



British courts to decide on U.S. drone killings?

By: Nat Hentoff – February 5, 2013

With the Obama administration insistently refusing to release its legal, constitutional authorizations for drone assassinations in Pakistan and other countries, a lawsuit in Britain is causing mounting anxiety among intelligence agents there and in other countries who have aided the CIA.

Noor Khan, a British citizen, filed the lawsuit. He is the son of a Pakistani tribal elder, Malik Daud Khan, who was killed in a CIA drone attack there in 2011. The charge is that by passing intelligence to U.S. officials, which is then used in drone attacks, these allies of ours become “secondary partners to murder.”

Partners to murder?

President Barack Obama and his legal team, including his nominee to direct the CIA, John Brennan (who directs these assaults by Hellfire missiles), deny any such characterization of America discarding its values.

However, a carefully documented New York Times story last month shows us why this drone strike has caused such outrage within Pakistan and made intelligence officials aiding the CIA in other countries fearful:

“More than 40 civilians (including Malik Daud Khan) had been killed when the Americans (guiding the drones from afar) mistook a tribal council gathering for a meeting of militants” (“Drone Strike Prompts Suit, Raising Fears for U.S. Allies,” Ravi Somaiya, New York Times, Jan. 31).

According to the CIA and President Obama’s “kill list,” so-called militants can often be deemed terrorists and blasted apart as such.

So now, as reported by the Times: “In light of Mr. Khan’s lawsuit and the potential for others, operatives across the British intelligence agencies are concerned that if they share information (with the CIA), they could be ‘punished by the judiciary for something the executive ordered them to do,’ said the person with knowledge of internal discussions.”

“They are willing to go the last mile, but they don’t want to go to prison for it,” the person said. “If the sword of Damocles is hanging over our intelligence officers, they can’t do their job.”

What's the attitude of the British government? According to the New York Times: "For the government's part, one senior official said it 'would just like the issue to go away.'"

So, too, would President Obama, whose recurrent command is for all of us to "look forward, not back." Nor has he shown any inclination to bring within our rule of law – and international agreements we have signed – any CIA agent or superior who may be proved to have become a secondary partner to murder.

Indeed, Obama himself – without going to any court – becomes the reigning official authorizer of murders by his just pointing to a target on the kill list.

This distinctive, unparalleled presidential role in American history appears not to have concerned in the least the wide range of Americans who pridefully awarded Obama a second term. Nor did I hear a word of objection from the Mitt Romney campaign or from all but a splinter of the citizenry.

I expect no change in Obama's views or conduct in office – no matter what the British judiciary decides about its intelligence agencies becoming providers of murderous aid to operators of the president's favorite weapon against terrorism.

As of this writing, the New York Times notes, "Judges in Britain have yet to decide whether to hear the case. ... (They initially declined, but are considering an appeal that was lodged in January.)"

British intelligence agents are apprehensively waiting to know whether – and where – they will have to find lawyers to defend them against serious violations of their national and international laws.

To put this discomfiture in fearful context, "The case," says the Times, "has put a spotlight on international intelligence-sharing agreements that have long been praised by officials as vital links in the global fight against terrorist groups, but that rights advocates criticize as a way for Britain and other European countries to reap the benefits of the contentious drone program without its political costs."

In this country, the political costs to Barack Obama have been less than meager. But in Italy and elsewhere, members of intelligence agencies are in trouble for having been helpful to the CIA in American kidnappings and renditions of terrorism suspects to be tortured in other obliging countries. And under Obama, secret renditions continue.

Years ago, I was in a conversation with Jack Cloonan, who, after 27 years with the FBI, was then heading the investigation of Khalid Sheikh Mohammed, who is still on trial at Guantanamo Bay for being in charge of the 9/11 terrorism attack. Cloonan opposed interrogations that defile who we are as a nation, and he talked about prisoners being, to say the least, excessively interrogated in CIA secret cells at the time.

He asked: "Are they going to disappear? Are they stateless? What are we going to explain to people when they start asking questions about where they are? Are they dead? Are they alive?" (my book, "The War on the Bill of Rights and the Gathering Resistance," Seven Stories Press).

We still don't know the answers. And nobody in the CIA who authorized or interrogated prisoners in those black sites has been held responsible. They remain ghost prisoners.

Also with a lot to answer for are George W. Bush, Dick Cheney et al. and Barack Obama. No matter happens to those in Britain who are "secondary partners to murder," what about the Americans who authorized it? It's long past time We the People began to do something about that.