



December 02, 2011

To:

**Ambassador Cameron Munter**

**United States Embassy**

**Diplomatic Enclave, Ramna 5, Islamabad**

**Fax No.: +92 51 2276427**

**Re:                    *Letter Before Action***

Dear Ambassador Munter:

I am writing with respect to the deaths of Tariq Aziz and Waheed Khan, two children killed by a missile fired from a US drone on October 31, 2011. Tariq was 16; his cousin Waheed was only 12.

I wish to be forthright and inform you that I am considering initiating legal proceedings against you as a co-conspirator in Tariq and Waheed's murder – for murder is the only word that can properly be applied to the act committed by CIA agents and their accomplices. However, I recognize that the US State Department has, at some level, been trying to rein in the CIA in its illegal war in the Pakistan border region, and I therefore want to be completely fair, and give you an opportunity to disavow what happened, and therefore potentially exclude yourself from any action that I might bring.

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At just 16 years old, Tariq (picture attached) had already become a real enthusiast for helping out his North Waziristan community in whatever way he could. As you are aware, because of its proximity to the Pakistan-Afghanistan border, North Waziristan has suffered the brunt of the '*War on Terror*' for over a decade. Last month, just before his brutal assassination by the US, Tariq had travelled to Islamabad to participate in the 'Waziristan Grand Jirga' organised by British charity Reprieve. Tariq was among hundreds of Pakistanis, mainly from Waziristan, who gathered to condemn the rampant violence in their areas and to ask for accountability from the US whose illegal drones war is being waged against many innocent Pashtuns from the tribal areas. During his brief time in Islamabad, several of the international participants got a chance to meet Tariq. His vibrancy and desire to speak out against the injustices taking place daily in his community struck a chord with many of them.

Tariq was also part of the transparency cameras project launched by Reprieve in order to bring news and evidence of the vicious murders of women and children caused by US drone attacks in Pakistan. I have no doubt that Tariq's homicide removes from this world one more witness who could have shed light on the shameful practices of the US in its '*War of Terror*'.

As for your involvement, I understand from recent US publications that by the time Tariq and Waheed were killed, the US protocol had changed such that you were to be consulted prior to any drone attack. Please correct me if



this is a misunderstanding of the procedure -- rather, please correct the Wall Street Journal and the Associated Press.<sup>1</sup>

From these reports, I understand that you would have been notified of the intended attack on Tariq and Waheed, and asked to provide your opinion as to whether this attack was appropriate and justified, and indeed, whether it should happen at all. Please disabuse me of this if you were not so apprised.

If you objected to the planned assassination of the two boys, please let me know, as this *might* absolve you of liability. (I say *might*, since if you took this position, but failed to take any step that might forestall the conspiracy to kill them, you would probably remain liable, but at least it would be a factor that might be taken into account in mitigation.)

If you did not object to their murders, please inform me whether this was based on misrepresentations made to you as to who was going to be killed, since again this might have an impact on your ultimate liability.

Finally, on the legal front, we must consider the question of your purported immunity under the Vienna Convention on Diplomatic Relations 1961 and Vienna Convention on Consular Relations 1963. It seems clear to me that if an Ambassador is engaged in an illegal, undeclared war in the country where he is stationed, then he would not enjoy immunity, and would at a minimum expect to be expelled forthwith. I will not brief the issue here, but I will ask

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<sup>1</sup> See *U.S. Tightens Drone Rules*, Wall Street Journal (Nov. 4, 2011), [http://online.wsj.com/article/SB10001424052970204621904577013982672973836.html?mod=googlenews\\_wsj](http://online.wsj.com/article/SB10001424052970204621904577013982672973836.html?mod=googlenews_wsj); *Timing of US drone strike questioned*, Associated Press (Aug. 11, 2011), <http://news.yahoo.com/ap-exclusive-timing-us-drone-strike-questioned-161145779.html>.



whether, should we bring a legal action against you for your role in Tariq and Waheed's deaths, you would be inclined to assert immunity for making war on these children of North Waziristan? If you agree with me that this would go well beyond any legitimate diplomatic or consular function that would make the issues before any Pakistan court simpler.

You may agree with me (and with the overwhelming majority of the citizens of Pakistan) that the undeclared war being "secretly" waged by the CIA is monumentally counterproductive, as well as being immoral and illegal. If so, you should make your opinion known more broadly and publicly refuse to continue to involve yourself in this covert and lawless conduct.

Understanding that your orders come from above, it seems to me that it is equally unwise for the White House to make the US Ambassador in Pakistan a publicly-acknowledged cog in the machinery of killing children in Waziristan: how does the State Department think you are meant to do your job here in my country if it is known that you are daily making active decisions in this highly unpopular and criminal war against Pakistan? Such a decision would appear to be designed to confine you forever within the Diplomatic Enclave, preventing you from taking sensible actions to improve America's relations with Pakistan.

To try to set this in perspective, can you imagine what would happen to the Pakistan Ambassador to Washington if, when she arrives there in the next week or so, she were publicly tasked with signing off on Pakistani hit squads assigned to kill people we do not like in America? Perhaps Pakistan might



feel that racists who are targeting Muslims should be “taken out” – could the Ambassador genuinely expect to be allowed to supervise such a programme?

I expect to receive a reply within fourteen (14) days of the sending of this letter. Absent such a reply, I will assume that your answers to the questions I have laid out above are those least favourable to your legal position and I shall proceed in accordance with that presumption.

I remain,

Yours sincerely,

**Mirza Shahzad Akbar**

*Barrister-at-Law, Advocate High Court*

Director, Foundation for Fundamental Rights