

*Case Study: (March 17, 2011) Datta-Khel Airstrike:*

*US Military Drone Strike Displaces Tribal People from Indigenous Territory and Ways;*

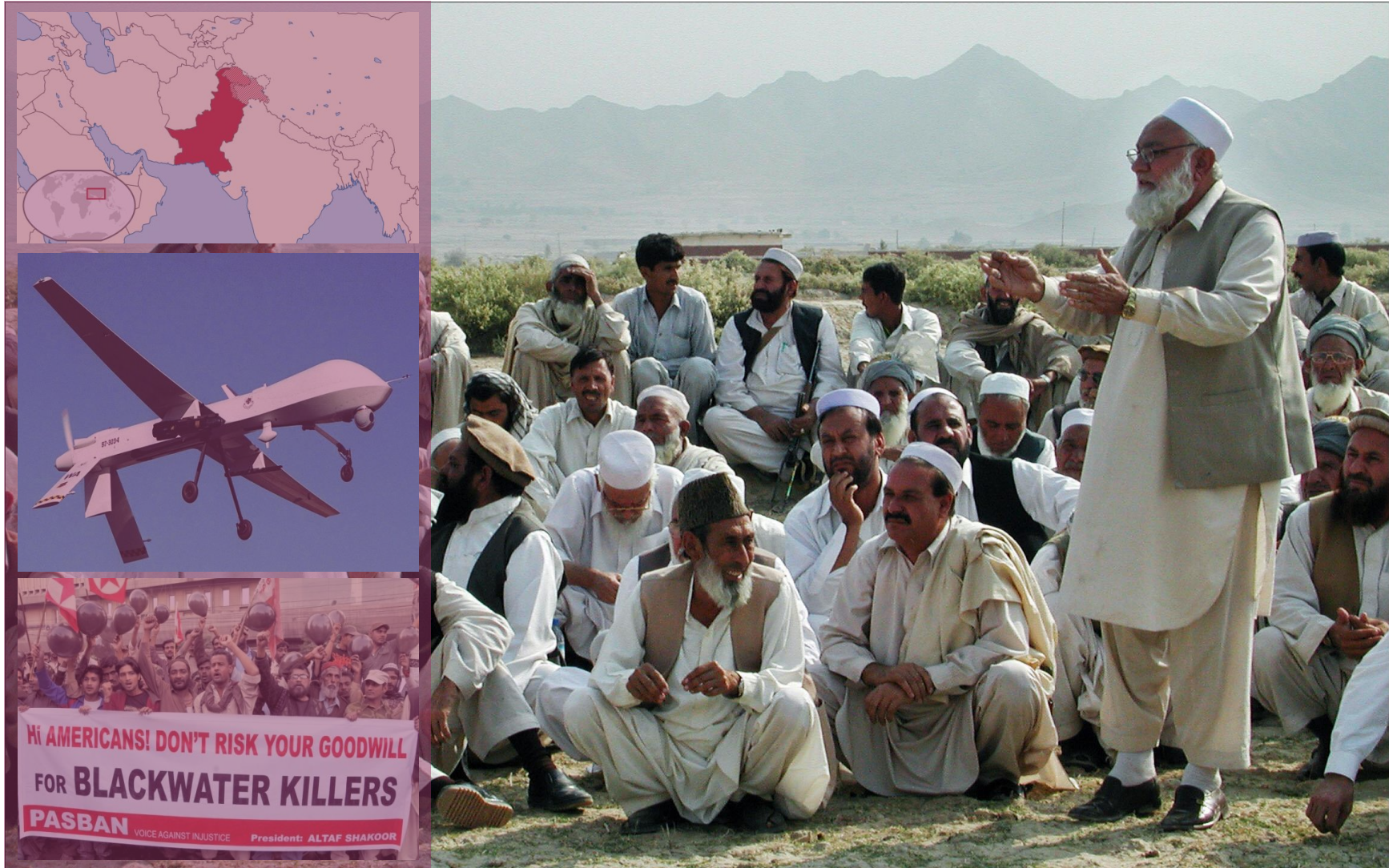
*"Acts of Terror" Exacerbated Locally and Globally;*

*Indigenous People and Wisdom Bring About Positive Political Change*

Authored by Oomung Varma – May 30<sup>th</sup> 2017

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Map of Pakistan (Contested and Uncontested Regions) TUBS (2011) Wikimedia Commons, Forensic Analysis of Datta-Khel Airstrike (2014) Forensic Architecture & SITU Research, PASBAN-organized protest (2011) Tribune.pk

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## Introduction

The Datta–Khel airstrike is one of many attacks on the sovereign, Tribal territory in Pakistan.

These attacks are conducted as part of the War on Terror, a formal war being waged against Islamic fundamentalists in Pakistan and Afghanistan.

I refrain from using the term “terror” in order to steer away from activating unconscious biases towards militant organizations, such as the US or IEA (Taleban).

In response to 9/11, global world powers militarized their police forces against their own constituents in order to repress organized resistance. At the same time, the US led an invasion of Afghanistan with the sole purpose of eliminating IEA.

It is this invasion which throws this paper towards deep histories regarding colonizing forces and indigenous resistance.

The nature of the Indigenous people of the Afghan–Pak border region, also the most strongly held IEA territory, has proven itself to be resilient to foreign invasion.

In the case of the US, however, the implementation of covert warfare and drone–striking has completely torn the region apart; severing the indigenous people from their land and way of life in order to facilitate assimilation into the formal politics and economics of Pakistan.

This paper will, to a certain degree, assess the legality of drone warfare in Pakistan, as well as scrutinize the local, national, and global effects of such a war on indigenous people.



## The Datta-Khel Airstrike

On March 16<sup>th</sup>, 2011, an estimated 35 Tribal Elders, known as *Maliks*, and members of their family, arrived at Datta-Khel for a *jirga* (fig. 3). They were from both the Manzar-Khel and Mada-Khel sub-tribes of the Federally Administered Tribal Area (Fata) in Pakistan (fig. 2) (IHRCRC & GJC, 2012) (geoview.info, 2017).

*Jirga* refers to the Pukhtunwali tradition of holding decision-making meetings in which tribal units, represented by their *Maliks* (see cover), discuss and resolve issues relating to tribal or national governance (Taizi, 2007) (Gant & McAllister, 2010). A *jirga* can address interpersonal issues such as marriages, murders, revenge, and forgiveness, as well as issues which affect Pukhtun communities at large, i.e. tribal or clan status, land-rights, and barriers to cultural preservation (UWF ATC, 2017).

The sons of three *Maliks* in attendance said the two day *jirga* had been convened to discuss and resolve the issue of obtaining mining rights to the chromite hidden under the trees of a nearby mountain (IHRCRC & GJC, 2012) (Ackerman, 2016) (Forensic Architecture & SITU, 2014).

In a motion that signaled the complexity of inter-tribal government relationships, the *Maliks* had invited five *khassadars* (armed members of the tribally appointed governmental police force), **and four members of the Islamic Emirate of Afghanistan (IEA)**. Formerly known as Taliban (Taliban), IEA is the region's *de facto* military and political force (Gul, 2010). A farmer in Datta-Khel said that each group of participants played a vital role in ensuring an honest resolution was met in diplomatic tradition, and that the resolution was upheld into the future (Abbot, 2012).

It would be the four IEA members whom US military officials would hold as legal collateral for the lives of the *Maliks* (Masood & Shah, 2011) ("Dozens die as," 2011).

The Imagery Analysis School that drone sensor operators attend conditions them to recognize nonlethal objects as weapons (AiirSource Military, 2013) (Cockburn, 2016). The presence of the sovereign *khassadars* may have triggered sensor operators' reflexive presumption.

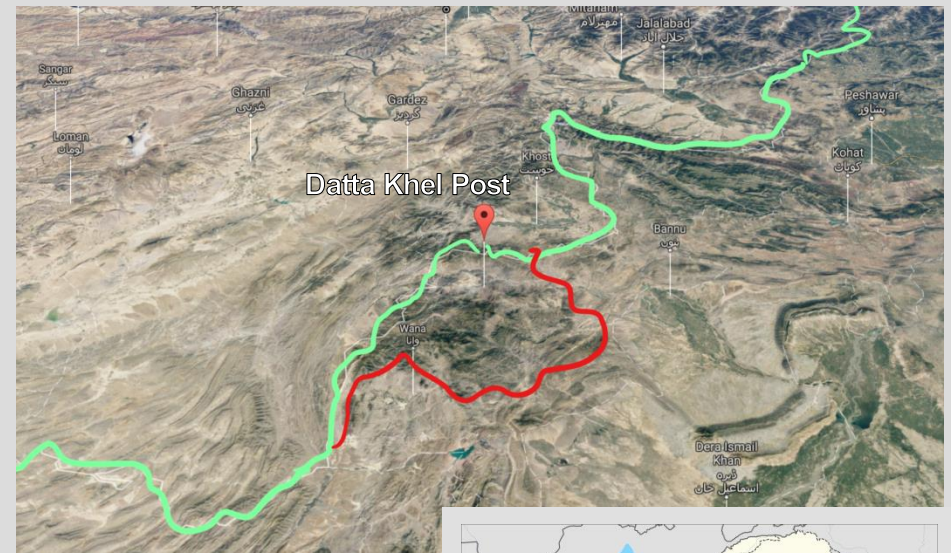


Fig. 1 (Google, 2017 (edited))

On the first day of negotiations, March 16<sup>th</sup>, a US drone killed 5 still-unidentified civilians in Datta-Khel, not far from where the *jirga* was being held. The deceased were said by a Pakistani official to be "militants" (Khan, 2011).



Fig. 2 (TUBS, 2011 (edited))

Because of travel regulations at the Fata border and the covert nature of the US drone program, this and many other incidents are severely underreported (IHRCRC & GJC, 2012).



Fig. 3 (CNES / Airbus, 2017 (edited))

On the second day of the jirga, March 17<sup>th</sup>, the Maliks met, as they had on the 16<sup>th</sup>, in a field near Datta-Khel Post: an open-air marketplace and Pakistani military base (fig. 3). Once again, the hovering drone of impending death could be heard from miles away (IHRCRC & GJC, 2012) (TBIJ, 2014).

Interestingly, the universally supported claim that weaponized drones can be heard by residents across Fata is contested by officials of the US government (IHRCRC & GJC, 2012). **Presumably, facing this truth would require assessing the psychological trauma of drone omnipresence in Fata as an injury incurred by the drone program.**

**Despite hearing the drones, the Maliks believed they had nothing to fear.** They had notified the nearby Pakistani military post of their upcoming jirga ten days in advance. In addition, Maliks asserted the notion that “drones target terrorists or those working against the government”, and that, by officially sanctioning their jirga, Maliks were adhering to Pukhtunwali code while furthering national politics (IHRCRC & GJC, 2012).

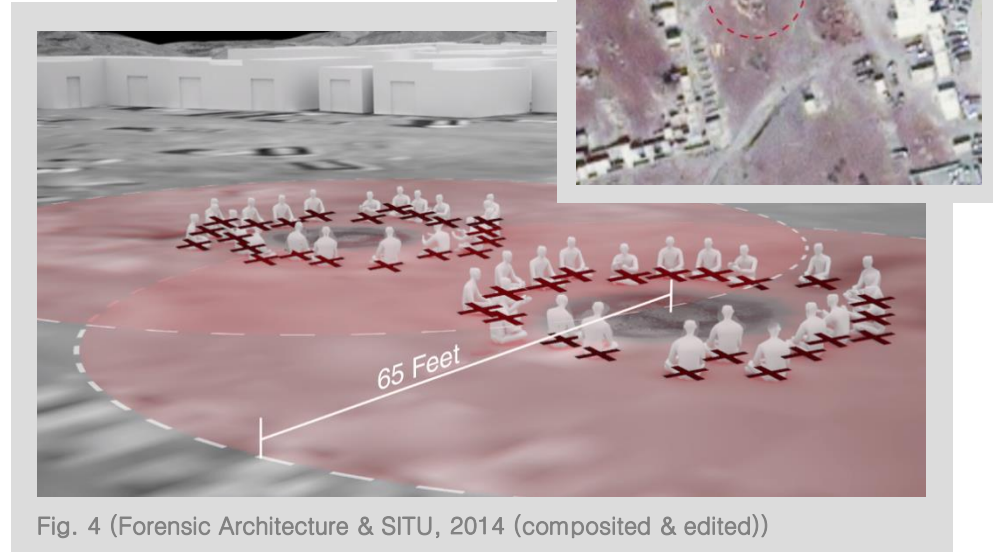
This notion, held by the Maliks, is partially a result of Pakistani media executives co-opting the US political agenda in exchange for a media empire: over-representing violence in order to generate a devotional fear in their audience. It is understood that this is done to increase viewership ratings, particularly among the english-speaking, and thus increase revenue (IMS, 2009).

Attendees of the jirga sat in two circles (fig. 4), each approximately 30 feet in diameter, each supporting about 20 Maliks, discussing the estimated 125,000USD that would be associated with the acquisition of chromite-rich lands (Ackerman, 2016) (Forensic Architecture & SITU, 2014) (IHRCRC & GJC, 2012).

One of the three drones heard by survivor Ahmed Jan, a drone in either Afghan or Pakistani airspace, fired between two or four missiles into the nucleic points of the jirga. In this moment, around 10:45 a.m., **all 35 Maliks in attendance were killed**, along with the facilitating khassadars, IEA militants, and bystanders **–including children– bringing the death toll to 50**

(Ackerman, 2016) (“Dozens die as,” 2011) (IHRCRC & GJC, 2012) (“Pakistan army chief,” 2011).

Those outside of the 60–120 foot Hellfire



missile blast radius immediately notified members of family, many of whom were at the nearby bazaar, that none of the Maliks survived.

Amidst the skyward-glancing chaos which was becoming a staple in the aftermath of increasingly merciless drone strikes, Malik’s sons were left to collect smoldering bits of unidentified flesh and bone to bury (Ackerman, 2016) (IHRCRC & GJC, 2012).

**For two Pukhtun tribes, a generation of accumulated diplomatic wealth and concentrated Pukhtunwali wisdom was blown to pieces.**

The US administration’s immediate response would be to assert the widely criticized and repeatedly punctured claim that the 35 Maliks were “Taliban fighters”; major news media outlets would be complicit in upholding this claim (“Dozens die as,” 2011) (Shane, 2011).

At first, Pakistani intelligence officials would tacitly affirm the guilt of the deceased Maliks, but after an unprecedented mobilization of the public against **the March 16<sup>th</sup> release of CIA operative Raymond Allen Davis from Pakistani custody**, and the March 17<sup>th</sup> Datta–Khel disaster, numerous public figures and officials, including Pakistani Prime Minister Yousaf Raza Gillani, would move to condemn the attack and the forces which generated it (Masood & Shah, 2011).

### *Raymond Allen Davis Incident*

The Raymond Allen Davis incident took place in the days leading up to the catastrophe at the center of this paper, and is seen as a catalyst for Pakistani nationalism (Mazzetti, 2013). In Pakistan, the incident drives much of the contemporary social and political dialogue in regards to asserting national sovereignty and protesting the indiscriminate use of force by foreign agents. Often overlooked by US citizens in favor of the 2011 killing of Osama Bin Laden, **this incident is said to have changed Pakistan's political outlook on US intervention** (AFP, 2011) (Mazzetti, 2013).

Raymond Davis, a former Special Forces soldier and Blackwater contractor –**reminiscent of the Hollywood–CIA assassin Jason Bourne**– was initially identified by the US administration as a diplomat for their consulates in Lahore and Peshawar, Pakistan (Walsh, 2011).

On January 27<sup>th</sup>, 2011, at the major intersection of Qurtaba Chauk, Lahore, Raymond Davis shot 5 rounds, through his windshield, at the backs of Faizan Haider and Fahim Shamshad; Raymond said he was acting in self–defense (Walsh & MacAskill, 2011). The diplomat then got out of his vehicle to shoot four more rounds, killing a fleeing Haider 30 feet from the motorcycle, and Shamshad at his feet. Davis proceeded to take pictures and videos of the scene and then drive away (Walsh, 2011).



(Ijaz Mahmood, 2011)

Traffic wardens intercepted Raymond two miles away in the Anaarkali Bazaar and handed him over to Pakistani police, who detained him for almost two months despite the US embassy's assertion that Raymond possessed diplomatic immunity via an embassy passport (Perlez, 2011).

Of the identification cards recovered by Pakistani Police, no US embassy passport was found (Miller & DeYoung, 2011). Yet Barack Obama urged Pakistan to uphold international law and release Raymond Davis as a diplomat to the United States (Perlez, 2011). The distinction between diplomat and consular officer under the Vienna Conventions of 1961 and 1963 are such that Raymond Davis could either return to the US, or be tried for double murder in Pakistan, respectively (“Raymond Davis’ Work ‘with’ the CIA,” 2011).

Davis’ discrepancies in regards to identification loosened the soil of the claim that Davis was a diplomat. Furthermore, these discrepancies suggested espionage. His digital camera stored pictures of “prohibited areas such as installations along the border with India”, and the handgun, ammunition, low–light surveillance equipment, GPS trackers, cellphones, satellite phone, and facial disguise found on his person did not align with the responsibilities tasked to diplomats in the region (Walsh, 2011) (Miller & DeYoung, 2011).

The wife of Fahim Shamshad, Shumaila Kanwal, killed herself two days after Fahim’s murder by ingesting pills of poison. She said before her death, **“My family cannot survive without Fahim and we have no source of income now. All the while, everyone is saying that the government will let his killer go free.”** (“Raymond Davis case,” 2011).

On 16<sup>th</sup> March, 2011, through the Islamic law of Pakistan, a cash payment as compensation for murder, or *diyat*, of around 2,400,000USD was made to the families of Faizan and Fahim. There are also reports of an undocumented number of US nationalities being given to family members (“Did Davis,” 2011). **Raymond Davis was released back to the US on the day of the Datta–Khel airstrike**, only to be convicted for starting a fistfight in a Denver, CO, over a parking spot (Mazzetti, 2013).



Two years after the Raymond Davis incident, it was revealed that Davis was a CIA contractor in Pakistan –initially paid 200,000USD per year to be “part of a covert ... team of operatives ... [carrying out] scouting and other reconnaissance missions for a Central Intelligence Agency task force,” despite lacking any experience in Fata (Perlez & Schmitt, 2011) (Mazzetti, 2013). **Anonymous sources within the Pakistani and American governments point towards Davis’ role as an inexperienced informant, agent of unrest, and informal Head of CIA Operations in Fata** (Crilly, 2011) (Mazzetti, 2013).

Acts of violence, such as the Data–Khel airstrike or the Raymond Davis incident, point towards US involvement in a hyper–funded covert war with little accountability. Post–9/11, this warfare has become the global standard for foreign intervention (Mazzetti, 2013). A paralleling surge of biased overrepresentations of war and counterintelligence in movies, news, and other media can be seen to normalize newly set this standard.

**The prevalence of overrepresented violence leads to collective desensitization of the trauma felt by affected peoples, as well as a sensationalized support of the war against Islamic militants.**

#### *Islamic Emirate of Afghanistan (IEA)*

The IEA is an alternate form of governance for people in and near Fata, and was born out of militant opposition to the British colonizers in India (Bharat) –of which Pakistan was a part.

The appropriation of the term *taleban*, Pukhtun word for *students*, to describe whom the American military is going to war with, is a misnomer –a forceful renaming. **It is a continuing example of an imposition of guilt and lack of humanity upon an entire group of people.**

In 1829, the British in Bharat were moving north into Afghani territory, where Fata is now located. This necessitated an indigenous defense force, the Mujahideen, whose local governance and militia slowly expanded for the next 150 years (Farwell, 2009).

In 1978, the Soviet Union looked to maintain political control over Afghanistan, backing the People’s Democratic Party of Afghanistan

(PDPA). The communist Soviet–led revolution brought progressive reform to city centers, declaring women as equal members of society (Prashad, 2001). To those connected to regulated currency, these reforms were attractive, but to the Pukhtun, it was seen as an attack on Islam (“Afghanistan Marxist,” 2017).

In contrast, Soviet and Afghan troops were deployed into Tribal regions to initiate the ethnic cleansing of Pukhtun people in the form of a land reform program and secular education which sought to displace and dispossess Pukhtunwali from Fata (Amstutz, 1994). **Maliks were executed and families dissolved after being accused of obstructing the modernization effort** (Kaplan, 1990). This created a refugee exodus to Pakistan’s Federally Administered Tribal Area, and spurred a transformation of the Mujahideen into the school of thought, rural governance, and militant organization known as the Taleban (Abbot, 2012).

**The Pukhtun were forced into supporting the Islamic State in the face of ruthless Communist oppression.** Religious Schools, such as Jamiat Ulema–e–Islam, or Hlzb–e Wahdat, sprung up in Fata. The schools, *Madaris*, initiated a shift towards ideological extremism, vigorously ‘protecting women from harm’ by denying them participation in politics and society under the pretense of cultural purity (Grau & Jalali, 2002). US and Saudi Arabia would fund Madaris in order to break the Soviet stronghold on Afghanistan (Shah, 2015) (Byron, 2009). The Madaris can be seen as the same force which would resist the post–9/11 US invasion of Afghanistan.



Children at Madrassa in Islamabad (AFP, 2015)

By 1990, Madaris in Pakistan had become places of education, health, and empowerment for young men. From these nodes, they would be sent to Afghanistan to join their fellow taleban in defending the religious politics they had been taught (Ahmed, 2000).

Although Taleban (IEA) has implemented a fundamentalist reading of Islam as a method of controlling Fata, *Pukhtunwali* has been regulating the social, familial, communal, governmental, and spiritual life in Fata for over a thousand years before the creation of Islam (Samandri, 2015) (Nath, 2002).

### *Pukhtunwali*

Fata (fig. 2) is a formally recognized region within Pakistan which grants semi-political autonomy to the indigenous Pukhtun tribes. **The Pukhtun people are the “largest living tribal society in the world”;** unaffected by the Pakistani Parliament, and granted self-determination in the form of Pukhtunwali (Siddique, 2014) (Taizi, 2007) (Tribal Analysis Center, 2009).

Resting upon the notion that indigenous ethnicities and identities are inextricably linked to the geographic region in which they are born, the set of set of ideals naturally occurring to Fata are *Pukhtunwali*, *Pukhtun-way-of-life*.

*Pukhtunwali* is a generationally surviving, non-written code-of-ethics that is understood via the lifelong fulfillment of a role within a Pukhtun family or tribal unit.

Pukhtunwali ethics and governance are given precedence in intra-tribal, inter-tribal, and intra-national decision-making (Taizi, 2007) (Tribal Analysis Center, 2009).



The Pukhtunwali tenant of granting *Nanawatei*, or asylum, to criminals and strangers alike has been hard to uphold during the IEA occupation of Fata. **Pukhtun people endure lethal jurisdiction from the IEA in regards to Islamic Law despite their hospitable approach to the influx of IEA militants, and, historically, Islam, to the region** (IHRCRC & GJC, 2012).

In the 11th century AD, the non-religious Pukhtun people were peacefully indoctrinated with Islam by an Afghan tribe. (Samandri, 2015) Spiritual conversion as a requirement to coexist is customary to Abrahamic religions, and has contributed to the Qur'an's integral place within Pukhtunwali.

Factions within the IEA may be controlled by foreigners, who arrive in Fata and employ severe jurisdiction. There have been observations of IEA-controlled territories being “retribalized” by local members. Politically motivated, the IEA has shifted their approach towards seeing the indigenous culture as a precious resource (Ruttig, 2012).

**Maliks sustain Pukhtun tradition while living in a formally politicized entity such as Pakistan.** Maliks aid in collecting taxes, writing governmental policy, and serving as delegates in the Parliament. Entire Khels depend on the respect and monetary compensation given to Maliks by the Pakistani government (IHRCRC & GJC, 2012).

The sons of Maliks shadow their elders for decades, building up knowledge of inter-tribal relations and gaining diplomatic experience outside of their tribal territory. (Gant & McAllister, 2010)

Thus, the pain of loss at Datta-Khel was unfairly experienced by Pukhtun women, families, and tribes in the form of a structural deterioration, percolating from the top of their governmental hierarchy, and from inside their family unit.

Conversational Hindi defines a *Malik* as one who owns land or a business. Comparatively, the Pukhtun implementation of this requires an individual to earn respect and loyalty within a Khel in order to represent it.

In this way, Maliks are symbols of the indigenous understanding that colonizing forces have, for millennia, failed to conquer (Tribal Analysis Center, 2009). **The generational perspectives that Maliks possess allows the youth of the tribes to continue to draw tribal, national, and global understandings that they otherwise would not have access to in their lifetime** (IHRCRC & GJC, 2012).

Pukhtunwali are able to clearly observe the formally disputed Anti-Muslim narrative of US military Intervention, a narrative which seeks to separate Pukhtunwali from Fata and Fata from family. These are the first steps in appropriating the indigenous identity towards city centers; **forcing Pukhtunwali to conform a wage-earning life of competition rather than communal harmony** (Roy, 1998) (Klein, 2007) (Shah, 2015).

*"IT IS PROVEN THAT AMERICA IS WORKING AGAINST MUSLIMS,  
BECAUSE EVERY COUNTRY IT HAS WAGED A WAR AGAINST ...  
IS A MUSLIM NATION." - WALEED SHIRAZ*

*"IT JUST SEEMS THAT AMERICA WANTS TO TARGET THE PEOPLE  
OF WAZIRSTAN ... NOT JUST THE PEOPLE OF WAZIRSTAN ...  
BUT ALSO IN PAKISTAN AND IRAQ. THEY JUST WANT TO  
TARGET MUSLIMS." - FAYAZ HABIB  
(IHRCRC & GJC, 2012)*

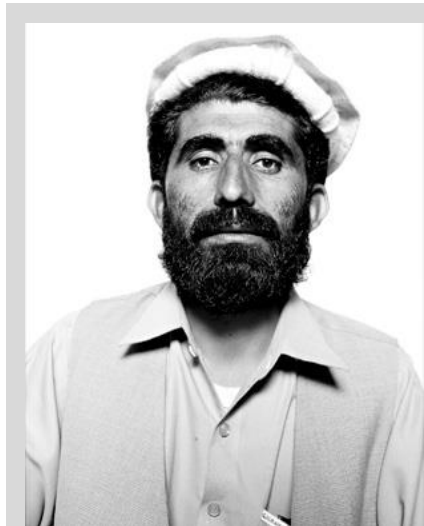
#### *Political Action led by Maliks and Ameers*

US confirmation that Davis "was acting head of CIA in Pakistan" incurred severe public backlash in Pakistan (Walsh & MacAskill, 2011). The Pakistani people organized along their national identity to express collective distrust of US government intervention and Pakistan's affiliations therein.

From a diplomatic standpoint, it can be said that the Raymond Davis incident broke long-standing ties between Pakistani Intelligence Services (ISI) and the CIA (Greenway, 2011). It is understood that the ISI had been

cooperating with the CIA in the case of the US drone program in Fata, as well as other US-led operations which put Pakistani national security at risk. (L & Newspapers, n.d.) (IHRCRC & GJC, 2012) (Masood & Shah, 2011).

For the Pakistani public, a sense of duty arose from the moral inferiority and lack of autonomy insinuated by US military intervention. Protestors and prominent citizens demanded a political quest for "freedom from American slavery" (Report, 2011).



Malik Noor Khan (FFA Client, 2014)

Noor Khan, the 27 year old heir of Mada-Khel Malik Daud Khan, accessed legal representation through the Foundation for Fundamental Rights (FFR), demanding his right to reparations for the death of his father in Datta-Khel. His petition accused the Federation of Pakistan, et al., for, among other things, denying his father the "right to be dealt with in accordance with law," under the Constitution of Pakistan 1973 (Malik Noor Khan v. Federation of Pakistan, 2012) ("More petition," 2012).

The Peshawar High Court would side with Malik Noor Khan on May 9<sup>th</sup> 2013, demanding that reparations be paid through the United Nations Secretary General (Peshawar High Court, 2013). **This judgment cemented the guilt of the US in Datta-Khel and other extrajudicial attacks. Internally, this decision established a political stance against US intervention** (IHRCRC & GJC, 2012).

With the advent of global attention focused on Fata, **Pukhtun ancestry would become integrated with Pakistani political resiliency to foreign intervention.** Pukhtun-led political parties such as Jamaat-e-Islami, or Jamiat Ulema-e-Islam, would win seats in the Pakistani parliament and begin reforming policy. Outspoken leaders, *Ameers*, would generate publicity by condemning attacks and protesting Pakistani governmental cooperation



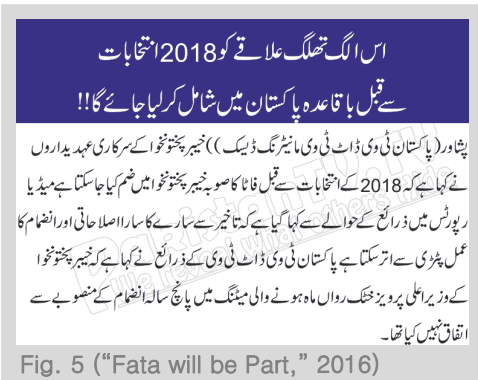


Fig. 5 ("Fata will be Part," 2016)

with the US (L & Newspapers, n.d.) (Masood, 2006) (Masood & Shah, 2011). Since the Datta–Khel Airstrike, the Pakistani Parliament has seen a shift in policy towards addressing the concerns of commoners.

In 2015, reforms were passed to prevent wealthy entities such as the US from using Diyat Law to circumnavigate accountability for

murder (AFP, 2015). Now, there is a large move by officials to incorporate Fata into Pakistan before the 2018 elections (fig. 5). Such a move would end colonial-era policy and bridge the Pukhtunwali governance system with its nearest statel–province, Khyber Pukhtunkhwa.

The Pukhtun word *Ameer*, for political leader, has a similar relationship with its Hindi homonym as *Malik* does. In Hindi, ameer is a descriptor of economic wealth, but Pukhtun people use it to denote one's possession of socio-political capital.

**Viewing one's connection to community as a source of wealth highlights the Pukhtun tendency towards resilience against global dispossession.**

#### *Deterrents towards Resiliency in Pukhtunwali:*

The dismantling of indigenous familial structures can be seen as a prerequisite for assimilation into global-economic paradigms (Roy, 1998) (Angelou, 1968). **Once an individual cannot fulfill a familial role, whether it is because of a destroyed communal establishment or a dissolved communal meeting, they are prepared for the physical and cultural displacement of their Indiginaeity.** This can be seen as particularly affecting the Pukhtun people.

Traditional forms of community resilience in the face of lethal disasters involve the rebuilding of structures, physical and communal; as well as a spiritual recharging towards equilibrium facilitated by a form of sanctuary for affected people (Solnit, 2009). In these moments, members of local or

international communities come together to assist affected peoples in the process of rebuilding and recharging.

**In the case of Fata, various forces collude in the resultant denial of the Pukhtun people to this basic level of comfort and resiliency.**

#### *- Restricted Borders and Classified Information*

Observing the US as a catalyst for rising travel security and falling baselines for threat determinants, Pakistan has turned Fata into a quarantine zone (IHRCRC & GJC, 2012). Foreign journalists and Pakistani citizens alike are not allowed into Fata, save for one-day curated expeditions.

Death is a powerful force within Pukhtunwali communities. Members of Khels personally contribute to fluctuating social dynamics regarding revenge, inheritance, marriage and birth: people are personally involved in the climate of life and death (Taizi, 2007).

When a technician is barred from entering Fata to sample DNA for identification, the identity of body parts at strike-sites cannot be truly confirmed. Because of this, Pukhtun families are denied the right to knowing a family member's circumstances during their time of death. The process of collecting body parts for burial is interrupted as well. Both of these factors sever Pukhtun and Muslim beliefs regarding death.

In conjunction with this, **the FBI withholds all information regarding the drone program**, including regarding drone operations in the US on US citizens (L., 2013).

A majority of **information regarding drone-operation and other covert US activities in the Afghan–Pak region is unverified and released directly by the US government** in the form of memos, press releases, and news briefings by the US government.

Philanthropic organizations, such as The Bureau of Investigative Journalism (TBIJ) and Wikileaks, or legal clinics, like those based out of the Stanford and NYU Schools of Law, bring withheld or otherwise hard-to-access information to the public. TBIJ's ongoing investigation into

drone warfare is the single most extensive account of strikes conducted and people involved. The sub-initiative “Naming the Dead”, which seeks to identify each of those who were killed, provides much-needed background into individuals and their roles within communities as is possible (TBIJ, 2017).

The US military escaping accountability for the deaths that they incur during interventions is a furthering of the assertion that all whom are killed are guilty, require death, and need not be identified (Zakaria, 2015).

This ideology, joined with the Muslim tradition of *sharam*, or protection-of-women, has led to only two out of the 50+ women killed during airstrikes in Fata ever having been identified (Ross, 2013).

The think-tank known as the Aryana Institute for Regional Research Advocacy operates from within Fata and has conducted nearly 600 interviews while also closely monitoring local politics (Shane, 2009) (IHRCRC & GJC, 2012). The Aryana Institute’s keen observations have solicited formal recognition within the Pakistani Parliament. **Their impression of unheard Pukhtunwali narratives into Pakistan’s political movements is a form of resiliency to the border-access deterrence.**

The travel regulations also affect residents within Fata. Interviews point to feelings of entrapment within the Pukhtun community because of frequent and invasive inspections, specifically at **outposts that restrict inter-tribal movement and communication** (ICG, 2009). During the 2011 & 2012 surge of the measles virus among Pukhtun children, Datta-Khel resident Azmat Khan Dawar was forced to let his daughter suffer because of regressive curfew policies (Ali & Irfan, 2012).

Such curfews and border policies are allowed under the Frontier Crimes Regulations (FCR), **a set of regulations developed by the British colonizers specifically to suppress an organized indigenous uprising.**

## *- Instinct under Fire, Altruism no Longer Safe*

Brewing under drone strike instances such as Datta-Khel are specially developed military practices –designed to impart maximum destruction under blankets of legality and misdirection.

In transcripts between drone operators, military supervisors, and governmental officials there are many separately occurring instances of the term “double tap” being mentioned, acknowledged, and understood (IHRCRC & GJC, 2012).

When a “double-tap” tactic is employed, an area already struck by a drone-launched missile will be hit immediately afterwards with another of the same. There are instances, such as the Datta-Khel strike, where the following Hellfire missile came within seconds of the preceding missile (“Dozens die as,” 2011). More important are the instances when the follow-up missile was launched after operators had seen the impact of their first laser-guided death sentences; many minutes after the initial explosion and destruction (IHRCRC & GJC, 2012) (Nasuti, 2011).

Pausing to remind ourselves of traditionally accepted forms of resilience will help us understand that, in the case of a Hellfire missile explosion, peoples’ immediate reaction is to help those who have been hurt or otherwise affected in any way possible.

**The drone-operating “Kill Chain” of command has repeatedly** (presumably in every instance of multiple missile-firings) **targeted and killed first-responders to the disaster of Hellfire missile explosion.** Strangers, neighbors, family, and friends whose first reaction it was to run towards hurt Pukhtun lend a hand in getting up, picking things up, and looking up were the first to be killed –in multiple instances (IHRCRC & GJC, 2012) (Nasuti, 2011). The strikes have targeted humanitarian workers and doctors, leading to the unfortunate practice of requiring workers to wait up to six hours before approaching victims and beginning medical assessment and treatment.

Former member of the US Air Force, Matthew Nasuti speculates that the “double-tap” tactic was invented to compensate for the naturally resulting inaccuracies of drone-targeting and missile-guidance systems from

25,000 feet –a generous presumption (Nasuti, 2011). The qualm, then, is of the reported “pinpoint accuracy” invoked in every instance of drone–strike–ethics discussions (IHRCRC & GJC, 2012).

**It is the myth of surgical precision which proponents present in the face of serious and appropriate accusations of War crimes.**

As drone strikes have become a heart–beating trauma, so too has the conflict of appropriate response. Hayatullah Ayoub Kahn’s experience speaks to this:

*[WHILE DRIVING], A MISSILE FROM A DRONE WAS FIRED AT A CAR APPROXIMATELY [SIX HUNDRED FIFTY FEET] IN FRONT OF HIM ... MISSING THE CAR ... BUT STRIKING ... CLOSE ENOUGH TO CAUSE SERIOUS DAMAGE.*

*HAYATULLAH STOPPED, GOT OUT OF HIS OWN CAR, AND SLOWLY APPROACHED THE WRECKAGE, DEBATING WHETHER HE SHOULD HELP THE INJURED AND RISK BEING THE VICTIM OF A FOLLOW-UP STRIKE ...*

*... WHEN HE GOT CLOSE ENOUGH ... SOMEONE INSIDE [THE WRECKAGE] YELLED THAT HE SHOULD LEAVE IMMEDIATELY BECAUSE ANOTHER MISSILE WOULD LIKELY STRIKE.*

*HE STARTED TO RETURN TO HIS CAR AND A SECOND MISSILE HIT THE DAMAGED CAR AND KILLED WHOMEVER WAS STILL LEFT INSIDE ... NEARBY VILLAGERS WAITED ANOTHER TWENTY MINUTES BEFORE REMOVING THE BODIES ... WHICH ... INCLUDED THE BODY OF A TEACHER FROM HAYATULLAH’S VILLAGE. – HAYATULLAH AYOUB KAHN (IHRCRC & GJC, 2012)*

The presumption of guilt, represented, in this case, by the exploded wreckage, begins to seep into bystanders, whose inaction reinforces the stereotype of Pukhtuns as terrorists to be dispensed of.

### *– Demolished Investments*

The diplomatic wealth lost in the Datta–Khel attack is not something which can be quantified. Despite attempts on part of the Pakistani government to assuage trauma with money, not only have the attempts presented far too little money, they have been simply rejected in Pukhtunwali faith (IHRCRC & GJC, 2012).

Similarly do the Pukhtun feel about their structural establishments, whom have been wrecked in pairs and triplets at a time –families still inside, multiple times–a–day (Zakaria, 2015). **There is simply not enough currency for tribes to have funerals, for widows to eat, and for families to rebuild their structures of residence and community** (IHRCRC & GJC, 2012).

Interestingly, this is an area of relief which actually fits the technical desires of existing political structures. An innovative and appropriate solution could be easily developed and funded, given the abundance of resources in sectors of technical innovation and legal compensation.

Additionally, Pukhtun men, children, and infants are kept home from school for fear that their school will be targeted as a congregation of “Military–Aged–Males”. In a region plagued with low literacy rates, **children now report drone–induced anxiety distracting them from any sort of material** (IHRCRC & GJC, 2012).

In Fata, homes are communal establishments to be shared with neighbors, passersby, and ancestors. In a spiritual sense, and quite literal sense as well, Pukhtun homes bear no difference to madari, gathering locations, or places of worship (Shah, 2015) (IHRCRC & GJC, 2012).

In the eyes of drone operators –trained mostly in making out symbols of terrorist activity– this similarity is a purported contributor to the thousands of human rights violations which have been committed by US–led foreign agents in Fata (Cockburn, 2016) (TBIJ, 2017). Such violations by foreign agents show a lack of sensitivity to Fata, Pukhtun, and Islam (Cockburn, 2015).



**Destruction of homes is an act of finality; physical evidence of an intergenerational identity is forever lost.**

With this in mind, the Pukhtun are forced to leave Fata and move towards cities: sacrificing their way of life for the safety and continuation of their family and Pukhtunwali. **By moving towards city centers, the Pukhtun exemplify a self-preserving resilience to legally-protected forces of destruction –keeping alive a sense of ethics and morality** (IHRCRC & GJC, 2012).

#### *- Misrepresentation by Government and Media*

The terms “insurgent” “combatant” or “militant” are blanket terms, used by state officials and news media to give an impression of US precision and efficacy against forces of terror in Fata. They are gendered terms, referring specifically to “military aged males”. And they are racist terms as well, with jurisdiction of guilt being handed to trainees who decode one’s looks and behavior. Drone operators have fired upon individuals and groups on their knees and involved in Islamic prayer (IHRCRC & GJC, 2012). At best, it is code for men who occupy a theoretical blast radius. Once the blast manifests itself, those inside of it will be terrorist insurgents (Cockburn, 2015).

**US military code establishes a predetermined implication of “military age males” in militant activity vis-a-vis their residence in Fata;** bestowing upon all residents of Fata a high-risk of death (Woods, 2015). The innocence of an implicated citizen can be proved posthumously, but identification or documentation of incidents in Fata is prohibited. It is up to the state-officials such as John Brenna to determine which of those killed are robbed of their identities (C-SPAN, 2011) (Woods, 2011) (IHRCRC & GJC, 2012).

US and Pakistani media silently adhere to abstract legal definitions, creating the understanding that drone strikes mainly kill militants, and that militants are active combatants. Deterrents to Pukhtunwali resilience are rarely discussed in news media discussions, especially on Television.

A handful of biased news media aggregators dominate the channels of information dissemination. This contributes to the worldview of the economic elite being disproportionately overrepresented to the majority. The ideologies and their dissemination are rarely discussed outside of formal contexts.



The unspoken narratives upon which this media rests originate from individuals with socially obligated investments in Euro-American politics and military.

**These individuals gain control over news media by upholding the ideologies which supply the economic minority they are part of with more wealth.**

#### *Media Representations: Terror and Counter-terror*

Over the course of this research I have encountered unspoken narratives, hidden in news media, which speak to the unfair normalization of violence in Fata.

On March 17<sup>th</sup>, 2011, Al Jazeera ran this headline:

AT LEAST 35 SUSPECTED TALIBAN FIGHTERS KILLED IN  
MISSILE STRIKE BY US DRONE IN NORTH WAZIRISTAN.  
 (“DOZENS DIE AS US DRONE HITS PAKISTAN HOME,”  
2011)

In this instance, the Datta-Khel strike is reported as being confined to one home and involving over 30 IEA militants. Having read the above headline, the series of missiles which instantly killed over 40 Malikis taking part in a sanctioned, outdoor jirga seems not to have ever happened.

An American newspaper published this introduction to the Raymond Davis Incident:

(L & NEWSPAPERS, N.D.)

*IT IS SUGGESTED THAT DAVIS WAS OPERATING AGAINST LASHKAR-E-TAIBA ... BUT NOTHING DAVIS COULD HAVE ACHIEVED AGAINST LAKSHAR-E-TAIBA WAS WORTH ENDANGERING THE BED-ROCK RELATIONSHIP WITH PAKISTAN*

...

*THE CIA IS TASKED WITH CLANDESTINE OPERATIONS, AS WELL AS INTELLIGENCE GATHERING, BUT CLANDESTINE IS SUPPOSED TO MEAN YOUR HAND IS HIDDEN. MORE AND MORE THE CIA IS DRIFTING INTO WAR-MAKING WHERE THE COVERT BECOMES OVERT, AND OUTSOURCING INTELLIGENCE.*

Davis is presented as a lone-wolf hero, working to take down a terrorist organization. This article does not present the counter-narrative that an overpaid contractor with a history of violence involved himself in reckless intelligence-gathering, frequently disguising himself to plant seeds of unrest in large cities and remote areas (IHRCRC & GJC, 2012) (Mazzetti, 2013). The authors of this publication also have a very clear agenda: the CIA is a secret organization with no accountability, and it must stay that way.

The following is from the original publishing of "US drone kills five militants in Pakistan", published by Agence France-Presse:

(KHAN, 2011)

*A US DRONE STRIKE IN PAKISTAN'S LAWLESS NORTHWEST TRIBAL BELT ON WEDNESDAY KILLED AT LEAST FIVE MILITANTS, SECURITY OFFICIALS SAID, AS THE COVERT CAMPAIGN STEPS UP IN THE BORDER REGION.*

The use of the terms "lawless" and "tribal" inscribe a fear of the unknown which is particularly suited for the ruling-class-assumptions of Fata as falling apart, or backwards. There also seems to be a narrative that *Madaris* are "paths for the poor", *Jirgas* are savage, and that an assimilation event needs to occur. Such news stories, mostly written in English, perpetuate the misunderstanding that the Pukhtun people need be modernized; a fate that is well known in Fata as the equivalent of cultural genocide (Shah, 2015).

Both Pakistani and US state-officials would like to distance themselves from Pukhtunwali, failing to support its autonomic evolution. This dispossession only continues the violence in Fata and forces many Pukhtun to adopt wage-earning lifestyles in city centers in order to monetarily support themselves or family (IHRCRC & GJC, 2012). Meanwhile, the militant activity which was confined to Fata followed Pukhtun refugees to denser population centers, generating more ruthless acts of Terror. Generational violence over issues of resource and gender are also continuing to increase as IEA activity is becoming an ever-present danger for Pakistani citizens outside of Fata.

In larger cities, Pukhtun face a bias against their aesthetic presentation of self, their language, and their way of life. This is fueled by a ruling-class assumption that Pukhtunwali specifically supports IEA because Tribal governance is inherently violent (Khan, 2015).

In this, much like in drone-strikes, military operations can be seen as an extension of capitalist activity. **The implication of the Pukhtun as the first barrier to be broken down on the path to neoliberalism control of Pakistan is highlighted by the disbanding of Pukhtun gatherings and the invasive searches conducted by Pakistani officials in Pukhtun neighborhoods of large cities** (Khan, 2015).

## Conclusion

The Pukhtun people are struggling to stay in Fata without their existence being considered a threat. Various forms of media are responsible for overrepresenting biased versions of happenings in exchange for economic capital. This profit-fueled misrepresentation leads to an internationally held implicit bias against the Pukhtun, normalizing their genocide.

Pukhtunwali can translate well into non-Tribal settings, but the unspoken narratives surrounding Tribal culture need to be dismantled before progress can be seen in Pukhtun autonomic evolution.

There have been centuries of settlers and institutions, begging for conformity from the Pukhtun people, but their roots in Fata are too deep. Only now are we seeing a Pukhtun-led political move towards sovereign integration of Fata into Pakistan.

These movements cannot undo the trauma felt by the intergenerational community of Pukhtuns alive today, and investigating these disasters highlights mistakes which deter indigenous communities from possessing resiliency.

Noor Khan, son of the late Mada-Khel Malik Daud Khan, spoke to the collective fear invoked by the thought of drones:

EVERYBODY IS SCARED, ESPECIALLY THE ELDERS. . .  
THEY CAN'T GET TOGETHER AND DISCUSS PROBLEMS . . .  
IF A PROBLEM OCCURS, THEY CAN'T RESOLVE IT,  
BECAUSE THEY ARE ALL SCARED THAT, IF WE GET  
TOGETHER, WE WILL BE TARGETED AGAIN. . . .  
EVERYBODY, ALL THE MOTHERS, ALL THE WIVES, THEY  
HAVE TOLD THEIR PEOPLE NOT TO CONGREGATE TOGETHER  
IN A JIRGA . . . THEY ARE PLEADING TO THEM NOT TO,  
AS THEY FEAR THEY WILL BE TARGETED.

Let us move past fear as a catalyst for change.

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