



Written by [Muhammad Zamir](#) on December 28, 2010

## Pakistan's ISI and America's CIA Facing Lawsuits

A pair of lawsuits threatens to strain the relationship that has developed between the United States and Pakistan since 9/11. For the first time since 9/11, the relationship between Pakistan and the United States has become noticeably worse.

After the commencement of the “war on terror,” Pakistan became a frontline state for U.S. and allied forces, leading to warming relations. Now a U.S. lawsuit and one filed in Pakistan are threatening to undo the changes. A U.S. court has issued a summons to Lieutenant General [Ahmad Shuja Pasha](#), the chief of the ISI (Pakistan’s Inter Services Intelligence agency) and Nadeem Taj (the former intelligence chief), and Lashkar-e-Taiba chief Hafiz Saeed and his operational commander Zaki-ur-Rahman Lakhvi are also in the list. The summons is a part of a case filed by an injured U.S. citizen and the heirs of four others who were killed in the Mumbai, India, terror attacks in which at least 175 people died on November 26, 2008. The counsel for the heirs of Rabbi Gabriel Holtzberg — a U.S.-Israeli citizen — and his wife Rivka commented that summonses have been issued legally by the court, and now it is the obligation of all the respondents to appear before the court in person or through a lawyer.



The petitioner has alleged not only that Lashkar-e-Taiba was involved in the Mumbai attacks, operating the whole attack from Karachi (business city of Pakistan), but also that the Pakistani spy agency (ISI) was also part of this conspiracy.

The summons by the U.S. court to the ISI has infuriated Pakistan, and Premier Yusuf Raza Gilani declared, “I will not give any statement on this issue today. It’s a sensitive matter. No one can send the ISI official to the US court if ISI itself is not willing to go,” [reported](#) *The Nation* (Pakistan).

In anger, Ch Nisar Ali Khan, the opposition leader in the national assembly, said that no patriotic Pakistani can remain silent on the summons issued by the U.S. court to ISI the chief. It is against the national sovereignty. He also questioned which governmental law allowed the CIA to operate in Pakistan. He demanded an answer from the government and queried whether the ISI is also allowed to perform actions in the United States.



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Groups of people have demonstrated in different parts of Islamabad in response to the summons by the U.S. court, and they raised anti-Obama-administration slogans. One of the protestors told *The New American* that this is the end of remaining silent on the issue by the government of Pakistan. He said that the nation will not keep quiet on sensitive and national issues regarding the ISI. Other protestors also commented that the summons to the ISI chief is a part of a great game under which Western countries, including India, always blame this spy agency for supporting terrorism in the world.

It is not the first time that an ISI chief has been summoned by any foreign country in any case. Prior to this incident, ISI Chief General Ahmed Shuja Pasha was summoned to India to help in the investigation of the Mumbai attacks there.

Initially the government was willing to send him, but, according to Geo news (Pakistani TV channel), pressure by various political parties, the Pakistani army, and other segments of the society, forced the government to take back its decision to send the ISI chief to India.

Media reports claim that high-ranking Pakistani diplomats are busy in the United States trying to convince the U.S. government to intervene in the matter, squelching the summons; However, the United States has already announced that the Obama administration has no intention of getting involved in the matter.

On the other hand, another case filed in Pakistan may make a rift too wide to repair. Karim Khan, a journalist from North Waziristan, filed a lawsuit against the CIA station chief Jonathan Banks, who was deployed in Islamabad, on charges of providing operational guidance for the drone attacks in the Pakistani tribal region, including one that killed the complainant's son and brother.

The unusual legal action had attracted another 14 families of alleged drone victims from the tribal belt. They intend to bring a class-action suit against the CIA in early January.

The CIA pulled out Jonathan Banks from Islamabad after his cover was blown in a legal action brought by the victims of U.S. drone strikes in the tribal belt.

Washington announced that because the CIA station chief at Islamabad was receiving death threats from unknown men in Pakistan, concerns about his security forced them to pull out Banks.

Khan's legal advocate Shahzad Akbar said Banks was pulled to keep him from court: "This is just diplomatic language they are using. Banks is a liability to the CIA because he's likely to be called to court. They want to save him, and themselves, the embarrassment."

It is unusual for the CIA to recall such a senior spy. Station chiefs were recalled from Israel in 1999 and Argentina in 2001 after being identified in the local media. Several U.S. media outlets did not name Banks, citing national security concerns. His identity has been widely reported in Pakistan and India.

Pakistani media claimed that the CIA station chief arrived in Islamabad on a business visa (without providing proof, however) and that he was not enjoying diplomatic indemnity, which could be damaging for the CIA. The petitioner, who filed the case in the Supreme Court of Pakistan, had also requested that the Islamabad police arrest Banks and include his name on the ECL (Exit Control List). The U.S. embassy was aware of the development, so they immediately arranged for the departure of the CIA station chief. In Pakistan, a website (Paknationalist.com) also requested that citizens help them in highlighting the activities of Banks, including making any photograph public.

The identity of a CIA station chief is a closely guarded secret in any country. Khan's lawyer said he had obtained Banks's name from one Pakistani journalist and confirmed it with a second. "I asked around,



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and then got an answer after three or four days of searching,” he said.

There were also reports that claimed that some disgruntled elements of the official spy agency disclosed the identification of the CIA station chief, and it might be in reply to the lawsuit that was filed against the ISI in the United States. Sources of Pakistani spy agencies reported in media cleared that they are not involved in uncovering the identification of Banks; however, now there is another issue creating a hurdle for both countries and the trust level is also decreasing. Diplomatic experts expressed the view that if both the cases go to court and push the issues at hand, it would be very difficult for the governments to tackle the mess, severely damaging the relationship.

It was also noted that 2010 is the deadliest year yet for drone attacks in Pakistan.

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