A lot of people say if you want to go abroad and get a visa for Canada or citizenship and be a millionaire, get yourself raped.” The interview was recorded.)

He says that the assassination of the former prime minister Benazir Bhutto in December 2007, for which he was held responsible for not providing adequate security during her election campaign, was her own fault. “They are blaming lack of security. What lack of security? You were secure, you got into a bomb-proof car. Why did you get up [out of the sunroof]? Who told you?” A Pakistani court issued an arrest warrant for him last year in connection with her assassination.

Musharraf readily admits to past blunders. He publicly apologised to Pakistan for errors made in office. The National Reconciliation Ordinance – which in 2007 granted amnesty to 8,041 politicians, political workers and bureaucrats who were accused of corruption, embezzlement, money-laundering, murder and terrorism, including Bhutto and the current president, Asif Ali Zardari, her widower – was, he concedes, “a mistake”. “I was misled. Benazir Bhutto said she would not come [home] before the elections if I dropped the cases.” He agreed to it, he says, because the cases were going nowhere. The alleged deal backfired. Bhutto returned before the elections and was assassinated, leaving Zardari, known as Mr Ten Per Cent in Pakistan because of alleged kickbacks, as heir-apparent of the Pakistan Peoples Party, which then won the 2008 election. Threatened with impeachment, Musharraf resigned.

That he “moved against the chief justice”, Iftikhar Chaudhry (he dismissed him and then put him under house arrest), is another of Musharraf’s political regrets, though this one is qualified. “My regret is not that I did a wrong thing. It was absolutely correct and legal and constitutional, but why I regret it is that it led ▶

► to upheaval and ended what we were doing for Pakistan, unfortunately. So my conclusion is, even when you are doing something right, you need to think.”

There is something of the simple soldier about Musharraf. His language is peppered with colonial-army-speak of “nothing doing” and “skirmishes on the border”. Having spent most of his adult life in military service, he tends to see things primarily from a military perspective. “I said to Colin Powell the military strategy [in Iraq] was flawed. I studied Israeli action in Entebbe – that is the way it should have been done. Saddam Hussein was a hated man. Massive aerial bombardment was a mistake.”

He believes that the coalition forces won a military victory in Afghanistan but failed politically. “The Taliban were totally disintegrated. The military delivered to you... We had to convert a military victory into a political victory, to instal a legitimate, acceptable government in Kabul.” He argues that an Afghan government and army dominated by that country’s ethnic minorities (“Panjshiris and Tajiks”) could never be accepted by the Pashtun-dominated population, and adds, for good measure: “As far as Pashtuns are concerned, he [President Karzai] is no Pashtun.” As for Afghanistan’s future, Musharraf says that after the planned withdrawal in 2014, “unless the Afghan national army is backed by [outside] force, they will be finished by the Taliban or they will run away” and that Karzai cannot last.

Like all Pakistanis who have lived through – and, in his case, fought in – several wars with India, he is deeply suspicious of the neighbouring country and refers to “Indian machinations”, always differentiating between “our interests” and “Indian interests”. He was three years old at the time of Partition, when his family migrated from India to Pakistan, and he was brought up on tales of bloodshed.

Musharraf entered the Pakistani army at 21 and became chief of army staff in 1998. He seized power in a bloodless *coup d’état* in 1999, deposing Prime Minister Nawaz Sharif, who was about to replace him as head of the army, at first placing Sharif under arrest and later exiling him to Saudi Arabia. There was international condemnation of the coup and Pakistan was suspended from the Commonwealth of Nations. Musharraf would be shunned by the west until the 11 September 2001 attacks, when Pakistan became an important ally in the war on terror and he was rewarded with a nomination for the Nobel Peace Prize. He duly appointed himself president of Pakistan in June 2001 and called a general election the following year, after which his presidency was legitimised by the pro-Musharraf party PML-Q, nicknamed in Pakistan “the king’s party”, which formed a majority government in alliance with the religious parties MMA and MQM.

As a politician, Musharraf quickly learned the arts of expediency and compromise. After nine years at the helm of one of the world’s most politically turbulent countries, he became pragmatic to the point of cynicism. He took over with the express aim of cleaning up politics and immediately set up his own national accountability bureau, declaring that his mission was to hold the corrupt accountable. But he morphed from self-appointed scourge of Pakistan’s corrupt elite into their official pardoner. The National Reconciliation Ordinance that he passed in 2007 in effect guaranteed lifelong immunity from prosecution to those same corrupt politicians. The result is that Zardari, a man he detested, is in power.

On the issue of how to deal with unauthorised US drone strikes on Pakistan’s tribal areas, he offers a particular lesson in realpolitik and the constraints of power. “The confrontationalist approach, from a position of such acute weakness, is not possible.

“The world is not a just place; frankly, this world is an unjust world. It believes in might is right. Let me talk very frankly: if you are weak, anyone can come and kick you. You can’t justify that he kicked me unjustly.”

He opposes the use of drones by a foreign force. “Certainly, it’s a breach of sovereignty, because, internationally, how can you cross a border and attack in a country?” But the present regime, he says, is “double-crossing the people of Pakistan” by playing a double game of tacit

“I am proud of giving pride to the people of Pakistan”

approval and public statements of outrage, as revealed by WikiLeaks cables that detailed how Prime Minister Yousuf Raza Gilani told the US ambassador to Pakistan, Anne Patterson, that “we’ll protest in the National Assembly [about drones] and then ignore it”. Musharraf denies that he ever gave similar permission or tacit approval to the US to strike Pakistan. “There was no permission that they can attack. There was certainly a joint co-operation on the photography part [to carry out surveillance and to gather intelligence].”

He agrees that the use of drones is counter-productive, given the resentment they cause within Pakistan, though he claims the relationship between the US and Pakistan soured years earlier. “The war that is being lost on hearts and minds in Pakistan has a historical background. It is not now. For ten years, we fought the Soviet Union together. The US changed its policy and shifted its strategic co-operation towards India. We became rogues and India is the friend.

“Then the US decides to leave. The 30,000 mujahedin from Morocco to Indonesia – who looks after them now? They need to rehabilitate them. They are armed and know nothing

but fighting. Then al-Qaeda came into being. Four million refugees came into Pakistan. Pakistan was alone and standing by itself. We fought [with] the US for ten years, helped them win the war – helped break up the Soviet Union – all that we did for you. We should have been rewarded, not ditched. That went into the people of Pakistan.”

Now, he says, Pakistanis feel further embittered by the fact that “all major political disputes around the world involve Muslims: Palestine, Kosovo, Iraq, Lebanon”, and by the west’s double standards in foreign policy. “When it comes to Muslims voting for independence – like Chechnya – they will not get it. They will be crushed. But Indonesia, East Timor: because it’s Christian, they can separate.”

If he were in power now, Musharraf says, “I would ask the US, ‘You give the drones to us and we will observe targets together, and we [Pakistan] will launch attacks.’” And if the US refused? Would he shoot down the drones, as Imran Khan has promised to do if he comes to power? He dismisses this as unrealistic. “Then it’s war and you will be beaten, and India will be very happy. Imran should understand these things.”

He employs the obligatory cricket metaphors to stress the point. “When you are on a weak wicket, then don’t talk, at least. You cannot do it. You should not say, ‘We will shoot it down.’ Because, when it comes to it, let me see if the air force does it. And if the air force does it, let’s see how they confront the joint might of the coalition forces and maybe India also. This is very short-sighted. These are not easy things. If [Imran] is PM and he takes decisions, buck stops with him. Let me see what he does. He will not... he cannot do it.”

He questions reports of civilian deaths resulting from drone strikes, in particular the incident in Bajaur on 30 October 2006 when a madrasa (religious school) was attacked, resulting in one of the highest recorded death tallies in the drone campaign – up to 81 civilians were reported to have been killed, including 69 children. “It’s all bullshit – sorry for the word – that it was a madrasa and seminary and children were studying Quran. They used this as cover.”

What about the children killed there? “I don’t remember. In the media, they said it was all children. They were absolutely wrong. There may have been some collateral damage of some children but they were not children at all, they were all militants doing training inside.” Although the Pakistani army initially claimed it was responsible for the attack, it soon became clear that Pakistan was covering for the CIA, as one of Musharraf’s senior aides later confessed to the *Sunday Times*. From October 2006 onwards, the Pakistani military refused to take the blame for any US drone attacks.

When Musharraf was in power and the Americans launched drone strikes on Pakistan without his permission, he says, “I used to mind

that a lot – if we were not on board. I would protest.” After he resigned, the drone strikes increased sharply. According to researchers at the Bureau for Investigative Journalism, before his departure in 2008, there had been 21 US strikes over four years. In the next five months alone, there were a further 31 strikes.

He explains: “I could pick up the phone and speak to President Bush and Colin Powell, and I used to put a lot of pressure on them. Why this has happened? They used to be on the back foot and they liked me, probably, and therefore they used to have to go a long way to calm me down to explain to me why this and that . . . Now, of course, it is beyond any control. That is what is lacking with these people [Zardari and Gilani]. No communication and no trust. I think they trusted me.” Enough, he believes, to have told him when they discovered the whereabouts of Osama Bin Laden, rather than launching a secret operation to take him out without the knowledge or involvement of Pakistan. This, he says, was “shameful for Pakistan and a breach of sovereignty. We should have been told”.

He is adamant that Pakistan’s government and its intelligence agency, Inter-Services Intelligence (ISI), were unaware that Bin Laden was hiding in Abbottabad, a small garrison town 50 kilometres from the national capital, Islamabad. “I am very sure from one, biggest reason: if he was there for five years – although I have a little bit of doubt about that – then two years was in my time. Now, I am absolutely sure that I didn’t know.”

I question how the infamously omniscient ISI could not have known Bin Laden was there. “It is possible,” he insists. “People take ISI or CIA to be some kind of gods who know everything and can see everywhere. That is not the case. The CIA in 9/11: how come there were 20 people under training for six months to carry out that attack? How come they hijacked four aircraft from different airports and how come they changed flight paths? All this is possible.”

Prime Minister David Cameron cautioned Pakistan, in a speech given in India in July 2010, against “looking both ways” on terror, by which he meant tolerating or even exporting terrorism while allied with the west in the war on terror and demanding respect as a democracy. Meanwhile, the former US vice-chairman of the joint chiefs of staff James Cartwright accused the ISI of tolerating terrorism. And, in September 2011, Cartwright’s former boss Admiral Michael Mullen claimed that the insurgent Afghan Haqqani network had “long enjoyed the support and protection of the Pakistani government and is, in many ways, a strategic arm of Pakistan’s Inter-Services Intelligence agency”.

Musharraf points to a trust deficit and breakdown of communication between Pakistan and the US. Islamabad needs to explain that “we are not helping or abetting [the Haqqani network], we are dealing with them”. It is now Pakistan’s task, he says, to explain to the rest of the world –

“Bugsplats”: life in the shadow of death

What do you think about when you hear the word “drone”? Barack Obama in the White House, authorising the “kill list”. US soldiers pressing buttons. Bearded Taliban militants in dusty villages being zapped out of existence. The reality of this computer-game warfare is significantly messier.

Pakistan’s tribal areas have been home to the most sustained drone campaign of any region in the world. The attacks started in 2004 and have been stepped up under Obama. The main defence of drone war is that it produces less “collateral damage” – a euphemism for civilian deaths – than air strikes. Yet investigations and anecdotal evidence show this is not the case. Collating exact figures is difficult, but the US-based Brookings Institution estimates that ten civilians die for every militant killed.

“The problem we have with Obama is this notion that if they have a beard and they are the right age then they are presumed to be terrorists,” says Clive Stafford Smith, head of the legal aid charity Reprieve. “I would estimate that the majority of people being killed are not the people who should be killed under anyone’s definition.”

Mirza Shahzad Akbar is a Pakistani lawyer representing 80 cases in Waziristan in which most of the plaintiffs have lost relatives to drone attacks. In a landmark case, he is attempting to prove first that these people can press murder charges, and second, that their cases can come under the jurisdiction of the Islamabad courts. This is important because Pakistan’s ungovernable tribal areas are federally administered and operate outside the normal boundaries of law and order.

When we speak on the phone, he lists some of the cases. Houses that were targeted while people were sleeping. Strikes on funerals. People killed while at jirgas, the traditional meetings of elders. Children asleep in targeted houses. Pharmacists. Local policemen. Schoolteachers. “These are Pakistanis employed by the state,” he says. “That is about as civilian as you can get.” And, as in any war, death is not the only

outcome. Hundreds of other victims have been maimed, blinded and disabled, left with few prospects in an area beset by poverty.

The 800,000 people of Waziristan live under the ever-present threat of death. Strikes frequently take place in the middle of the night. As standard, four or five drones circle in the air, creating a sense of imminent danger and paranoia. The buzzing sound is a relentless presence; people refer to the drones as “bees”. In a chilling echo of this, US operators refer to victims as “bugsplats”.

Local doctors report an “exponential” increase in the number of people requiring prescriptions for anti-anxiety drugs or antidepressants. “Living under constant threat of death – that’s about as stressful as it gets,” Stafford Smith says.

Akbar describes how, at a recent meeting in Peshawar with people from the tribal areas, nearly everyone was carrying tranquillisers. “Everyone is constantly thinking about drones. They would take calls from home and their children tell them how many drones they have spotted. Women are most worried. They aren’t allowed to go outside because of local traditions. They don’t know where their husbands, brothers or sons go.”

A few years ago, public opinion in Pakistan was divided, many liberals supporting drone strikes as a legitimate response to the terrorists who threaten their way of life. That was before the extent of civilian casualties became known, and parliament has passed three resolutions condemning drones since 2011. A recent Pew poll found that 97 per cent of respondents viewed the attacks negatively, and they are sure to be a critical election issue in Pakistan. Seen as yet another assault on the country’s sovereignty, drones have hardened intense anti-US feeling.

The people of the tribal areas are largely uneducated and live by traditions that Akbar describes as being “centuries behind”. This compounds their sense of disempowerment: they feel they are outsiders, and that no one cares what happens to them. ●

Samira Shackle

“Talk it, dammit! Speak it!” – that the ISI’s failure to track down Osama Bin Laden was down to ineptitude and not complicity.

Musharraf views himself as a man whom the west can talk to, whom it can trust, but who is able to hold his own. “I am not a run-of-the-mill politician,” he says. “They [the present government] allowed too much liberty of action without any checks to the Americans. This Blackwater and all that. Allowing foreign intelligence and foreign NGOs, or militants in garb of NGOs, coming into Pakistan without visa

restrictions – it was unthinkable in my time. I would never allow it. That is how they’ve been compromising on their sovereignty.”

Before our meeting ends, I ask what he is most proud of in his career. “I am proud of giving pride to the people of Pakistan. There is no doubt in my mind that they had confidence in themselves and moved proudly around the world.” And with that, he bids me a warm goodbye, gives me some Pakistani mangoes and heads off with Jim for lunch at Nobu, Park Lane. ●

newstatesman.com/writers/jemima_khan