

The US Drones and their Legality in the Present Humanitarian World

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I. Introduction

The terrorist attacks of September 11, 2001, in United States brought a new era in the conventional warfare. The growing rise of fundamental fanatics and non-state actors in the veil of innocence at large in the international milieu brought new paradigm shift to counter them through covert ways the *Drones* are thus the new face of such changes. Following the 9/11 incident United States government in order to pin-down the al-Qaeda targets for the first time began to use the warfare of drones. According to several media reports, the United States developed two parallel drone programs: one operated by the military, and one operated in secrecy by the CIA. Under the present Obama Administration, the latter program developed and the number of drone attacks in countries such as Pakistan and Yemen has been steadily increased. Since usually these drone programs are operated covertly by the intelligence of CIA, as such it becomes impossible to determine the precise contours of the program, its legal and normative framework, and whether its operators have been lawfully implementing the program. The present paper makes an attempt to focus on this issue and try to find out the legality of its use for such targeted killings under the international humanitarian law. Highlighting on issues like the principles of Just War, legality of the drone attack and the breach of the targeted nation's sovereignty due to the use of such robotic technology and warfare in the present humanitarian world will be the onus of the paper.

II. What are Drones?

Drones also known as the Unmanned Aerial Vehicle (UAV) are unpiloted aerial vehicles that does not carry any human operator, uses aerodynamic forces to provide vehicle life and can be piloted by ground or airborne remotely and having the capacity of carrying lethal or non-lethal payload. This Remotely Piloted Vehicles (RPV) comes in various shapes and sizes from model airplanes to ball shaped Vehicles with helicopter blades. These are highly lethal and combat effective in their performance due to its

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great versatility and relatively low cost without loosening any armed forces.² Although the use of the UAV as a new face of war is nothing new as during the time of the II world war it has been used in multiple ways by nations like America, Soviet, China etc however it was the terror attack on the twin-towers which gave a new impetus to the whole scenario and brought a paradigm shift in the techniques of conventional warfare. At present almost 50 nations of the world has used this the technology to fortify their arsenals out of which China, Israel, Iran are some moreover since 2012 the United States has deployed almost more than 11,000 military drones almost 1 in every 3 aircrafts of USAF has employed these immutable machines.³

Drones spare the lives of pilots, since the unmanned aerial vehicle is flown from a site far from the attack zone. If a drone is shot down, there is no loss of human life. Moreover, on the battlefield drones can be more protective of civilian lives than high aerial bombing or long-range artillery. Their cameras can pick up details about the presence of civilians. Drones can fly low and target more precisely using this information. What drones cannot do is comply with police rules for the use of lethal force away from the battlefield. In law enforcement it must be possible to warn before using lethal force, in war-fighting this is not necessary, making the use of bombs and missiles lawful.

III. Drones: A Viable Economic and Military Option

On September 9, 2011 America was shattered by perhaps the most heinous and deadly terror attack of the decade that targeted the World Trade Center and Pentagon.⁴ Steered by the terrorist group members of al-Qaeda the carnage not only took the life of almost more than 2,981 innocent civilians was one of the most terrifying and startling terror attack of the decade. The President of The United States soon after-math of the attack declared a global war on organized terrorism and Islamic fundamentalism and assured every possible steps necessary to uproot the master mind of the 9/11 terror attack Bin Laden. As a course of its action the US Administration rightly included military action to topple the Taliban and pursue al-Qaeda

² Capt. Brian P. Tice, USAF; *Unmanned Ariel Vehicle: The Force Multiplier of the 1990's*; Air Power Journal; Spring 1991; <http://www.airpower.maxwell.af.mil/airchronicles/apj/apj91/spr91/4spr91.htm>; accessed on 10/04/2015 at 9:33pm

³ Horgen, John; *Unmanned Flight*; National Geographic; March 2013; retrieved <http://ngm.nationalgeographic.com/2013/03/unmanned-flight/horgan-text>; accessed on 10/04/2015 at 10.15pm

⁴ The 9/11 Commission Report; *Final Report of the National Commission on Terrorist Attacks upon the United States*; retrieved; http://www.9-11commission.gov/report/911Report_Exec.htm; accessed on 10/04/2015 at 10.15pm

who were basing in the safe havens of Afghanistan and some tribal regions of Pakistan. Thousands of troops and military personals were deployed in the region with the one and single goal of uprooting the al- Qaeda and its fangs. The motto was single it was the call for a global ‘war on terror’. President of America, George W. Bush made it loud and clear to the world leaders that ‘either you are with us in the war or with the terrorist’, and after the II world war perhaps for the first time the world notices such large scale military movement globally. Along with NATO, CIA and US Navy Seals they launched an attack on the terrorist groups but things were not as easy as it seemed as the enemy was amorphous, adaptable, resilient and highly omnipotent hydra of destruction and there was a serious chances of collateral damage. Gradually in the course of war US administration was scathed by criticism from different section of the globe. Moreover the huge loss of armed personnel and finances in the war brought the nation to verge of serious crisis. Compelled by the situation and observing the economic and military feasibility President George W Bush, in his capacity as Commander-in-Chief, authorized the use of drones against the leaders of al-Qaeda forces in accordance to the Congress’s Authorisation for Use of Military Forces (AUMF) act.⁵ On October 7, 2001 the United States for the first time used weaponised drones during the combat in Afghanistan. They used the Uzbekistan airbase for their drones and continued their covert operations against the Taliban and al-Qaida in the rugged region of Afghanistan.⁶ US was straight and clear in the policy as they believed that being a porous battlefield region it was really not possible to identify and target the terrorist so easily moreover increasing death toll of US army was some serious matter of concern for the nations as back in America various civil society and organization were on their zenith to bring back their men home. Another serious problem which the administration faced was the mater of the breach of sovereignty of the targeted nations.⁷ As President Bush comparing the UAV design and construction, maintenance, and

⁵ CRS Report for Congress; *S. J. Res. 23, 107th Cong. (2001) (enacted)*; Authorization for Use of Military Force in Response to the 9/11 Attacks (P.L. 107-40): Legislative History; January 16; 2007; retrieved from <http://fas.org/sgp/crs/natsec/RS22357.pdf>; accessed on 04/04/2015 at 11:00 am.

⁶ Eric Schmitt, *Threats and Responses: The Battlefield; U.S. Would Use Drones to Attack Iraqi Targets*, November 6, 2006; New York Times; retrieved <http://www.nytimes.com/2002/11/06/world/threats-responses-battlefield-us-would-use-drones-attack-iraqi-targets.html>; accessed on 11/04/2015 at 11:35 pm

⁷ *Protestor demands end to bombing*; BBC News; Saturday, 10, November, 2001; available at: http://news.bbc.co.uk/2/hi/uk_news/england/1648479.stm; accessed on 12/04/2015

See also New York Times Archives on Afghanistan; available at: <http://topics.nytimes.com/top/news/international/countriesandterritories/afghanistan/index.html> accessed on 12/04/2015

operation cost against any potential cost savings due to performance enhancement bring out a proxy war with the introduction of drone warfare which not only significantly reduced the cost of the war but even averted the death of military personals in the collateral damage.

IV. Reaction to the use of drones

Not only the world community but even the strong civil society with the American sub-containment has been since form the time of Bush has been condemning the use of the UAV by the American Army. There has been various accusation and allegation with regard to the lawful use of the drone, their legality in intervening the sovereignty and threatening and abrogating the rights of the nations. Moreover in the present humanitarian world of democratic norms and liberal beliefs; this US's exceptionalism in undermining the very spirit of the human and global rights of the nation and its citizen poses a vital question to the leaders of the world. The successive part of the paper intend to deals with few such dimensions and views.

IV.I Challenging the Principles of Just War

War has just moves to a new level of paradigm shift. With the development and introduction of sophisticated robotics and highly amorphous technology threw has been an emergence of proxy or robotic warfare or proxy war fare. Autonomous Weapon Systems (AWS) or Drones are the new face of modern war, but simultaneously their extremely lethal and uncontrollable power with them they bring serious moral, ethical and legal issues. The enemy remains to invisible, formless and unknown so remains the armies as such in this new era of warfare the old laws and principles of 'War' has now turned out to be redundant.

Patrick Lin, the Director of Ethics and Emerging Sciences Group in his speech at California Polytechnic State University said that 'AWS clearly are game-changers in modern warfare, for better or worse.' Highlighting the ultimate and incomparable power of the Drones Lins elucidated in his speech those they not only enable strikes of greater precision, but they also remove humans from the battlefield, which means less risk to our side.⁸ However perhaps the greatest loophole or demits of this as Lin says is that less risk also means lower barriers in entering conflicts. Sometimes, this means we can do the right thing more quickly, but it could also mean we're rushing into conflicts without enough forethought and without exhausting non-violent options. Moreover, the psychological effects of the unmanned

⁸ Davies, Sean; *Drone Warfare and the Geneva Convention*; Engineering and Technology Magazine; Volume - 6; Issue 8; available at: <http://eandt.theiet.org/magazine/2011/08/just-war.cfm> accessed on 12/04/2015.

aerial vehicles (UAV) post attack over the innocent civilians who are the victims of the war are unaccountable. It has thus raised challenges to the long-held 'just war' theory, which is the basis for international laws of armed conflict which includes 'jus ad bellum', 'jus in bello', and 'jus post bellum' issues – or issues in going to war, in fighting a war, and after a war. Furthermore the critics of Drone Warfare also argues that since the machine gives and an overwhelming military advantage to one side that war is no longer fair and that this violates just-war theory. The rise of these machines also challenges the very principle of military necessity, proportionality and distinction of Geneva and Hague Conventions on the grounds that they are not abided by the principle of discrimination simply cannot distinguish combatants from non-combatants, as required by the built into international law.⁹ Moreover the Geneva Conventions and their additional protocols are at the core of international humanitarian law, the body of international law that regulates the conduct of armed conflict and seeks to limit its effects. But when it was drafted back in 1949, AWS were still consigned to the pages of science fiction and today arguments are still raging about how it related to the use of robotic systems and robots themselves. Thus the very principle of fairness in war is challenged by the perfidy or treacherous nature of these Drones which may seem paradoxical or at least highly unintuitive to modern society. Similarly the International Committee of the Red Cross (ICRC) already prohibits weapons that are excessively lethal. This means a field mortality of more than 25 per cent – that is, no more than one in four soldiers may die on the battlefield as a result from being hit by a weapon and a hospital mortality of more than 5 per cent, as such AWS with perfect targeting capabilities, always (or even mostly) killing what it shoots at, would seem to violate this norm.¹⁰

Professor Ronald C Arkin, of Georgia Institute of Technology, and author of the best-selling book 'Governing Lethal Behaviour in Autonomous Robots' says. 'The answer is quite simply we don't know. The question needs to be asked about what are the bound and scope of these systems and do they require additional regulation or not.'¹¹

⁹ *THE GENEVA CONVENTIONS OF 1949 AND HAGUE CONVENTION NO. IV OF 1907*; Headquarters Department of The Army No. 27-1 Washington, D.C., 29 August 1975 Available at: http://www.loc.gov/rr/frd/Military_Law/pdf/ASubjScd-27-1_1975.pdf accessed on 12/04/2015

¹⁰ War & Law; International Committee on Red Cross; Available at: <https://www.icrc.org/en/war-and-law>; accessed on 12/04/2015

¹¹ Davies, Sean; *Drone Warfare and the Geneva Convention*; Engineering and Technology Magazine; Volume - 6; Issue 8; available at: <http://eandt.theiet.org/magazine/2011/08/just-war.cfm> accessed on 12/04/2015.

IV.II Rebuffing the Humanitarian Laws

Although the US President George Bush designated Afghanistan as a combat zone in their global war on Terror yet despite such they have been using the drones in other areas of the world such as Yemen and Pakistan, in the lieu of the targeting the offshoots of al-Qaeda. They have rather legalized policy of using the AWC's for uprooting of the members of the al-Qaeda and its affiliations in any place or region of the world.¹² This offensive and expansive geographical policy of US use of drones against al-Qaeda has from time to time received severe criticism and condemned by a large number of international communities, organizations and nations. To them, this policy of US has not-only also posed a serious threat on the humanitarian laws but has facade the very essence of internal sovereignty of the nations at large. However despite such condemnations Bush and his officials kept on defending and encouraging the very use of the drones in the warfare on the grounds that they confirm to the international laws. Bush's successor Barrack Obama moved a step further. In order to legalize the American drone programme his officials provided a further detailed legal justification by the State Department of State's Legal Advisor, Harold Koh. Koh on March 25, 2010 at the annual meet of American Society for International Law meet justifying the American warfare of Drone argued that 'it is the considered view of this Administration.....that U.S targeting practices, including lethal operations conducted with the use of unmanned aerial vehicles, comply with all applicable law, including the laws of war.' Moreover Koh also argued that targeted killing by the US forces were also justified as they are performed in accordance with the law of war and are also ensured that in those targeted strikes the legitimacy and collateral damages are hardly counted.¹³ While addressing in his speech Koh also justified the legality of drone warfare on for major grounds: First, enemy leaders are legitimate targets because they are belligerent members of an enemy group in a war with the United States. Second, drones can constitute appropriate instruments for such missions, so long as their use conforms to the laws of war. Third, enemy targets are selected through "robust" procedures; as such, they require no legal process and are not "unlawful extrajudicial" killings. Finally, Koh argued that using drones to target "high level belligerent leaders" does not violate domestic law banning

¹² Michael W. Lewis & Vincent J. Vitkovsky, *The Use of Drones and Targeted Killing in Counterterrorism*, The Federalist Society for Law & Public Policy Studies; ENGAGE: Vol: 12: Issue1: June 03, 2011.

¹³ *The Obama Administration and International Law*; Harold Hongju Koh, Legal Adviser, U.S. Dep't of State, Address at the Annual Meeting of the American Society of International Law 14, available at: <http://www.state.gov/documents/organization/179305.pdf> (Mar. 25, 2010); accessed on 11/04/2015 at 11:35 pm

assassinations.¹⁴ The UAV program is described by many in the intelligence world as America's single most effective weapon against Al Qaeda. In May, Leon Panetta, the C.I.A.'s director, referred to the Predator program as "the only game in town" in an unguarded moment after a public lecture. Counterterrorism officials credit drones with having killed more than a dozen senior Al Qaeda leaders and their allies in the past year, eliminating more than half of the C.I.A.'s twenty most wanted "high value" targets. Juan Zarate, the counterterrorism adviser, of former US President G. Bush advocating the legality and its usefulness believes that it's because of this new warfare that has brought the "Al Qaeda is on its heels" and estimates that no more than fifty members of Al Qaeda's senior leadership still exist, along with two to three hundred senior members outside the terror organization's "inner core." Zarate and other supporters of the Predator program argue that it has had positive ripple effects.¹⁵ However despite such success and unbeatable triumph of the UAV programmes it has steered a deeper ethical concern from various section of the society. The most prominent among them is perhaps the book 'Just and Unjust Wars' by Michel Walzer where he is unsettled by the notion of intelligence agencies who wields such lethal power in secret. His book "Under what code does the C.I.A. operate? What are the judicial mechanisms under which the military operates while handling the legal core, who are the targeted people why isn't the list be made publicly defensible and available. Whys isn't there any justification about the targeted killings are some of the vibrant issues that Walzer raise up in his book. Philips Alston the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions of the United Nation, has been trying to unearth the basic questions about the cover Drone programme by the CIA since 2004 but has unfortunately never been justified and even although presenting a critical report on the drone program "are being operated in a framework which may well violate international humanitarian law and international human rights law." to the U.N. Human Rights Council, the U.S. representatives ignored his concerns.¹⁶ Mr Alston in his report raise

¹⁴ *The Obama Administration and International Law*; Harold Hongju Koh, Legal Adviser, U.S. Dep't of State, Address at the Annual Meeting of the American Society of International Law 14, available at: <http://www.state.gov/documents/organization/179305.pdf> (Mar. 25, 2010); accessed on 11/04/2015 at 11:35 pm

¹⁵ Mayer, Jane; *The Predator War: What Are the Risks of the C.I.A.'s Covert Drone Program?*, THE NEW YORKER, October 26, 2009; available at: <http://www.newyorker.com/magazine/2009/10/26/the-predator-war>; accessed on 11/04/2015 at 11:35 pm

¹⁶ *US Warned on Deadly Drone Attacks*, BBC News; October, 20; 2009; available at: <http://news.bbc.co.uk/2/hi/8329412.stm> accessed on 11/04/2015 at 11:35 pm
Also see, Mayer, Jane; *The Predator War: What Are the Risks of the C.I.A.'s Covert Drone Program?*, THE NEW YORKER, October 26, 2009; available at:

the issue that that most targeted killings are illegal under international law; only a very small number of such killings, performed under carefully crafted circumstances, could potentially comply with the relevant rules of *jus ad bellum* and *jus in bello*, and only if one accepts the premise that the United States is engaged in an armed conflict against al-Qaeda. Under international law, in order for the U.S. government to legally target civilian terror suspects abroad it has to define a terrorist group as one engaging in armed conflict, and the use of force must be a “military necessity.” There must be no reasonable alternative to killing, such as capture, and to warrant death the target must be “directly participating in hostilities.” The use of force has to be considered “proportionate” to the threat. Finally, the foreign nation in which such targeted killing takes place has to give its permission. Many lawyers who have looked at America’s drone program in Pakistan believe that it meets these basic legal tests. But they are nevertheless troubled, as the U.S. government keeps broadening the definition of acceptable high-value targets.

IV.III. Threatening internal sovereignty

The concept of sovereignty is the core attribute of the modern state, traces back its origin in Seventeenth Century Europe. Having a dual dimension with regards to the relation of the state to its citizens; and relation of states to other states, it for the first time got expressed in the treaty of Westphalia. However, in today’s politics, where the primary concern lies about national security dominate public policy debate, the concept of sovereignty is once more under reassessment. Among the most vehemently criticised aspect of the use of the drone technologies in the present day conventional warfare perhaps the scathing one come from the point of view of its threat against the sovereignty and autonomy of any nation. It is a well established fact, that the main violators of a sovereignty are the armed men with a clear mission, that an opponent nation has to be weakened and destabilized in any case, but after scrutinizing the case of Pakistan and Yemen, unmanned vehicles of United States are not only breaching the boundaries of the two nations but are violating the sovereignty in the name of peaceful proliferation. The recent report on drones by Stimson Centre is one of the most thorough, extraordinarily comprehensive and balanced statements on its breach of the targeted nation’s sovereignty. As per the report their ability of Drones for a seemingly, stealthy covert attack that enables a greater degrees of plausible deniability and the divorcing of actions from an immediate consequences over the targeted nation. While drones are more controversial, emerging cyber realities have tested notions of sovereignty like few things have in the Westphalian system

<http://www.newyorker.com/magazine/2009/10/26/the-predator-war>; accessed on 11/04/2015 at 11:35 pm

since the concept emerged in the 17th century. To date attacks by states using cyber technologies have been non-lethal, which in turn has made their challenge to notions of sovereignty seem less controversial and certainly less polarising than military strikes by drones. At some point, these expanding notions of sovereignty may have crossover effects that will most likely give greater legal and normative cover to the lethal use of drones. We have already seen the language of arms control agreements like the Arms Trade Treaty and the Missile Technology Control Regime enters cybersphere negotiations.¹⁷ Ben Emmerson, the UN's Special Rapporteur on Counter Terrorism and Human Rights after three days of meetings with Pakistani officials issued the following statement, the UN's loudest condemnation of the CIA's drone assassination campaign in Pakistan to date: Pakistan does not consent to the use of drones by the United States on its territory and it considers this to be a violation of Pakistan's sovereignty and territorial integrity. As a matter of international law the U.S. drone campaign in Pakistan is therefore being conducted without the consent of the elected representatives of the people, or the legitimate government of the state. It involves the use of force on the territory of another State without its consent and is therefore a violation of Pakistan's sovereignty. Pakistan has called on the U.S. to cease its campaign immediately.¹⁸ On December 2013, Masood Khan, in an interview serious reproving the attack of US Drones argues that U.S. drone strikes on Pakistani territory are effective, they are a violation of Pakistan's sovereignty and fuel anger against Washington and Islamabad.¹⁹

IV.IV. Unaccountable collateral damages:

In a speech at Northwestern University School of Law, US Attorney General Eric Holder speaking on the Obama Administration's view on the legality of targeted killings, and the use of the UAV technology including killings of American citizens, claimed that targeted killings of citizens are legal if the targeted citizen is located abroad, a senior operational leader of al-Qaeda or associated forces, actively engaged in planning to kill Americans, poses an imminent threat of violent attack against the United

¹⁷ Abhijit Iyer-Mitra; *Why Drone's will challenge sovereignty but won't proliferate*; Smithson; August 29, 2014; available at: <http://www.stimson.org/spotlight/why-drones-will-challenge-sovereignty-but-wont-proliferate/> accessed on 12/04/2015 at 10:09pm

¹⁸ "Pakistan: Statement by the UN Special Rapporteur on human rights and counter-terrorism." *Office of the High Commissioner of Human Rights*, available at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13148&LangID=E>; accessed on 12/04/2015 at 6:24 pm.

¹⁹ Masood Khan's Interview: US Envoy says Drone strikes violates Pakistan's Sovereignty; available at: <http://www.rferl.org/content/drones-pakistan-un/25206076.html>; accessed on 12/04/2015 at 6:24 pm.

States (as determined by the U.S. government), and cannot be captured; such operations must be conducted in a manner consistent with applicable law of war principles.²⁰ However a sheer disagreement with regard to its inconceivable effect has been uploaded by Peter W. Singer, the author of book ‘Wired for War’ about the robotics revolution in modern combat, argues that the drone technology is worryingly “seductive,” because it creates the perception that war can be “costless.” Cut off from the realities of the bombings in Pakistan and Yemen, Americans have been insulated from the human toll, as well as from the political and the moral consequences. Nearly all the victims have remained faceless, and the damage caused by the bombings has remained unseen. As a result, no videos of a drone attack in progress have been released, and only a few photographs of the immediate aftermath of a Predator strike have been published. Peter W. Singer, the author of “Wired for War,” a recent book In contrast to Gaza, where the targeted killing of Hamas fighters by the Israeli military has been extensively documented—making clear that the collateral damage, and the loss of civilian life, can be severe—Pakistan’s tribal areas have become largely forbidden territory for media organizations. Some social critics, such as Mary Dudziak, a professor at the University of Southern California’s Gould School of Law, argue that the Predator strategy has a larger political cost. As she puts it, “Drones are a technological step that further isolates the American people from military action, undermining political checks on . . . endless war.”²¹ The successive study aimed to identify “multiple kills”, those who have been reported targeted and / or killed by a US air strike (drone or otherwise³⁶) on more than one occasion. Reports of deaths by government officials have been used as a proxy indicator showing instances of targeting. As per data of International Security about Drone wars in Pakistan and Yemen it came out that till date there have been 396 total strikes over Pakistan which had killed 2227-3612 out of which more than 307 were innocent civilians and 334 were unknown deaths. Similarly the site provides the database of drone attacks in Yemen which counts a total of 122 strikes killing 873-1100 deaths out of which 81-87 were innocent civilians and 32-51 were unknown deaths. The following informations retrieved by the Bureau of Investigative Journalism (TBIJ) from November 2002 divulge the facts realities of the innocent civilian death in the lieu of ‘targeted killings’ in Pakistan and Yemen.

²⁰ The United States Department of Justice; Attorney General Eric Holder; Speech at Northwestern University School of Law; Monday March. 5, 2010; available at: <http://www.justice.gov/opa/speech/attorney-general-eric-holder-speaks-northwestern-university-school-law>; accessed on 11/04/2015 at 11:35 pm

²¹ Mayer, Jane; *The Predator War: What Are the Risks of the C.I.A.’s Covert Drone Program?*, THE NEW YORKER, October 26, 2009; available at: <http://www.newyorker.com/magazine/2009/10/26/the-predator-war>; accessed on 11/04/2015 at 11:35 pm

Kill list Targets 'hit' Multiple Times in Public Reporting²²

PAKISTAN

Named Target Dead or Alive	Times Killed	Total Killed
1 Abdul Jabbar Dead	2	19
2 Abu Hamza Rabia Dead	2	16
3 Abu Kasha Dead	2	33
4 Abu Khabab al-Masri Dead	2	34
5 Abu Sulayman al-Jazairi Dead	2	30
6 Abu Ubaidah al-Masri Dead	3	120
7 Abu Wafa al-Saudi Dead	2	17
8 Abu Yahya al-Libi Dead	2	28
9 Atiyah abd al-Rahman Dead	2	11
10 Ayman al-Zawahiri Alive	2	105
11 Badruddin Haqqani Dead	3	53
12 Baitullah Mehsud Dead	7	164
13 Haji Omar Unknown	2	27
14 Hakimullah Mehsud Dead	5	68
15 Ilyas Kashmiri Dead	4	35

²² You Never Die Twice: Multiple Kills in the US Drone Programmes; available at: http://www.reprive.org/uploads/2/6/3/3/26338131/2014_11_24_pub_you_never_die_twice_-_multiple_kills_in_the_us_drone_program.pdf accessed on 11/04/2015 at 11:35 pm

16 Jalaluddin Haqqini Alive	2	34
17 Mohammed Usman Dead	2	23
18 Mullah Nazir/Maulvi Nazir Dead	3	24
19 Mullah Sangeen Zadran Dead	3	108
20 Mustafa Abu Yazid Dead	4	46
21 Qari Hussain Dead	6	128
22 Sadiq Noor Dead	4	57
23 Salah Al-Somali Dead	2	10
24 Sirajuddin Haqqani Alive	5	82

YEMEN

Named Target Dead or Alive	Times Killed	Total Killed
1 Abdel-Raouf Naseeb Dead	2	9
2 Abdulraoif al-Dhahab Alive	4	22
3 Nabil al-Dhahab Dead	2	25
4 Adel al-Abab Dead	2	7
5 Ammar Obada al-Waili Dead	2	13
6 Anwar Al-Awlaki Dead	4	44
7 Ayed Jaber al-Shabwani Dead	3	19
8 Fahd al-Qusaa or Quso Dead	4	48

9 Ibrahim al-Asiri	4	22
Alive		
10 Nader Shadadi	4	34
Dead		
11 Nasser Abdul Karim al-Wuhayshi	2	38
Alive		
12 Qaid Ahmad Nasser al-Dhahab	3	14
Dead		
13 Qassim al-Raimi	6	28
Alive		
14 Rabae Lahib	2	9
Dead		
15 Shaykh Salih al-Banna	5	33
Dead		
16 Said al-Shihri	4	57
Dead		
17 Shawki al-Badani	2	32
Dead		

Moreover in due to the drone attacks in Pakistan twenty-four men were reported killed or targeted multiple times in Pakistan. Missed strikes on these men killed 874 other people, and account for the 35% of all confirmed civilian casualties in Pakistani drone strikes. They also resulted in the deaths of 142 children. Each person was killed an average three times. There are reports that at least three of these men Ayman al-Zawahiri, Sirajuddin Haqqani, and Jalaluddin Haqqani are still alive, despite multiple attempts to kill them, in total, attempts to kill these three individuals have instead killed 213 other people, including 103 children.²³ The targeted Abu Ubaidah al Masri died three times in US drone strikes, only he never did. Instead, 120

²³ Zawahiri Ayman; BBC News, Asia; *Al-Qaeda's remaining leaders*, 7 December 2014, available at: <http://www.bbc.com/news/world-south-asia-11489337> accessed on 13/04/2015
Also See: US Department of States; Media Note; Office of the Spokesperson; *Rewards for Justice – Reward Offers for Information on Haqqani Network Leaders*; 20 August 2014, Washington D.C. available at: <http://www.state.gov/r/pa/prs/ps/2014/230778.htm>.; accessed on 13/04/2015
Also Refer: BBC News, Asia; *The Afghan-Pakistan militant nexus*, 5 February, 2013, available at <http://www.bbc.co.uk/news/world-asia-21338263>; accessed on 13/04/2015 at 10.43pm

people others died in those strikes.²⁴ In the six attempts it took the US to kill Qari Hussain, alleged deputy commander of the Tehrik-e-Taliban Pakistan (TTP), 128 people were killed including 13 children.²⁵ Baitullah Mehsud was directly targeted potentially as many as seven times, during the course of which 164 people were killed, including 11 children. His area was targeted at least a further 9 times, resulting in the deaths of 123 additional people.²⁶ 82 people, including 14 children, were killed over four repeated attempts to kill Sirajuddin Haqqani, a senior leader of the Haqqani Network.²³ From 2004-2013, children suffered disproportionately in Pakistan. 142 children were killed while pursuing 14 high value targets. Only six of these children died in strikes in killing their intended target when children were present. On average, almost 9 children lost their lives in attempts to kill each of these 14 men. Reprieves on the ground investigations have uncovered at least one case of mistaken identity. The UAV technology has also swathed Yemen in the death and blood of the innocence for the so called 'target killing. Seventeen men in Yemen were reported killed or targeted multiple times. Missile strikes on these men killed 273 other people and accounted for almost half of all confirmed civilian casualties and 100% of all recorded child deaths. Each person was killed on average well over three times each. Yet, evidence suggests that at least four of these 17 men Qassim al-Raimi, Nasser Abdul Karim al-Wuhayshi, Ibrahim al-Asiri, and Abdulraouf al Dahab are still alive.²⁷

²⁴ The Independent; *Terror Chief Killed in Pakistan missile attack*; Thursday, January 19, 2006; available at <http://www.independent.co.uk/news/world/asia/terror-chief-killed-in-pakistan-missile-attack-523676.html>; accessed on 13/04/2015 at 10.43pm

Also Refer: The Times; Asia; Philippe Naughton and Agencies; *Missile strike school 'linked to al-Qaeda No. 2 and air plot man'*; October, 31, 2013; available at <http://www.thetimes.co.uk/tto/news/world/asia/article2610220.ece>; accessed on 13/04/2015 at 10.43pm

²⁵ The New York Times; Asia Pacific; *US Drone Strike said to kill 60 in Pakistan*; available at: <http://www.nytimes.com/2009/06/24/world/asia/24pstan.html?ref=global-home>; accessed on 13/04/2015 at 10.43pm

Also Refer: ALJAZEERA; *Pakistani Taliban Leader 'Killed'*; October, 6, 2012 available at <http://www.aljazeera.com/news/asia/2010/10/2010101613368821202.html>; accessed on 13/04/2015 at 10.43pm

Also Refer The Express Tribune; *North Waziristan: 19 killed as US steps up drone strikes*; January, 2; 2012; available at <http://tribune.com.pk/story/97702/twin.drone.strikes.kill.9.in.north.waziristan/>; accessed on 13/04/2015 at 10.43pm

²⁶ "Drone Wars in Pakistan: Analysis", International Security; Pakistan Drones. Retrieved: <http://securitydata.newamerica.net/drones/pakistan/analysis.html> accessed on 12/04/2015 at 6:24 pm.

²⁷ Yousef Basil & Catherine Shoichet, *Al Qaeda: We're sorry about Yemen hospital attack*, CNN; 22 December 2013, Available at:

V. Conclusion

The usage of UAVs in extrajudicial killings of alleged extremists, terrorists as well as insurgents by US administration, cannot be justified from any standpoint. Though, there is no doubt that, such attacks has instilled a sense of fear in the regions, which were considered to be safe havens for such groups, especially in the regions of Waziristan and FATA in Pakistan and Sanaa in Yemen. But the amount of collateral damage that is associated with such attacks remains significant and as the attacks are being carried out by unmanned aerial vehicles, where the command and control center is located entirely in another country, falling in a different time zone, it falls within the grey area of human rights violations. Being dealt with the nature of US exceptionalism that is demanded by the US especially in the promotion of democracy and war on terror, one need to address to find a solution that could avoid extra judicial killings in the future as well as reducing the number of fatalities that is recorded as collateral damage to the minimum.

<http://edition.cnn.com/2013/12/22/world/meast/yemen-al-qaeda-apology/>;
accessed on 12/04/2015 at 6:24 pm

Also See: BBC News, Asia; *The Afghan-Pakistan militant nexus*, 5 February, 2013, available at <http://www.bbc.co.uk/news/world-asia-21338263>; accessed on 13/04/2015 at 10.43pm