

RAYMOND DAVIS FACING FELONY ASSAULT CHARGE; WHAT HAPPENED TO MURDER INVESTIGATION?



Raymond Davis on the day of his arrest. (screengrab from YouTube <http://www.youtube.com/watch?v=x-kcRDhatoM>)

Raymond Davis is to make a second appearance in a Colorado courtroom today, as prosecutors have upgraded the assault charge against him from misdemeanor to felony level. The charge arises from an argument and fight over a parking space at a suburban Denver bagel shop on Saturday morning. While the descriptions that have emerged of the fight suggest that it is appropriate for Davis to face this charge, the appearance of Davis in a criminal proceeding raises a larger question. Back when Davis was still in Pakistani custody, one of the arguments presented by the US in trying to obtain his release was that Davis would face investigation and potential prosecution for the killing of two Pakistanis once he was back in the US. Davis

was released March 16, but no reports of him facing even an investigation, let alone charges, from the killings in Pakistan have emerged.

The Los Angeles Times has details on the Saturday fight:

The fight was reported Saturday outside Einstein Bros. Bagels in Highlands Ranch. Authorities have released few details about the fight and did not identify the other person involved, and a Douglas County sheriff's spokesman did not return calls or email late Monday.

But KUSA-TV in Denver reported that Jeff Maes was the man allegedly assaulted by Davis. Maes told KUSA-TV that the fight began over a parking space in the crowded lot about 9 a.m.

"Instead of going by and saying, 'Hey that was my spot,' he goes behind me, rolls his window down and starts cussing me out," Maes said.

He added that the altercation quickly escalated as his wife and two young daughters watched.

"I said, 'You need to relax,' " Maes said. "I said, 'This is stupid,' I turned, and he hit me."

Just one month before Davis was released, Senator John Kerry traveled to Pakistan to lobby high level Pakistani government figures for Davis' release. One of the enticements Kerry offered was that Davis would face investigation for killing the two Pakistanis in Lahore once he returned to the US:

The Guardian described Kerry's efforts:

Senator John Kerry, the former US presidential candidate, is holding high-level meetings in Pakistan in an attempt to defuse a diplomatic crisis involving a US embassy worker who shot dead two

Pakistanis last month.

Kerry has scheduled talks with the prime minister, Yousuf Raza Gilani, and the head of the army, General Ashfaq Parvez Kayani, over the case of Raymond Davis, which has pushed anti-American sentiment in Pakistan to fever pitch.

The article then gives Kerry's assurance that Davis would face investigation in the US:

Ahead of today's discussions, Kerry expressed regret over the deaths and promised that Davis would face a US criminal investigation if he were to be released by the Pakistani government.

"It is customary in an incident like this for our government to conduct a criminal investigation. That is our law. And I can give you the full assurance of our government today that that will take place," Kerry told reporters in the eastern city of Lahore. "So there is no such thing as a suggestion that something is out of law or that America thinks somehow we're not subject to the law."

It would appear that Kerry was just blowing smoke and that at least when it comes to Davis killing two people in Pakistan, Davis was indeed "not subject to the law". At the very least, if the investigation Kerry promised is ongoing, it is being conducted in utter secrecy. However, it appears that Davis is not above the law when it comes to the local authorities in suburban Denver.

Kill two people in a foreign country, stirring up massive anti-American protests in the process, and the government will spare no expense in freeing you with no further consequences, but punch a man over a parking space in an Einstein Brothers parking lot and face the full fury of the law. Ain't justice in

the US grand?

CNN CARRIES DOJ WATER IN REPEATING WEAK AMERITHRAX ACCUSATIONS AGAINST IVINS

In an article published on CNN.com on Saturday and a program aired Sunday evening, CNN does their best to lend credence to DOJ's shoddy work that resulted in the unsupported conclusion that Bruce Ivins acted alone in the anthrax attacks of 2001. Remarkably, in their effort to shore up DOJ's weak evidence, CNN chose to emphasize one of the weakest links used to tie Ivins to the attacks.

The article and program center on Ivins' apparent fixation on the Kappa Kappa Gamma sorority. One former object of Ivins' attentions, researcher Nancy Haigwood, is relied upon almost exclusively for making the leap from Ivins' obsession with the sorority to his role in the anthrax attacks. The article relates the early interactions between Haigwood and Ivins:

Haigwood had met Bruce Ivins in the mid-1970s during graduate school at the University of North Carolina at Chapel Hill. She recalled his incessant questions about her sorority, Kappa Kappa Gamma.

Having joined the sorority as an undergraduate, Haigwood stayed involved as the adult adviser at the UNC chapter. Ivins, she says, always asked her for

information about Kappa Kappa Gamma.

“Every time I talked to him, nearly, he would mention it,” says Haigwood. “And finally I said, ‘You know, Bruce, that’s enough!’”

As time went on, Ivins continued to contact Haigwood and apparently submitted a false letter to the editor of a newspaper under her name and vandalized her car. Haigwood began to suspect Ivins in the attacks because of an email he sent to her and others in November, 2001 highlighting his work with the anthrax isolated from the attacks. In one a photo in the email, he is handling culture plates without gloves, a break of containment protocol for working with such dangerous material. Haigwood felt that by sending out this photo, Ivins was emphasizing his immunity to anthrax because he had been vaccinated.

In January of 2002, the FBI emailed members of the American Society of Microbiology, asking for help in identifying suspects in the attack.

Only Haigwood replied to this request and she submitted Ivins’ name.

Once the FBI finally got around to concentrating on Ivins as their primary suspect, they had to undergo some very significant contortions in order to incorporate the Kappa Kappa Gamma obsession into the “evidence” of Ivins’ guilt:

Prosecutors were convinced they had solved a crucial aspect of the mystery: why the anthrax letters were mailed from Princeton, New Jersey. The nondescript but heavily contaminated drop box was on Nassau Street – across from Princeton University.

It had taken several years from the time Nancy Haigwood first contacted the FBI about Bruce Ivins for investigators to make what they believe to be the critical connection:

The mailbox on Nassau Street was just a few doors from a building that leased office space to a sorority: Kappa Kappa Gamma.

That's it: according to the FBI, Ivins has to be the guilty party and his Kappa Kappa Gamma obsession led him to drive about three and a half hours from where he lived and worked, in order to mail the anthrax letters from a mailbox a few doors away from an office space rented by the sorority.

But this shaky claim already has been thoroughly destroyed. In this post from August, 2008, Marcy showed that Ivins' work records—from data released by the FBI—indicate that it would not have been possible for him to make the round trip to Princeton and put the letters in the mailbox with them getting the appropriate postmark:

It would not be possible for Ivins to have mailed the anthrax. According to my calculations above, the window during which Ivins could have put the letter in the mailbox on September 17 was from 10:25 to 1:35. But here's what the FBI itself says about the window in which the letter was mailed:

The investigation examined Dr. Ivins's laboratory activity immediately before and after the window of opportunity for the mailing of the Post and Brokaw letters to New York which began at 5:00 p.m. Monday, September 17, 2001 and ended at noon on Tuesday, September 18, 2001. [my emphasis]

In other words, had he mailed the anthrax when they're arguing he did, the letter would have been picked up at the 5:00 PM pick-up (if not an earlier

one—often boxes have a mid-day pick-up as well), and post-marked on September 17, not on September 18.

When DOJ adjusted their claims on the mailing slightly, Marcy was able to point out that adjustment also was faulty.

Also not explained by DOJ or CNN is why Ivins chose to go all the way to Princeton and use a mailbox near an office (where there likely would have been employees of the sorority but few if any undergraduate members) when there are other Kappa Kappa Gamma chapters closer to where Ivins lived:

All of which ought to raise the stakes on the FBI's really dubious explanation for why Ivins purportedly mailed the anthrax in Princeton. After all, there are Kappa Kappa Gamma chapters at George Washington in DC, at Johns Hopkins in Baltimore, and Washington and Lee in Lexington, VA—all much closer to Ft. Detrick than Princeton. So what's the explanation for driving to Princeton (twice), when Ivins could have associated the anthrax mailing with KKG which much less effort if he had mailed it from any of a number of other schools.

It's a real mystery why CNN chose to try to shore up DOJ's weak case against Ivins. In their defense, they do include these two paragraphs in the online story:

Ivins denied having anything to do with the anthrax letters. And investigators had no direct evidence linking Ivins to the crime: no DNA on the letters, no fingerprints, no eyewitness.

"How [the anthrax] was made, how it was prepared, where it was done, over what period of time — there's a total void of evidence," Ivins' attorney, Paul Kemp,

| said in a recent CNN interview.

Those weaknesses, however, were simply brushed aside by CNN as they happily joined DOJ in making the leap from Ivins' harassment of Haigwood to making the Kappa Kappa Gamma obsession a central part of their "proof" Ivins carried out the anthrax attacks entirely on his own.

Because DOJ has officially closed the Amerithrax investigation, it is highly unlikely that the true culprit or culprits in this attack will ever be known. CNN, however, is doing its part to make sure the DOJ's unsupported conclusion is cemented in the minds of the low information public.

PAKISTAN UPDATE: GRAHAM ADVOCATES ESCALATION, CHAMAN CROSSING CLOSED AFTER TANKER BOMBED

In the latest developments in the US-Pakistan war of words, the Pakistani Prime Minister said the US must stop blaming Pakistan, Senator Lindsey Graham (R-SC) suggested the US should start using bombers in the region held by the Haqqani network and the Chaman crossing, one of two major border crossings into Afghanistan used as US supply routes, has been closed after a bomb detonated, killing a disposal expert.

In remarks broadcast on television less than an hour ago as of this writing, Pakistan's Prime Minister Yusuf Raza Gilani warned the United States to stop blaming Pakistan for regional instability:

“The blame game should end, and Pakistan’s sensitive national interests should be respected,” Yusuf Raza Gilani said in comments carried live on local television stations.

Gilani’s remarks were prompted in part by Lindsey Graham raising his anti-Pakistan rhetoric yet another level. From the same Reuters article:

Graham said in an interview with Reuters that U.S. lawmakers might support military options beyond drone strikes that have been going on for years inside Pakistani territory.

Those options may include using U.S. bomber planes within Pakistan. The South Carolina Republican said he did not advocate sending U.S. ground troops into Pakistan.

“I would say when it comes to defending American troops, you don’t want to limit yourself,” Graham said. “This is not a boots-on-the-ground engagement – I’m not talking about that, but we have a lot of assets beyond drones.”

Almost exactly a year ago, on September 30, 2010, the Torkham Crossing from Pakistan into Afghanistan was closed in retaliation for the US killing three Pakistani soldiers in a botched cross-border operation. The closing of this key supply route was a major move, and a number of fuel tankers subsequently were burned as they were idled in various locations around Pakistan. Today, we learn that the Chaman Crossing was closed a couple of hours ago in response to a bomb disposal expert being killed when the bomb he was attempting to disarm detonated:

Pakistani authorities have closed one of the two border crossings used by trucks carrying NATO war supplies into Afghanistan after a bomb hit an oil

tanker.

Police officer Mohammad Tayab was quoted as saying by media reports that the Chaman border crossing was closed “for security reasons” after an explosion on Thursday killed a bomb disposal expert who was trying to defuse the device.

It has not been announced how long the crossing will remain closed, but I would not be surprised if the investigation into the bombing of the tanker will be cited as a reason for keeping the crossing closed for several days. Should that happen, a key development to watch for will be whether additional tankers caught in the back-up will be attacked. In last year’s closure of the Torkham Crossing, there were suggestions that the number of tankers attacked could only be explained if one assumed that Pakistan reduced the level of security being provided for transport convoys. Will the same thing happen again this year?

PAKISTAN ISSUES NEW WARNING TO US; MULLEN ACCUSATIONS SOFTENED

There are new developments this morning in the latest war of words between the US and Pakistan.

Pakistan’s Express Tribune reports that an official familiar with what transpired claims that the head of Pakistan’s ISI informed CIA chief David Petraeus last week that should the US take unilateral military action against the Haqqani network in Pakistan, then Pakistan “will be forced to retaliate”. At the same time, anonymous sources are telling the Washington

Post that Joint Chiefs Chair Michael Mullen's remarks last week to the Senate Armed Services Committee were "overstated". That is especially significant since the Express Tribune article notes that Mullen's remarks played a role in the ISI getting to the point of issuing its warning to the CIA.

From the Express Tribune:

The effort to ensure that diplomacy and calmer heads prevail at a time of fragile relations between Pakistan and the United States is on. However, the effort notwithstanding, Islamabad has made it clear to Washington that, if it comes down to it, Pakistan will be forced to retaliate if American forces attempt to launch a unilateral strike on the country's tribal belt.

The message was personally delivered by Inter-Services Intelligence agency (ISI) Chief Lt General Ahmed Shuja Pasha to Central Intelligence Agency (CIA) chief General David Petraeus during his recent trip to Washington, said an official familiar with the development.

The official, who spoke on condition of anonymity, told The Express Tribune that Pasha had informed his counterpart that the Pakistani people will not tolerate any US misadventure and in that case the government will be left with no other option but to retaliate.

Senior ISI members, the official said, had felt 'betrayed' by the blunt assessment of the US Chairman Joint Chiefs of Staff Admiral Mike Mullen that the spy agency had links with the Afghan Taliban-allied Haqqani network. In a stinging remark, Mullen accused ISI of supporting one of the most feared Afghan insurgent groups to target US forces stationed in Afghanistan.

The article goes on to point out that numerous high level meetings between US and Pakistani officials continue.

Meanwhile, back in the US:

Adm. Mike Mullen's assertion last week that an anti-American insurgent group in Afghanistan is a "veritable arm" of Pakistan's spy service was overstated and contributed to overheated reactions in Pakistan and misperceptions in Washington, according to American officials involved in U.S. policy in the region.

The internal criticism by the officials, who spoke on the condition of anonymity because they did not want to challenge Mullen openly, reflects concern over the accuracy of Mullen's characterizations at a time when Obama administration officials have been frustrated in their efforts to persuade Pakistan to break its ties to Afghan insurgent groups.

It turns out that the primary evidence linking the US Embassy attack and the Haqqani network is not as clear-cut as some in Washington were claiming. Although Mullen claims to have been unaware of the cell phone evidence when he made his remarks, cell phones found on some of the attackers are widely cited as evidence of close Haqqani network-ISI coordination in the attack:

One official said the phones were used to make repeated calls to numbers associated with the Haqqani network, as well as presumed "ISI operatives." But the official declined to explain the basis for that conclusion.

The senior Pentagon official treated the assertion with skepticism, saying the term "operatives" covers a wide range of supposed associates of the ISI. "Does it mean the same Haqqani numbers [also found in the phones], or is it actually

uniformed officers” of Pakistan’s spy service?

There will undoubtedly be several more twists and turns to this story over the next few weeks, but for now it appears that the US is making a small effort to walk back its most incendiary comments while Pakistan is digging in more firmly on its position.

COVER-UP SPECIALIST MARK MARTINS CHOSEN AS GITMO CHIEF PROSECUTOR

On Sunday, Carol Rosenberg informed us that there will be a new Chief Prosecutor in charge of military commissions at Guantanamo:

The Obama administration’s handpicked choice to run prosecutions at the Guantánamo war crimes court is pledging a new era of transparency from the remote base, complete with near simultaneous transmissions of the proceedings to victims and reporters on U.S. soil.

Army Brig. Gen. Mark Martins made the disclosure in a profile published Sunday in the Weekly Standard that likened the West Point, Oxford and Harvard Law graduate to a James Bond-style problem solver. It also cast Martins as “The Rebrander” of the at-times denounced military commissions system, which Barack Obama scorned as a candidate and senator then reformed with Congress as president.

Despite the Weekly Standard's fawning profile of Martins as some sort of savior to the system who will lend an air of legitimacy to the military commissions, Martins is in reality a hack who is dragged out periodically by the Pentagon to cover up its worst abuses. Martins was chosen by Obama to head the committee that attempted to re-brand indefinite detention as legal, has served as Commander and Deputy Commander of JTF 435, the notorious JSOC group charged with running detention programs in Afghanistan, has served as legal adviser to David Petraeus, and, in the most outrageously named position of all, now commands "the newly established Rule of Law Field Force-Afghanistan".

Here is how Martins' recent positions are spun in his official biography from which I took the quote on his current position:

Brigadier General Martins assumed command of the newly established Rule of Law Field Force-Afghanistan on 1 September 2010. During the previous year, he served as the first Commander of Joint Task Force 435 and then as its first Deputy Commander upon Senate Confirmation of Vice Admiral Robert Harward. In these roles, Brigadier General Martins led the effort to reform United States detention operations in Afghanistan. Immediately prior to his deployment to Afghanistan, Brigadier General Martins co-led the interagency Detention Policy Task Force created by the President in January 2009.

Martins' career, then, consists of using his "West Point, Oxford and Harvard Law" degrees to cover up the blatantly illegal indefinite detention policy of the US, along with justifying torture and improper arrest of civilians in night raids in Afghanistan.

Back in April of 2010, I described how Martins had been chosen first to review detention policy and then to go to Afghanistan to implement the

“new” policy he had designed. Here is how that description ended:

I fail to see how the process described above is any kind of improvement in achieving release of prisoners who have been improperly detained. This description of the process also serves to expose as a sham the entire Special Task Force’s charge of improving how the US handles prisoners. And right in the middle of this mess is Obama’s hand-picked (through Gates) architect of the process, who now is dutifully overseeing its implementation.

There is no getting around the fact that it would have been known that Martins would come up with a program designed to continue the efforts to cover up the imprisonment of innocent citizens. As I noted above, his previous assignments overlap with previous significant cover-ups. Also, as just one more example, Martins wrote an [article \(pdf\)](#) in 2004 that lovingly described the legal justification for the Commander’s Emergency Response Program (CERP) in Iraq. This program was in reality so loosely set up that it has been the subject of significant attention for misuse of funds.

So while there is perhaps an improvement of conditions for reporters such as Rosenberg who will be covering the proceedings of the military commissions with the advent of near real-time broadcasts of the hearings, don’t expect any sudden changes in favor of the rule of law. Mark Martins has built his career around covering up the worst of Pentagon abuses and he now is in charge of covering up what can be considered its most prominent legal quagmire. Martins was chosen for this position precisely because the Pentagon knows it can count on him to promote the status quo while lending a false air of legitimacy.

CONTINUED ESCALATION IN US-PAKISTAN RHETORIC

[youtube]<http://www.youtube.com/watch?v=RdReptYAbk4>[/youtube]

The dramatic accusations made by Joint Chiefs Chairman Michael Mullen in yesterday's Senate Armed Services Committee hearing provoked immediate, strong reactions from Pakistan. Here is how the Washington Post described Mullen's testimony:

Last week's attack on the U.S. Embassy in Kabul and a Sept. 10 truck bombing that killed five Afghans and wounded 77 NATO troops were "planned and conducted" by the Pakistan-based Haqqani network "with ISI support," said Adm. Mike Mullen, chairman of the Joint Chiefs of Staff. The ISI is the Pakistani military's Inter-Services Intelligence agency.

"The government of Pakistan and most especially the Pakistani army and ISI" have chosen "to use violent extremism as an instrument of policy" to maintain leverage over Afghanistan's future, Mullen testified during a hearing of the Senate Armed Services Committee. Defense Secretary Leon E. Panetta also testified.

As seen in the video above, Mullen's remarks provoked a sharp response from Pakistani Foreign Minister Hina Rabbani Khar:

"You will lose an ally," Khar told Geo TV in New York in remarks broadcast on Friday.

"You cannot afford to alienate Pakistan, you cannot afford to alienate the Pakistani people. If you are choosing to do so and if they are choosing to do so it will be at their (the United States') own cost."

Pakistani Prime Minister Yousuf Raza Gilani also chimed in. From GEO:

The United States should take care of the feelings of 180 million people of Pakistan while issuing statements or commenting on important issues, said Prime Minister Yousuf Raza Gilani on Friday.

/snip/

He said, "Our 180 million people want to defend their motherland and its sovereignty".

"US cannot live with us and without us," he said and added "thus the United States should avoid sending 'wrong messages' which would affect the bilateral ties".

From these comments, it is clear that both Khar and Gilani are warning the US that Pakistan could withdraw all cooperation if the war of words continues.

I will stand by the prediction I made yesterday:

Should the US be successful in attaching some sort of cooperation requirement for US funding to flow to Pakistan, look for some sort of token move by Pakistan that will provide even more heated rhetoric. The situation likely will then be resolved by Pakistan grudgingly cooperating in an action against the Haqqani network. The most important point to watch for in this current "crisis" will be to see just how high in the Haqqani network Pakistan is willing

to go in sacrificing a part of it to the US in order to keep their seemingly endless supply of US funds flowing.

Stay tuned for further developments.

ONCE AGAIN, US RATCHETS UP RHETORIC AGAINST PAKISTAN

The pattern by now is all too familiar. Once again, the US is ratcheting up its rhetoric against Pakistan. Earlier instances included the “crisis” when the US killed three Pakistani soldiers and Pakistan responded by closing strategic border crossings. This was followed by the Raymond Davis fiasco. Then came exchanges of bluster over the US unilateral action that took out Osama bin Laden. Now, the target of US ire is the cozy relationship between the Haqqani network and Pakistan’s intelligence agency, the ISI.

Reporting for Reuters, Mark Hosenball and Susan Cornwell tell us this morning that some in the US intelligence community are now assigning a direct role for ISI in the Haqqani network attack on the US embassy in Kabul:

Some U.S. intelligence reporting alleges that Pakistan’s Inter Services Intelligence directorate (ISI) specifically directed, or urged, the Haqqani network to carry out an attack last week on the U.S. Embassy and a NATO headquarters in Kabul, according to two U.S. officials and a source familiar with recent U.S.-Pakistan official contacts.

The article informs us that the Senate Appropriations Committee has added to the pressure on Pakistan:

The Senate committee approved \$1 billion in aid to support counter-insurgency operations by Pakistan's military, but voted to make this and any economic aid conditional on Islamabad cooperating with Washington against militant groups including the Haqqanis.

A series of high-level meetings between US and Pakistani officials also has taken place over the last week to hammer home these allegations against Pakistan, despite this warning in the Reuters article:

However, U.S. officials cautioned that the information that Pakistan's spy agency was encouraging the militants was uncorroborated.

A series of articles on the website for Pakistan's Dawn news agency provides some perspective on the coverage of the issue in Pakistan. One article provides a forum for Interior Minister Rehman Malik after his meeting with FBI Director Robert Mueller yesterday:

Pakistan has promised action against the Haqqani network if the United States provides sufficient intelligence, but denied that the al Qaeda-linked Taliban faction was on Pakistani soil.

/snip/

The Haqqani network is probably the most dangerous faction in the Afghan Taliban and founded by a CIA asset turned al Qaeda ally.

"I have assured them (the United States) they are not on the Pakistani side (of the border with Afghanistan) but if there is intelligence which is provided by the US we will definitely take action," Interior Minister Rehman Malik said.

Malik spoke to reporters after talks with FBI director Robert Mueller late Wednesday. The minister said Pakistan and the United States were "resolving" together the

“irritant” of the Haqqani group issue.

Another article provides comments from Pakistan’s Defence Minister Ahmed Mukhtar:

Defence Minister Ahmed Mukhtar on Thursday said that US allegations over Pakistan’s support to the Haqqani network were “baseless”, DawnNews reported.

Speaking to DawnNews, Mr Mukhtar said that the allegations levelled at Pakistan were contrary to the facts on the ground.

He further said that if the US had any information pertaining to the Haqqani network, then it should share that intelligence with Pakistan so the country’s authorities could act on it.

Finally, we have an article describing a meeting between the head of ISI and David Petraeus, the new Director of the CIA:

The ISI chief, Gen Shuja Pasha, who left Washington for home on Tuesday night after a meeting with Gen David Petraeus, is believed to have heard directly from the CIA chief that the US wanted an immediate military operation against the network.

Gen Pasha also met another senior Obama administration official before leaving for home but both sides are declining to disclose the official’s name.

“Yes, we heard their point of view but it does not mean that we are going to launch an operation tomorrow,” said a senior Pakistani official aware of the proceedings of these meetings.

Interestingly, this same article goes on to mention that the US is now hinting there could have been a Haqqani (and thus, indirectly, ISI) role in the killing of former Afghan President Rabbani:

Based on current information, Admiral Mullen said he could not confirm that the Haqqanis

were behind the death of Prof Rabbani, the senior Afghan official in charge of negotiating with the Taliban.

The usual pattern that has arisen from these rhetorical battles between the US and Pakistan is that once the rhetoric reaches a certain level, various planned high level meetings get called off, perhaps followed by some sort of concrete action such as when Pakistan closed selected border crossings used to transport supplies to US troops in Afghanistan.

Eventually, however, new reasons to cooperate emerge, with the restoration of high level meetings producing a new-found resolve to work together.

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Update

The Senate Armed Services Committee held a hearing today, and the US-Pakistan relationship was addressed in detail, along with the accusations of an ISI-Haqqani network relationship. From CNN.com:

"The Haqqani network, for one, acts as a veritable arm of Pakistan's intelligence," Mullen said.

He said Pakistan's Inter-Services Intelligence agency supported the Haqqani insurgents who planned and executed the attack on the U.S. Embassy and other strikes in Afghanistan. In doing so, Mullen said, the agency is jeopardizing Pakistan's

relations with the United States and Afghanistan. But he added that the solution is not to give up on Pakistan and said a flawed relationship is better than no relationship.

Panetta ascribed the attacks on the embassy and Kabul in general as a significant change in tactics by the insurgents:

“We judge this change in tactics to be a result of a shift in momentum in our favor and a sign of weakness in the insurgency,” Panetta said.

The ball is now in Pakistan’s court once again.

RELENTLESS EXPANSION OF THE GREAT WAR ON TERROR DESPITE ACHIEVING PRIMARY GOAL

It is widely acknowledged that with the death of Osama bin Laden and a number of other high level leaders, al Qaeda is severely crippled in its one-time haven of Pakistan. Rather than acknowledging this victory in the primary objective of Authorization for the Use of Military Force in Afghanistan (passed on September 18, 2001 in response to the 9/11 attacks) and beginning to phase out the War on Terror, the US instead is finding a new target in Pakistan and building bases from which to launch even more drone attacks in Africa and the Arabian Peninsula, moves which amount to a significant expansion of the war effort.

In Pakistan, the Washington Post reports that the US is applying extreme pressure on Pakistan

to dissolve the relationship between the ISI (Pakistan's intelligence service) and the Haqqani network:

The Obama administration has sharply warned Pakistan that it must cut ties with a leading Taliban group based in the tribal region along the Afghan border and help eliminate its leaders, according to officials from both countries.

In what amounts to an ultimatum, administration officials have indicated that the United States will act unilaterally if Pakistan does not comply.

This threat of unilateral action is unlikely to be seen as mere bluster since the hit on bin Laden was unilateral.

It turns out that the Haqqani network is yet another example of a group the US helped to form only to become one of its targets:

The organization was formed by Jalaluddin Haqqani as one of the resistance groups fighting the Soviet occupation of Afghanistan in the 1980s, with U.S. and Pakistani assistance. In the Afghan civil war that followed, Haqqani sided with the Taliban forces that took power in Kabul in 1996. His fighters fled after the Taliban overthrow in late 2001 to Pakistan, where U.S. intelligence officials think they are in close coordination with al-Qaeda forces.

Pakistani intelligence maintained close connections to the network, now operationally led by Sirajuddin Haqqani, the founder's son, as a hedge against the future in Afghanistan.

The Post article goes on to speculate that the Haqqani network's attack on the US embassy in Kabul last week may have been final act to drive such strong language coming from Washington.

As if the declaration of a new enemy in Pakistan worthy of unilateral US action were not enough

in the escalation of US war efforts, we also learn from the Washington Post that a new network of bases for drones is being built:

The Obama administration is assembling a constellation of secret drone bases for counterterrorism operations in the Horn of Africa and the Arabian Peninsula as part of a newly aggressive campaign to attack al-Qaeda affiliates in Somalia and Yemen, U.S. officials said.

One of the installations is being established in Ethiopia, a U.S. ally in the fight against al-Shabab, the Somali militant group that controls much of that country. Another base is in the Seychelles, an archipelago in the Indian Ocean, where a small fleet of "hunter-killer" drones resumed operations this month after an experimental mission demonstrated that the unmanned aircraft could effectively patrol Somalia from there.

The U.S. military also has flown drones over Somalia and Yemen from bases in Djibouti, a tiny African nation at the junction of the Red Sea and the Gulf of Aden. In addition, the CIA is building a secret airstrip in the Arabian Peninsula so it can deploy armed drones over Yemen.

Recall that just last week, the Obama administration was depicted as being in an internal debate on the legality of expanding the drone war outside of Pakistan to these very areas where the bases are being built.

Considering that the bases are now already under construction, last week's "debate" story would appear to have been nothing more than a mere academic exercise whose outcome had already been determined.

Only a fool would bet against Washington choosing more war in more locations.

SHOULD DAVID PETRAEUS BE REPLACED WITH A COMPUTER?

[youtube]<http://www.youtube.com/watch?v=YX4A-iSoDiU>[/youtube]

Today's Washington Post brings an update on the work being done by the Pentagon to develop artificial intelligence to the point that a drone can be automated in its decision on whether to kill. The article points out that currently, when the CIA is making kill decisions on drone missions, that decision falls to the director, a position recently taken over by retired General David Petraeus. In other words, then, the project appears to be an effort to develop a computer that can replace David Petraeus in decision-making.

Of course, this prospect raises many issues:

The prospect of machines able to perceive, reason and act in unscripted environments presents a challenge to the current understanding of international humanitarian law. The Geneva Conventions require belligerents to use discrimination and proportionality, standards that would demand that machines distinguish among enemy combatants, surrendering troops and civilians.

More potential problems:

Some experts also worry that hostile states or terrorist organizations could hack robotic systems and redirect them. Malfunctions also are a problem: In South Africa in 2007, a semiautonomous cannon fatally shot nine friendly soldiers.

The article notes that in response to issues

surrounding the development of autonomy for weapons systems, a group calling itself the International Committee for Robot Arms Control (ICRAC) has been formed. On the ICRAC website, we see this mission statement:

Given the rapid pace of development of military robotics and the pressing dangers that these pose to peace and international security and to civilians in war, we call upon the international community to urgently commence a discussion about an arms control regime to reduce the threat posed by these systems.

We propose that this discussion should consider the following:

- Their potential to lower the threshold of armed conflict;
- The prohibition of the development, deployment and use of armed autonomous unmanned systems; machines should not be allowed to make the decision to kill people;
- Limitations on the range and weapons carried by “man in the loop” unmanned systems and on their deployment in postures threatening to other states;
- A ban on arming unmanned systems with nuclear weapons;
- The prohibition of the development, deployment and use of robot space weapons.

In the end, the argument comes down to whether one believes that computer technology can be developed to the point at which it can operate in the war theater with autonomy. The article cites experts on both sides of the issue. On the positive side is Ronald C. Arkin, whose work is funded by the Army Research Office. Believing the issues can all be addressed, Arkin is quoted as saying "Lethal autonomy is inevitable."

On the negative side of the argument is Johann Borenstein, head of the Mobile Robotics Lab at the University of Michigan. Borenstein notes that commercial and university laboratories have been working on the issue for over 20 years, and yet no autonomy is possible yet in the field. He ascribes this deficiency as due to the inability to put common sense into computers: "Robots don't have common sense and won't have common sense in the next 50 years, or however long one might want to guess."

As HAL said in *2001: A Space Odyssey*: "Dave, I'm scared."

DESPITE ACCURACY IMPROVEMENT, HUGE INCREASE IN AFGHAN NIGHT RAIDS DETAINS MORE INNOCENT CIVILIANS

In Friday's post, I noted in passing the recent revelation that only about 50% of night raids had accurate targeting. A new report (pdf) released today by the Open Society Foundations and The Liaison Office informs us that targeting for night raids in Afghanistan is now about 80% accurate, but because the rate of raids has increased more than five-fold, the number of innocent civilians detained in the night raids continues to go up. As one might expect, the backlash from these improper detentions is significant and likely contributes to the increased rate of insurgent attacks.

The press release announcing the report provides a broad picture of the findings:

Ten years after the invasion of Afghanistan, security is at its worst level since the fall of the Taliban. U.S. and NATO forces argue that night raids are their best tool against insurgents, but a new report by the Open Society Foundations and The Liaison Office finds that the cost of the raids outweighs the benefits.

/snip/

An estimated 12 to 20 night raids now occur per night, resulting in thousands of detentions per year, many of whom are non-combatants. Mass detention operations, holding entire villages for questioning on site for prolonged periods of time, may violate international prohibitions against indiscriminate detention, the report found.

Civilians feel caught between the warring parties, and often blame international forces. As one man from Nangarhar, interviewed in the report said, "They claim to be against terrorists, but what they are doing is terrorism. It spreads terror. It creates more violence." Weak accountability mechanisms where civilian casualties and mistaken detention occur and a failure to explore alternatives to night raids further increase anger over the raids.

Moving to the report itself, we find in the Executive Summary that the estimate of 20 raids per night applies to the period of December 2010 to February 2011. The rate likely has continued to increase, as they received one report that there may have been as many as 40 raids per night in April 2011.

In perhaps the most telling sentence of all in the report, we learn that no evidence has been presented justifying the reliance on night raids: "International military officials argue that the increase in night raids has been their most successful strategy in the last year, although they have offered no evidence to support these claims."

Furthermore, despite the improvements in accuracy, as the rate of night raids has increased, the criteria under which Afghans are detained have been loosened:

However, many of these improvements have been undermined or overshadowed by the surge in night raids. Although intelligence improvements have reduced mistaken night raids on civilian homes, the increased number and scope of night raids put many more civilians at risk than past intelligence flaws ever did. Many more activities may lead individuals to be detained in night raids, including the provision of food or shelter (under duress or not). In many cases, non-combatants appear to be subjected to night raids due to their proximity to insurgent activities, or

incidental information about insurgent groups, rather than due to their actual conduct or status. As a result, far more non-combatants are detained in a year. Though the majority of non-combatants are soon released, the experience may result in lasting physical, financial, and emotional harm. International military typically release individuals by first handing them over to Afghan custody, where they can suffer poor conditions or even abuse rising to the level of torture.

And note that last sentence in the quoted passage: wrongly detained civilians are released to Afghan custody where they can be subjected to torture. That seems like a recipe for ensuring a healthy insurgency: detain innocent civilians under false pretenses and then subject them to torture before they are released to return home.

Finally, the report goes into significant detail on the international law implications of practices where large numbers of civilians who are not Direct Participants in Hostilities (DPH) are detained:

In addition to the above DPH concerns, large-scale detention or clearing operations raise further concerns about arbitrary detention. Individuals may be detained incidentally as part of a broader operation, often as a matter of military necessity. But operations that deliberately target and round up civilians not themselves suspected of DPH or being security threats, but only in order to subject them to interrogation and screening may constitute an arbitrary deprivation of liberty and constitute inhumane treatment in violation of Common Article 3 to the four Geneva Conventions.

Under international law, detentions must be made on an individualized basis and may not be imposed as collective punishment or based on arbitrary or discriminatory grounds. Detaining civilians simply because they live in a particular area or are of a certain

age, gender, nationality, or ethnicity may be arbitrary or even discriminatory detention in violation of Common Article 3, which expressly requires humane treatment of civilians without any "adverse distinction" including difference of treatment based on race, religion, birth, or other similar criteria.

So, despite the fact that security in Afghanistan is at its worst level ever, foreign forces in Afghanistan continue to insist that night raids are their best tool for achieving security. They provide no justification for this claim even when significant data exist to suggest the raids themselves provide significant enthusiasm for the insurgency. The US has invested trillions of dollars, thousands of lives and ten years in this effort that is no closer to success today than on the day we invaded Afghanistan.