

In 2015, the Federation of German Scientists [Vereinigung Deutscher Wissenschaftler – “VDW”] and the German Section of the International Association of Lawyers Against Nuclear Arms (“IALANA”) present the

Whistleblower Award

to (among others) the

former US drone pilot Brandon Bryant (Missoula/USA)

1 Personal Information and Biography of Brandon Bryant

Brandon Bryant is 29 years old. After attending high school in the US state of Montana, he began a journalism course which he then had to abandon after one semester for financial reasons. At the age of 19, in July 2005 he joined the US Air Force because this promised him a free vocational training. In April 2006 he began to study and train as a “remotely-piloted-aircraft sensor operator” (referred to below as “drone pilot”) for Predator drones. He flew his first mission on December 3, 2006. In January 2007 he was deployed to Iraq. Starting in 2009, he worked for a secret special unit for targeted killing, operating out of an air-conditioned container at Cannon Air Force Base in New Mexico.¹

He found the work increasingly unpleasant, preferring to do something that saves lives instead of taking them. In cases where he criticised individual missions or expressed other concerns, his superiors did not take him seriously and eventually he began to consider changing career. The psychological burdens were affecting his sleep; at one point he even collapsed during his work. He was spitting blood and had to take sick leave for several months². Afterwards he returned to work in the container but he felt an increasing emotional detachment from the US killing programme using drones. Looking back he recognises: “As a soldier I wanted to be doing a job worthy of respect. I did not want to sit in a container in front of a monitor hunting down people in a cowardly way.”

On July 4, 2011, he resigned from his post in the US Army because he could not stand his work any longer. He knew for certain: There was no consideration of civilian victims. The pilots did not know who they were killing or why and there was no serious communication with their commanders about anything they were worried about. They were met with rebuffs such as: “Why do you need to know that?”³ It was clear to them that “if we spoke to any outsiders, we would have lost our accreditation”⁴. Lucrative offers were made to persuade him not to quit (a bonus of US\$109,000 for continuing, promotion to instructor, better salary, and others)⁵ but he did not let himself be deterred. Previously he had unsuccessfully applied for a transfer to a different role, as an instructor for survival training. He never wanted to have anything to do with drones again. As he was honourably discharged, he received a document which confirmed that his unit had carried out 1626 “targeted killing operations”. The document shocked him since he had previously not been fully aware of the scope of this killing programme. He estimates that he was directly involved in a total of 13 killings by drone.

At the point of leaving the armed forces, Brandon Bryant was already suffering a severe case of post-traumatic stress disorder (PTSD) and even suffered periodic loss of his active memory. Additionally, he suffered from the consequences of a fall during his service which caused injuries to his spine, shoulder and hip. In spite of all therapeutic measures, he was unfit for work for a long period. For his

¹ DER SPIEGEL Nr. 50/2012 from 10.12.12

² as Note 1

³ information from 24.07.15

⁴ ZEIT from 27.10.13

⁵ as Note 3

PTSD, the American Veterans Administration offered him no treatment whatsoever ⁶. Today he is living in very simple conditions in a remote forested part of his homeland near Missoula, Montana.

2. Irregularities Revealed

(a) In 2012, in his interviews Brandon Bryant publicly criticised for the first time⁷ the fact that the drone attacks in Afghanistan, Pakistan, Somalia and Yemen carried out by the USA with the aim of killing persons suspected to be terrorists are portrayed as “precise and clean”. His own experiences in active service show that the truth is they claimed the lives of innumerable innocent victims from the civilian population. Additionally, this type of warfare puts the drone pilots under severe psychological stress. Brandon Bryant says: “The truth is: Nothing is clean. It can never be clean.” ⁸.

(b) At the end of 2013 and beginning of 2014 he spoke with investigative journalists. Based on his knowledge of the secret drone programme, he revealed the vital role played by the technical facilities and the Air and Space Operation Command (AOC) at the US airbase in Ramstein, Germany, as well as the worldwide data connections for drone control and analysis of the images they provide.⁹

(c) In 2014, based on his knowledge of the secret GILGAMESH geolocation system and his specific mission experience, he revealed the inaccuracy of the German government’s claim that the mobile telephone numbers of terrorist suspects passed on by German intelligence agencies to US authorities could not be used to define targets.

a. Public criticism of the myth of “precise and clean” killing (targeted killing)

In the certificate handed to him when he left the Army in 2011, it is documented that Brandon Bryant and his unit were involved in the killing of 1626 people. Many of these were children and civilians. Additionally, records he had seen document¹⁰ the killing of over 2300 people during the time of his missions. According to his credible statements, during most of the missions the drone pilots did not know who the victims of the drone mission were or what they had done. Brandon Bryant states that only a few of them were clearly identifiable as active fighters.

Drone warfare does not spare children or youth, or even US citizens. This is shown by, among others, the case of 16-year-old US citizen Abdulrahman al-Awlaki, son of the militant Islamist preacher Anwar al-Awlaki: Two weeks after his father was killed in Yemen on September 30, 2011 during a drone attack, he was eating outside with his cousin and five other men when they too became the victims of targeted drone attacks¹¹. Or that of 13-year-old Mohammed Tuaiman, who was killed by a CIA drone mission in February 2015 after his teenage brother and father had also been killed as they tended their camels¹².

In these cases, family relationships were presumably a reason for the killings, but during the active service of Brandon Bryant there were many persons fatally targeted by drone attacks whose name was not even known. According to reports in the New York Times, the CIA and US Army simply

⁶ as Note 3

⁷ see the first interview in DER SPIEGEL from 10.12.12 with Nicola Abé

⁸ ZEIT from 27.10.13

⁹ Panorama broadcast 3.4.14 and Süddeutsche Zeitung newspaper 4.4.14

¹⁰ e-mail from Brandon Bryant to the Whistleblower Award Jury, 24.7.15

¹¹ <http://www.nytimes.com/2013/07/18/opinion/the-drone-that-killed-my-grandson.html>

¹² <http://theguardian.com/world/2015/feb/10/drones-dream-yemeni-teenager-mohammed-tuaiman-death-cia-strike>

categorised all men of fighting age as enemy fighters if they were within a defined zone where terrorist activities were being carried out¹³. The ‘logic’ behind this: People who hang out in the same area or meet high-ranking Al Qaeda members cannot be doing anything good. These so-called “signature strikes” had already begun in Pakistan in 2008 during the Bush government and were intensified under Obama from 2009. During the eight-year Bush government, between 410 and 595 people were killed in 51 drone attacks in Pakistan¹⁴. By February 2015, Obama had ordered 419 drone attacks in Pakistan alone. Studies have shown that over 4500 people have been killed since 2009 in this type of attack in Pakistan, Yemen and Somalia^{15 16}.

According to a report from the human rights organisation Reprieve, for every targeted killing of an active terrorist, there are 28 unknown people killed¹⁷. Only 2 per cent¹⁸ of the people killed in Pakistan by drone attacks are senior Al Qaeda leaders¹⁹. The other people killed are either fighters of the lower ranks – who can hardly be described as posing an existential threat for the USA – or they are simple civilians or other unknown people.²⁰

Contrary to the way the US government portrays it, the signature strike procedure is by no means precise or error-free. In order to identify people as combatants or non-combatants, behaviour patterns are defined. However these are not sufficiently valid, since ‘suspicious’ behaviour patterns are not necessarily clearly distinguishable from ‘normal’ ones.²¹ For example, it is common for men in Pakistan to carry weapons because they live in insecure and unstable regions. So a man carrying a weapon is not necessarily the “signature” of a Taliban or Al Qaeda fighter. Further, the images transmitted from drones cannot generally differentiate between a farming tool or a gun being carried over the shoulder.

So the conclusion has to be drawn that during the US drone war people are being killed although the US side cannot be sure who it is killing.²²

Summarising, Brandon Bryant commented on this type of warfare: *“I have incurred guilt. I decided to quit the Air Force because I had doubts about the integrity of my commanders. They have breached international law and committed violations of human rights. We were a real killing machine.”*²³.

b. Revealing the crucial role played by the US airbase Ramstein in the US drone war

At the end of 2013 and beginning of 2014, Brandon Bryant decided to speak to journalists about the

¹³ <http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html>

¹⁴ <https://www.thebureauinvestigates.com/2011/08/10/the-bush-years-2004-2009/>

¹⁵ <https://www.thebureauinvestigates.com/2015/02/02/almost-2500-killed-covert-us-drone-strikes-obama-inauguration/> and Council on Foreign Relations from 21.11.14 -

<http://blogs.cfr.org/zenko/2014/11/21/americas-500th-drone-strike/#>

¹⁶ Adam Hudson, report from 4.8.15 http://www.truth-out.org/news/item/32166-thanks-to-reliance-on-signature-drone-strikes-us-military-doesn-t-know-who-it-s--killing#st_refDomain=&st_refQuery
<http://www.spiegel.de/politik/deutschland/ramstein-air-base-us-drohneneinsaetze-aus-deutschland-gesteuert-a-1029264-2.html>

¹⁷ <http://www.reprieve.org/us-drone-strikes,kill-28-unknown-people-for-every-intended-target-new-reprieve-report-reveals.html>

¹⁸ <http://www.motherjones.com/mojo/2011/01/military-drone-afghan-success-rate-uav>

¹⁹ <http://foreignpolicy.com/2013/04/10/fewer-than-2-percent-of-drone-strike-victims-in-pakistan-are-senior-al-qaede-leaders/>

²⁰ <http://www.mcclatchydc.com/news/nation-world/world/middle-east/article24747826.html>

²¹ according to the journalist Jack Serle, TBIJ’s Covert Drone War team,

http://www.washingtonpost.com/world/asia_pacific/pakistan-tribesman-fear-losing-their-guns-and-rockets/2015/01/15/ae055164-9a70-11e4-bcfb-059ec7a93ddc_story.html

²² http://www.washingtonpost.com/world/asia_pacific/pakistan-tribesman-fear-losing-their-guns-and-rockets/2015/01/15/ae055164-9a70-11e4-bcfb-059ec7a93ddc_story.html and Adam Hudson, see Note 14

²³ quoted in Panorama broadcast on 3.4.14, see Note 9, from minute 2:00 [re-translation from German]

crucial function of the US airbase in Ramstein for the entire worldwide US drone war. The background was the discovery by several journalists of documents relating to the construction of a new relay station within the Ramstein airbase. Additionally, the US budget included entries explaining that these construction measures were necessary for operations of US special forces in Africa: “Without these facilities, the aircraft will not be able to perform their essential AUS missions within the EUCOM, AFRICOM and CENTCOMAOR. US weapon strikes cannot be supported and necessary intelligence information cannot be obtained.”²⁴

Further reports on this appeared on LinkedIn, including some from civilian image analyses employed in Ramstein in connection with drone interventions ²⁵). At the beginning of April 2014, the German broadcaster NDR broadcast an episode of Panorama and the Süddeutsche Zeitung newspaper published an article with extensive details on these previously unknown functions of the US airbase Ramstein.²⁶ Here, Brandon Bryant took on his role as accomplice witness and decisive authoritative source who could not only explain in detail the technical side of the information transfer but also, thanks to his years of service, could prove that during over 6000 flight hours at the beginning of his daily work as a drone pilot he had to log into the system at Ramstein, where the images from currently deployed drone sensors were analysed in real-time and target instructions were developed.

Brandon Bryant revealed that the image carefully cultivated by official sources could not be maintained: in Ramstein there was much more than a purely technical procedure which ‘merely’ forwarded data. The Federal German government's claim that although German intelligence agencies had passed on mobile communications data this could not be used to locate a target was also debunked with Brandon Bryant's information on the GILGAMESH components in the drone's technical equipment which allows a mobile phone to be located within metres ²⁷.

In mid-April 2015, the whistleblower portal The Intercept and the current affairs magazine Der Spiegel published a top-secret PowerPoint presentation on the drone programme²⁸ from 2012. The information in this file on the technical details confirmed the previous revelations from Brandon Bryant. Additionally, Der Spiegel quoted from documents it had received which prove that the US government knew of the legal implications for Germany associated with a drone programme including extrajudicial killings and that there was correspondence with the German government on this.

aa. Technical role of the relay station in Ramstein

Brandon Bryant revealed that all drone missions are operated via the military base in Ramstein. He reported from his own direct working experience that the drone pilots are sitting in military bases in Nevada, Arizona or Missouri whereas the targets are in Africa or the Middle East. The drones are launched and landed by soldiers in the Middle East (or elsewhere) and then the pilots in the USA take over the controls. The base in Ramstein is always involved in forwarding data. Signals are transferred via Ramstein which tell the drones what to do. Each drone pilot logs into the Air and Space Operation Center (AOC) in Ramstein via the US base Creech, an Air Force base in the Nevada desert which serves as a drone HQ and relay station for ten Air Force bases in various US federal states. Fibre optic cables make the high-speed data transfer possible. Once the connection between the drone pilots and Ramstein is established, the commands are then sent from Ramstein to a satellite which broadcasts

²⁴ Military Construction Program, Fiscal Year (FY) 2011 – <http://www.saffm.hq.af.mil/shared/media/document/AFD-101203-039.pdf>. p 223)

²⁵ Süddeutsche Zeitung from 30.5.13

²⁶ see evidence in Note 9

²⁷ see NDR-Panorama from 3.4.14; see Note 9, from minute 10:00

²⁸ <http://www.spiegel.de/politik/deutschland/ramstein-air-base-us-drohneinsatz-aus-deutschland-gesteuert-a-1029264-2.html>; <https://firstlook.org/theintercept/2015/04/17/ramstein/>

them to the drone.

Precise control, especially when it comes to the actual firing of a weapon, is only possible if the 'latency' is low: the time that passes between a pilot issuing commands on his joystick and this information reaching the drone. Due to the curvature of the Earth's surface, a satellite in orbit cannot directly convey a signal from the American continent to a place such as Pakistan – this is where the geographical position of Ramstein becomes crucial. Involving a second satellite would increase the latency making it impossible to react quickly and precisely enough for them and others involved. So the pilots would be almost blind without the high-speed fibre-optic connection to Ramstein. The signals from the drones are carried back along the same path, in particular the images from their high resolution infrared cameras. So Ramstein is the central link in the data forwarding: the epicentre of communication in the worldwide drone war ²⁹.

Brandon Bryant also disclosed that another base is foreseen in Italy as an emergency replacement for the drone logistics in Ramstein. In the meantime it has become known this refers to the base at Sigonella. ³⁰

bb. Ramstein is more than a relay station for data forwarding

Brandon Bryant revealed in 2014 that at the beginning of every shift during his 6000 flight hours, he used his call sign to log in to Ramstein via an encrypted version of the chat software mIRC, entering the confidential registration number of the drone that he was to control in order to establish a connection with it and receive its transmitted images on his monitor. Although it was not permitted, during quiet moments he chatted with the people involved in the image analysis and found out that they were working in Ramstein ³¹.

That was, however, not the place where the connection to the drone was made. As a pilot those image analyses would give him frequent reports to help understand the transmitted images and instructions on where to navigate in order to improve the conditions for the required observation³²; In these reports the targets would also be defined. Obviously, these teams had access to other military or intelligence information which they combined with the information from the images in order to define a particular target. The procedure also foresees legal advisers being consulted in order to determine where international law may dictate what a planned mission may or may not do.³³ According to Bryant's estimation, it was only the actual orders to fire Hellfire missiles which came from commanders in the USA. However, in May 2013, there were indications that mission commands were being given by the United States Africa Command (AFRICOM) from its headquarters in Stuttgart, at least where drone missions in Africa were concerned. This appeared to be the case because "Intelligence Analysts" were being sought for Stuttgart with the task of "nominating" targets for drone missions in Africa.³⁴

As early as February 2003, the "Distributed Common Ground System 4 (DGS-4)" had been installed in Ramstein – one of five units worldwide which evaluates drone images.³⁵ In the meantime, further research on the significance of Ramstein has discovered that in 2011 previous temporary facilities were replaced by the construction of a large new facility, the Air and Space Ops Center (AOC) with a total of 12 satellite antennas. Up to 650 employees are active here around the clock ³⁶. So it can be

²⁹ NDR-Panorama from 3.4.14

³⁰ DER SPIEGEL from 17.4.15

³¹ ARD-Tagesschau from 3.4.14

³² NDR-Panorama from 5.4.14

³³ according to the ZEIT journalist Christian Fuchs

³⁴ Süddeutsche Zeitung from 30.5.13 in the IALANA Conference "Our Neighbour NSA" on 13.9.15 in Wiesbaden

³⁵ as Note 31

³⁶ as Note 29

assumed that DGS-4 was integrated into this. In 2014 the press uncovered the fact that dozens of civilian German employees were working in Ramstein, with some of them even boasting on LinkedIn about their participation in targeted killings³⁷.

c. Revelations about geolocation of mobile telephones

Contrary to the claims of the German government, the US military fighter drones are quite capable of geolocating mobile telephones for their deadly attacks. This, too, was disclosed for the first time by Brandon Bryant, together with an anonymous whistleblower who worked at the Joint Special Operations Command (JSOC), in February 2014³⁸.

As part of their counter-terrorism activities German intelligence agencies have in the past passed on mobile telephone numbers, of suspects from Afghanistan, for example, to US authorities. The government justified this by reassuring the public that a telephone number does not enable geolocation precise enough for an airstrike. Documents from 2012, however, prove that a special geolocation system fitted to drones enables them to use a person's telecommunications signals to track them accurately enough to make an airstrike possible.³⁹ Knowing the telephone number of a target person identifies their SIM card. It is simple to use this information to identify which cell the SIM card is currently in and even the distances to specific telecommunications masts. This is where the GILGAMESH device then comes into play. It is fitted under the drone instead of a Hellfire missile and operates as a mobile "IMSI-catcher", tricking the mobile phone into locking onto this apparent telecommunications tower. This involves the SIM card's unique International Mobile Subscriber Identity (IMSI), which the GILGAMESH system then looks up in its database. If the SIM card is on the target list, the drone will fly around the area, with the phone continuing to contact it as a 'base tower'. Analysing the connections from several places allows the system to geolocate the SIM card to within one metre.⁴⁰

This procedure based on a telephone number actually locates the SIM card. It is claimed that surveillance of e-mail and other communications allows the intelligence agencies to be sure that the targeted person is still using this SIM card – but this cannot always be true. Phones are lent or given innocently to friends and relatives, including children, to use and targets who know they are likely to be the subject of surveillance even deliberately pass around SIM cards to confuse their trackers. So it is almost certain that the 'wrong' person will be killed at some time or another.⁴¹

3. Significance of Brandon Bryant's Revelations

By personally vouching for the reliability of his information on the secret drone warfare with its extrajudicial killings, Brandon Bryant did more than just raise ethical issues. He also forced a public debate, which is still raging, on the issue of whether the German government is making itself jointly responsible for the killings because it is tolerating the activity taking place on German territory in Ramstein.

³⁷ ARD-Tagesschau from 3.4.14

³⁸ initially in The Intercept from 10.2.14 - <https://theintercept.com/2014/02/10/the-nsas-secret-role/> and then in the episode of NDR-Panorama on 3.4.14

³⁹ DER SPIEGEL from 17.4.15 – <http://www.spiegel.de/politik/deutschland/ramstein-air-base-us-drohneinsatz-aus-deutschland-gesteuert-a-1029264-2.html>.

⁴⁰ Brandon Bryant in NDR Panorama broadcast on 3.4.14 and in an interview with the SZ on 4.4.2014, <http://www.sueddeutsche.de/politik/us-drohnenkrieg-immer-fliesen-die-daten-ueber-ramstein>

⁴¹ a detailed description of these problems of false identification can be found in The Intercept on 10.2.14 - <https://theintercept.com/2014/02/10/the-nsas-secret-role/>

a. Fighting wars with armed drones

On the one hand we have a worldwide discussion on the permissibility of these new methods of warfare, but on the other hand there are states such as Israel and the USA which have already been deploying armed unmanned aerial vehicles in armed conflicts for years. Some voices speak out against any sort of drone deployment, although they may have different reasons for this opinion, whereas others might consider it safe or inoffensive to use these unmanned drones for reconnaissance flights but reject any armed deployment. A third viewpoint is only critical of the current extrajudicial killings by the USA but considers firing missiles from drones to be permissible as long as there is compliance with relevant international law. Furthermore, there is a broad front of opposition against the development of autonomous weapons systems. These would set off to find and attack targets completely independently, without further human intervention.⁴²

Initially, Brandon Bryant held the third position mentioned. However, his own direct experience showed him that individual drone pilots had no opportunity to prevent even obvious breaches of international law on armed conflict, which plagued his conscience. This was heightened both by the sense of closeness built up to a particular target if the person was subject to long periods of observation and by the killing of completely unknown targets identified simply by a 'signature'.

Today Bryant says: *"I hate the drone program and the people in it. They're a bunch of children with a neat, expensive toy."*⁴³. The media scientist Jutta Weber also criticises a "playstation mentality", illustrated by the example of US military personnel referring to successful drone missions as "bug splats"⁴⁴.

The discussion in Germany has led to a situation where the government has still failed to declare a final decision as to whether drones will be purchased for the German armed forces.

Its official position on this issue is still the clause from the Coalition Agreement of the current governing parties at the end of 2013:

*"We categorically reject extrajudicial, illegal killings using armed drones. Germany will commit itself to the inclusion of armed unmanned aerial vehicles in international disarmament and anti-proliferation treaties and for an international ban on fully automated weapons systems which remove human intervention from the decision to fire the weapon. Before deciding on the procurement of qualitatively new weapons systems we will carefully check any relevant international and constitutional law and consider issues of ethics and security policy. This applies particularly to new generations of unmanned aerial vehicles whose military capabilities go beyond reconnaissance."*⁴⁵

b. The US drone war and the Ramstein airbase

⁴² A warning letter was published on 28.07.2015 by more than 13,000 experts from the fields of robotics and artificial intelligence, see <http://ialana.de/arbeitfelder/frieden-durch-recht/entwicklung-voelkerrecht/drohnen-und-gezielte-toetungen/1230-autonomous-weapons-an-open-letter-from-ai-robotics-researchers>

⁴³ e-mail to the Whistleblower Award Jury on 24.07.15

⁴⁴ quoted in Wolfgang Kaleck, *Ausweitung der Kampfzone*, 2012 on the website of the ECCHR at: de/unsere-themen/voelkerstrafaten-und-rechtliche-verantwortung/drohnen.html?pdf=1512 - 50.92 kB

⁴⁵ (p. 168 - own translation): <https://www.google.de/#q=koalitionsvertrag+bundesregierung+2013+pdf>; in correspondence from the Federal Defence Ministry (Department Head Dr. Sohm) to IALANA from 2.7.2015 however, it is stated that the expert hearing on 30.6.2014 in the parliamentary Defence Committee determined that there are "no fundamental legal worries concerning the procurement and possible deployment of drones, even armed drones".

Even before 9/11, the USA considered itself to be involved in armed combat with the terror network Al Qaida, entitling it to resist in self-defence as per Art. 51 of the UN Charter. This reasoning leads the USA to believe it is justified under international law in its worldwide pursuit and destruction of terrorists. However, there are many countries and specialists in international law who sharply criticise this legal opinion. Particular criticism is levelled at the practice of sending drones to attack and kill people in countries which are not engaged in armed international conflict with the USA (Pakistan, Somalia, Yemen, Mali and others): these are labelled ‘extrajudicial killings’ and do not comply with international law on armed combat. They are also a breach of the territorial integrity of these states (Article 2.4 of the UN Charter). In November 2014, the 500th attack of this type took place⁴⁶.

The current German government rejects these extrajudicial killings where they breach international law. And there can be no doubt about these, at least as far as the ‘signature strikes’ are concerned: the attacks in non-war zones including attacks on wedding parties and other gatherings with high proportions of civilians among those killed.

Is the German government obliged and able to prevent these attacks, which involve Ramstein at least as far as the image analysis centre is concerned? This question has become even more provocative now that Brandon Bryant has disclosed how the DGS-4 in Ramstein was responsible for all of his flights and Ramstein is the only relay station in Europe so far for the data transfer.

The US airbase at Ramstein – the largest US base in the world outside the USA – is not extraterritorial. The site is German state territory; most of the site is owned by the Federal State of Rheinland-Pfalz. It was made available to the Americans under the NATO SOFA for defence purposes, covered by a right-of-use agreement from 16.10.1968. According to Article 53.1 of the NATO SOFA SA, German law applies to this use⁴⁷. According to Article 2 of the NATO SOFA, the troops stationed there are obliged to respect German law.

And the German Criminal Code considers anyone to be guilty of the offence of murder if they kill another person without any justification under international law. (The GCC specifies several criteria for a killing to be classified as murder; using a missile from an unmanned aerial vehicle probably fulfils “by means that pose a danger to the public”, “cruelly” and “by stealth”.) Where international law on armed conflict applies, Section 8 of the Code of Crimes against International Law (VStGB) also foresees a life-long prison sentence for anyone who kills a person who should be protected under humanitarian law. According to § 1 of the VStGB, this type of crime is subject to universal jurisdiction, so German courts can prosecute perpetrators who murdered in other countries.

The whole chain of command involved in these targeted killings is committing actions against international law. Even supporting these actions can be considered an offence, so the German government providing German land and airspace to the perpetrators is surely a case of “aiding and abetting”.

The German government knew about the construction of the AOC in Ramstein. In November 2011, the Department of the Army informed the German Ministry of Defence that in the near future a relay station for drone missions would be constructed at Ramstein Air Base to contribute to the command centre for missions with drones of the types Predator, Reaper and Global Hawk⁴⁸.

Furthermore, since 1996 the German armed forces has had a “Liaison Office for the German Air Force” (VKdoLw) in Ramstein at USAFE (US Air Force in Europe), with direct access to the US

⁴⁶ ZEIT-online from 1.12.14 – <http://www.zeit.de/ausland/2014-12/usa-drohnenangriff-obama>

⁴⁷ see Luftpost 177/12

⁴⁸ DER SPIEGEL from 17.4.15 - <http://www.spiegel.de/politik/deutschland/ramstein-air-base-us-drohneneinsatz-aus-deutschland-gesteuert-a-1029264.html>

commander and reporting directly to the German Chief of Staff (InspL) ⁴⁹ So it certainly has mechanisms to obtain any information it deems necessary for its duties. The tasks of the Liaison Office include:

- reporting to InspL on plans and measures of USAFE
- reporting to USAFE HQ according to instructions from InspL on affairs of joint interest
- representing national demands and wishes to USAFE.

When the first questions came to light in 2013 on the extent of involvement of soldiers and facilities at AFRICOM in Stuttgart and in Ramstein in US drone warfare, the NATO Supreme Allied Commander, US General Breedlove, asserted that no drones were starting from the facilities at Ramstein – which nobody had actually been claiming. ⁵⁰ Visiting Berlin in June 2013, President Obama provided a similar declaration: “We do not use Germany as a launching point for unmanned drones ... as a part of our counterterrorism activities” ⁵¹ . Again and again the USA asserted that it “observes German laws in Ramstein” and that “missions involving armed remote-controlled aerial vehicles are not started from American bases in Germany, nor are commands given for them there” ⁵² – which may well be correct, but sidesteps the real issue.

According to information seen by Der Spiegel in April 2015, it can be assumed that in 2001 the USA initially planned to control the targeted killing strikes directly from Ramstein. However, legal advisers at the Pentagon were of the opinion that this might not be compliant with the NATO SOFA and could provoke a veto from the Schröder government, or at least risk having to disclose the top secret programme. This then led to the separation between the control and the satellite connection, with the former being relocated to the USA ⁵³ . On 18.7.2013, the German government responded to a minor interpellation tabled by the Left Party parliamentary group on the secret activities of the USA in Ramstein. The tone was clear: the government is unaware of any breaches of international law ⁵⁴ .

However, the government was wrong to present itself as unknowing in this case. At even if it were, the severity of the accusations would mean it should find out anything it might not yet know. According to the information published in Der Spiegel on 17.4.2015, the editors were in possession of documents which show that in June 2013, the then State Secretary at the German Federal Foreign Office, Emily Haber, requested assurance from Washington that the US bases were not involved in “targeted killing missions”. An internal annotation notes the rejection of this request: “The Federal Chancellery and Ministry of Defence therefore advocate ‘sitting out’ the pressure from parliament and the public.” ⁵⁵ Following this approach, the German government has for years refused to exert any pressure on the responsible US authorities to provide detailed information on the Ramstein facilities. This behaviour is very similar to that of the monkeys in the old story: “Hear nothing, see nothing, say nothing.” Even the Attorney General of Germany, responsible for the prosecution of crimes as defined in the Code of Crimes against International Law, is of the opinion that drone attacks are only justifiable in areas of actual warfare. However, with regards to Ramstein he has not initiated any formal investigations but instead merely a “monitoring procedure”.

⁴⁹ see BT-Drs. 17/14401, p 2 ff.

⁵⁰ DER SPIEGEL from 17.4.15

⁵¹ at <https://firstlook.org/theintercept/2015/04/17/ramstein/>

⁵² tagesschau from 3.4.14/ 16:29 h- <https://www.tagesschau.de/inland/ramstein-Drohnen100.html>

⁵³ Der SPIEGEL from 17.4.15 – <http://www.spiegel.de/politik/deutschland/ramstein-air-base-us-drohneneinsatz-aus-deutschland-gesteuert-a-1029264-2.html>

⁵⁴ BT-Drs. 17/14401; the Panorama editorial team had also posed precise questions to the government in April 2014. The answers were published in an Annex to the Panorama broadcast of 5.4.2014

⁵⁵ as Note 48

In the process “Jaber ./ BRD” at the Administrative Court in Cologne concerning a drone attack in Yemen, the government is also disputing the claim that it knew about the central importance of the Ramstein airbase for the conduct of drone warfare. It also asserts that the USA is acting ‘independently sovereign’ in Ramstein, requiring no permission or monitoring from the German government. Furthermore, in an obvious contradiction to Section 1 of VStGB: “It cannot be the responsibility of the defendant [the FRG] to act as a ‘world lawyer’ regarding other, sovereign states.”⁵⁶

It is due to Brandon Bryant’s information that the debate in Germany on the globally fought US drone war can concentrate more strongly on the activities of the USA in Ramstein. The US government has at no point refuted or contradicted the information he revealed. This also means that the German government with its policy of silent tolerance has lost so much of its legitimacy there is now even a public call for the termination of the right-of-use agreements (Art. 48 Para 3 SOFA SA) for Ramstein in order to effectively prevent the breaches of international law.

4. Brandon Bryant’s Personal Motives for Whistleblowing

Brandon Bryant quit his Air Force service on 17.4.2011. As a consequence of his severe moral struggles he had been suffering from a post-traumatic stress disorder at the time which meant that he was initially busy trying to secure an appropriate course of treatment. Only after a year and a half did he feel able to start fulfilling an obligation he already felt during the period of his active service: using the media to inform the public about the dirty drone war being fought by the USA. So from this point on he was involved in a case of ‘external whistleblowing’. Previously he had never been successful in his attempts to pressure his immediate superiors into enacting changes. In fact, his criticism at that time had been so severe he thinks he should really have suffered some form of punishment, but was saved by his excellent performance of his work⁵⁷. One aim of his efforts now is to ensure the US Army no longer leaves its drone pilots alone in their struggles with the psychological conflicts arising out of their work. Another aim is to put an end to the drone war in its current form.

After the first press reports in Der Spiegel on 10.12.2012⁵⁸ he became a subject of attention in the USA. He campaigned for his aims in numerous interviews and at public events⁵⁹. In doing so he violated his military duty of confidentiality and went against the obvious interest the leaders of his country have in keeping the details of the targeted killings by drone out of the eyes of international media.

At first, he was not even aware that his inside knowledge of the logistics of the drone attacks, based around the US airbase in Ramstein, would be such an extremely significant issue for the critical German public – since so little information was actually previously available or known. It was only after journalists in Germany ‘discovered’ him as an informant and direct witness that he began, in 2014, to freely disclose the full extent of his knowledge. In doing so, he set a strong impulse for the public debate in Germany. The questions to the government and calls to intervene and prevent the American actions in Ramstein have since become very specific⁶⁰. This was followed by many appearances in Germany and other countries, including discussion programmes on TV. They were all

⁵⁶ quoted in Der Spiegel, 17.4.2015, see note 49; the process is still pending. The judgment of the VG Köln – 3 K 5625/14 – from 27.5.14 was published at <http://ialana.de/aktuell/laufende-gerichtsverfahren/drohnensteuerung-ueber-ramstein>

⁵⁷ Bryant in his e-mail of 12.7.15 to the Whistleblower Award Jury

⁵⁸ interview with Nicola Abé. - <http://www.spiegel.de/spiegel/print/d-90048993.html>

⁵⁹ e.g. at Democracy Now, GQ, CNN, NBC, FOX, Time Magazine – acc. to <http://projectredhand.org/theteam/>

⁶⁰ see, for example, the catalogue of questions asked by the Left Party group in the German parliament BT-Drs. 17/14401

backed up with the question of assessing the activities at Ramstein in regard to international law on the conduct of warfare. In this way, Brandon Bryant lent a recognisable face to the issue of the US extrajudicial drone war.

In Spring 2015 there was another case of whistleblowing from an unknown person on the issue of Ramstein, including top secret documents from 2012. None of these contradict anything Brandon Bryant disclosed. In fact, the two whistleblowers complement each other well. In the meantime, Brandon Bryant has come to see himself as a whistleblower and part of the same lineage as Edward Snowden and Chelsea Manning, although he still tends to underestimate his own role and is obviously still affected by feelings of guilt. He has set up his own website with the name “redhand” where other soldiers and critics of the drone programme can speak out.

He also volunteered to be a witness for detailed first-hand information for the parliamentary committee investigating the NSA affair⁶¹. On 25.10.2013 in New York he took part in a UN panel on the US drone programme, together with human rights lawyers, university professors and UN Rapporteurs. His contribution met with a very positive response.⁶²

5. Consequences of Whistleblowing for Brandon Bryant

Bryant had to assume that legal proceedings would be started against him because of his breach of confidentiality, but it has not yet come to this. As well as the consequences of the psychological and physical injuries he suffered during his service, he is also currently suffering from social exclusion in his home country. Many active soldiers and veterans see him as a ‘traitor’ and are cursing him. The Der Spiegel article from 10.12.12 appeared in translation in the UK “Daily Mail” newspaper with the sensationalist headline “Drone operator followed orders to shoot a child ... and decided he had to quit”. This resulted in 157 people ending their Facebook ‘friendship’ with him. As a form of penance, Brandon Bryant read through thousands of malicious comments such as: “He should be prosecuted as a traitor and hung for talking to the press.”⁶³ He says himself: “I am probably the best hated person who nobody can stand.”⁶⁴ Closer to home there are also threats to harm him⁶⁵. This led to him moving out of his mother’s house and breaking contact to his local friends so as not to endanger them. An unstable way of living began. His smartphone and the internet keep him in contact with those in the world who are more sympathetic towards him. Since he considers it necessary and his duty to raise awareness of the drone war, he continues to use the media publicity, even though this might increase the social isolation in his home town.

So we have an even greater duty to value and very publicly acknowledge his important contribution as a whistleblower to the discussion surrounding the illegal drone warfare conducted by the USA.

⁶¹ ARD-Tagesschau from 3.4.14 – <https://www.tagesschau.de/inland/ramstein-Drohnen100.html>

⁶² “The most moving statement came from Brandon Bryant...” - <http://www.rollingstone.com/politics/news/individuals-worlds-apart-united-by-the-trauma-of-drone-strikes-20131029>

⁶³ interview with Matthew Power from GQ in March 2013 - <http://www.gq.com/news-politics/big-issues/201311/drone-uav-pilot-assassination?currentPage=1>

⁶⁴ ARD “Diskussion bei Beckmann” on 28.11.13 with guests incl. John Goetz and Brandon Bryant – 27th minute

⁶⁵ *ibid*: “Veterans in my home town told me I shouldn’t keep talking and threatened me with possibly extreme measures.” (re-translation from German citation)

Frankfurt am Main/Berlin, in August/September 2015

The Whistleblower Award Jury:

Gerhard Baisch (lawyer, Bremen) - Dr. Dieter Deiseroth, Federal Judge (Leipzig/Düsseldorf) - Prof.
Dr. Hartmut Grassl (Hamburg) - Dr. Angelika Hilbeck (Zürich) – Christine Vollmer (lawyer, Bremen)