

Posted *Antiwar.com* -- May 17, 2011 "Is Leon Panetta a Saint—or a War Criminal?" by David Henderson

Source: <http://original.antiwar.com/henderson/2011/05/16/is-leon-panetta-a-saint%E2%80%94or-a-war-criminal/>

The Case Against Leon Panetta

by Phillip Crawford and David R. Henderson

The *Monterey Herald's* glowing endorsement of Leon Panetta's nomination as secretary of defense was very disappointing. The *Herald's* editorial board overlooked serious humanitarian and legal concerns raised by Mr. Panetta's conduct while at the Central Intelligence Agency.

As director of the CIA, Mr. Panetta has been in charge of CIA programs that killed hundreds, if not thousands, of people in Pakistan.

According to the *Dawn*, Pakistan's oldest and most widely read English-language newspaper, of the 44 Predator strikes carried out by U.S. drones in the tribal areas of Pakistan in 2009, only five were able to hit their actual targets, killing five key al-Qaeda and Taliban leaders, but at the cost of over 700 innocent civilians. For each al-Qaeda and Taliban terrorist killed by U.S. drones, 140 innocent Pakistanis also had to die.

In June 2009, a CIA drone fired a Hellfire missile that destroyed a "suspected militant hideout" in a border village in Pakistan, burying a family inside the ruins of the building. When rescuers rushed to help the injured, the hovering drone fired a second missile, killing 13 of those seeking to help the victims of the first strike. On the next day, a funeral procession for the dead was also hit, killing 80 civilians. The funeral attack was reportedly aimed at Tehreek-e Taliban Pakistan chief Baitullah Mehsud, though officials acknowledged that he was not killed in the salvo.

The New York Times reported in September 2010 that the CIA had drastically increased its bombing campaign in the mountains of Pakistan.

Under the Geneva Conventions and other international laws, it is a war crime to launch indiscriminate attacks affecting the civilian population or civilian objects with the knowledge that such attacks will cause excessive loss of life, injury to civilians, or damage to civilian objects. This distinction between combatants and noncombatants is fundamental to all humanitarian law.

Furthermore, the CIA drone program, as it currently operates, is a system of extrajudicial execution in which people who may or may not be terrorists are

targeted for assassination even when they are nowhere near a battlefield. The CIA has no more legal right to assassinate suspected terrorists on the streets of downtown Karachi than Pakistani intelligence agencies have to assassinate suspected terrorists on the streets of Carmel.

The CIA employees who carry out these attacks from their desks in Langley, Va., are civilians. They are fighters without uniforms or insignia, directly participating in hostilities, employing armed force contrary to the laws and customs of war. The CIA pilots are civilians violating the requirement of distinction—a core concept of armed conflict—by direct participation in hostilities. Like the al-Qaeda and Taliban fighters they target, they are unlawful combatants.

Mr. Panetta was also instrumental in derailing any investigation into the CIA's illegal use of torture, despite treaties that require the United States to investigate and prosecute those who engage in torture. By arguing for impunity for torturers, Mr. Panetta has helped ensure that such atrocities will happen in the future.

The secretary of defense is chief executive officer of the most powerful military force in human history. A candidate for such an important post must possess both respect for human rights and respect for the rule of law. Unfortunately, Mr. Panetta's record at the CIA creates serious doubts as to whether he possesses either.