

White House defends CIA killing of US citizen in Yemen

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Having confirmed reports that one of the six men killed in a CIA missile strike in Yemen November 3 was an American citizen, US government officials are defending the action as a justifiable use of force and making clear that it will be replicated elsewhere.

The Bush administration's national security adviser, Condoleezza Rice, described the killing as "well within the bounds of accepted practice," in a television interview Sunday. "I can assure you that no constitutional questions are raised here," added Rice.

Ms. Rice failed to spell out what section of the US Constitution she believes endows the president with the power to order the killing of American citizens overseas. She merely cited a presidential "finding" issued last year abrogating a prior executive order barring CIA participation in assassinations. "The president has given broad authority to a variety of people to do what they have to do to protect this country," she said, asserting, in effect, that presidential authorization is sufficient to legalize murder.

Rice's comments exhibited the combination of ignorance and contempt for democratic rights that is a hallmark of the Bush administration. As for her claim of "accepted practice," it is indisputable that this kind of remote-controlled assassination is a clear violation of international law and human rights conventions, no matter what the nationality of the victims.

Amnesty International sent a letter to President Bush expressing its concern over the missile attack. "If this was the deliberate killing of suspects in lieu of arrest, in circumstances in which they did not pose an immediate threat, the killings would be extra-judicial executions in violation of international human rights law," the letter said.

The human rights group went on to call on Washington to clarify the role played by US personnel

in the killings, and to give assurances that "any US officials found to be involved in such actions will be brought to justice."

The celebration of the attack by top administration officials has made it clear that any such human rights prosecution would have to extend to the president himself, who has authorized this kind of killing.

A Hellfire missile fired from a CIA unmanned aircraft, or drone, killed the six individuals as they were driving in a car 100 miles east of the Yemeni capital of Sana. Those killed were thousands of miles away from the US. They were not in striking distance of any conceivable American target. No credible claim can be made that the attack was carried out in self-defense or to preempt an imminent act of terrorism.

While the US government said that the victims of the missile strike were terrorists, it identified only one of them, Qaed Salim Sinan al-Harethi, alleging he was an Al Qaeda leader who participated in the October, 2000 attack on the USS Cole that claimed the lives of 17 sailors. No evidence substantiating this claim has been made public, however, and the CIA itself has refused any comment on the operation.

Also killed in the attack was Kamal Derwish, 29, a US citizen who was named as an unindicted co-conspirator in the federal case against six men in Lackawanna, New York charged with giving "material support" to a terrorist organization for allegedly attending an Al Qaeda training camp in Afghanistan in early 2001. Derwish was born in Buffalo, the son of a steelworker.

Some administration officials have claimed that the CIA did not know Derwish was in the car when it decided to fire the missile. Whether or not this is true is an open question. Law enforcement officials do acknowledge that the Arab-American was on

Washington's most-wanted list, and there are indications that both the CIA and Pentagon were involved in efforts to track him down in Yemen.

Those officials who commented on the condition of anonymity made it clear that, at the very least, the CIA would have had no qualms about the attack had it known that a US citizen was in the car. "It would not have made a difference," said one. "If you're a terrorist, you're a terrorist."

The unstated premise is that the mere claim by the government that an individual is a terrorist is sufficient to justify that person's elimination. Every concept of democratic jurisprudence—due process, the presumption of innocence, the right to trial and legal counsel, the right to face one's accusers and present evidence—is brushed aside and replaced by a code of punishment worthy of any military or fascist dictator.

How do we know that Derwish or the others incinerated in the car were terrorists? Because the US government says so. In Yemen, the CIA acted as judge, jury and executioner.

With the assassination of Derwish, the use of dictatorial measures by the Bush administration, ostensibly to conduct a war against terrorism, has taken a qualitative leap. What began with the mass roundup of immigrants from Islamic countries—virtually none of whom were ever charged with a terrorist offense—was followed by the government's assertion that it could try terrorist suspects before military tribunals. Then the White House and the Pentagon asserted the right to indefinitely imprison US citizens—such as Jose Padilla and Yaser Esam Hamdi—in military brigs, holding them incommunicado, without hearings or charges, based solely on the president declaring them "enemy combatants."

Now, with the case of Derwish, the CIA and the administration publicly assert the right to assassinate US citizens abroad. In an earlier period—prior to a 1976 presidential order barring CIA participation in assassinations—the agency routinely denied responsibility for the murders it organized. It frequently used foreign surrogates or hired killers to preserve deniability. Now, deniability is apparently not an issue, as Washington claims the right to kill with impunity.

The media has essentially parroted the government's claims that it has a right to carry out assassinations like the one in Yemen, while not a single prominent

Democrat has condemned the killings or even questioned the legality of the CIA operation.

Given the combination of repressive measures at home and assassinations abroad, both now targeting US citizens, there exists a real danger that death squads—the same kind of paramilitary units that have been used by US-backed dictatorships to exterminate their opponents in Latin America, Southeast Asia and elsewhere—could become an instrument of government policy in the US itself. If American citizens can be summarily executed in other countries based on secret evidence that allegedly ties them to terrorism, what is to stop intelligence agencies from carrying out similar killings in the US itself?

The demand must be raised for a full and independent investigation into the assassination in Yemen and that those responsible, from the CIA and the Pentagon to the Bush White House, be called to account and prosecuted.



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