Relatives of American citizens killed in drone strikes sue US officials

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Relatives of three US citizens killed last year in drone strikes ordered by the Obama administration filed a wrongful death suit Wednesday in the Federal District Court in Washington, DC.

Nasser al-Awlaki, the father of Anwar al-Awlaki and grandfather of Abdulrahman al-Awlaki, and Sarah Khan, the mother of Samir Khan, charged that the US government violated the Constitution and international law when it targeted Anwar al-Awlaki for extrajudicial killing and carried out the execution by means of drone-fired missiles on September 30, 2011 in Yemen.

Samir Kahn, who was reportedly not on the Obama administration's "kill list" and not targeted, died in the attack on Awlaki, along with two other people. Abdulrahman al-Awlaki, Anwar al-Awlaki's 16-year-old son, was killed in a separate drone attack on October 14, 2011 that killed seven people in another part of Yemen.

The suit argues that all three killings of US citizens were unlawful because, apart from war, the US Constitution and international law prohibit killing without due process, "except as a last resort to avert a concrete, specific, and imminent threat of death of serious physical injury," conditions that did not apply to any of the victims.

The suit also charges that the US government violated international law by failing to take the required steps to prevent the killing of Samir Khan, the young Awlaki and other bystanders.

It seeks unspecified damages and a public accounting by the Obama administration of these killings and its overall program of targeted assassinations. Defense Secretary Leon Panetta, CIA Director David Petraeus and two top Special Operations commanders, Adm. William McRaven and Lt. Gen. Joseph Votel, are named as defendants.

The plaintiffs are being assisted in the suit by the American Civil Liberties Union (ACLU) and the Center for Constitutional Rights (CCR). The lawsuit states: "The US practice of 'targeted killing' has resulted in the deaths of thousands of people, including many hundreds of civilian bystanders. While some targeted killings have been carried out in the context of the wars in Afghanistan and Iraq, many have taken place outside the context of armed conflict, in countries including Yemen, Somalia, Pakistan, Sudan and the Philippines."

It continues: "These killings rely on vague legal standards, a closed executive process, and evidence never presented to the courts… The killings violated fundamental rights afforded to all US citizens, including the right not to be deprived of life without due process of law." The complaint cites the First and Fifth Amendments to the US Constitution.

Anwar al-Awlaki was born in New Mexico in 1971. The Obama administration alleged that he was a top figure in Yemen-based Al Qaeda in the Arabian Peninsula, although he was never charged with a crime or tried in a court of law. In 2010, press reports said he had been placed by President Obama on a "kill list" of alleged terrorists targeted for assassination, becoming, it was believed, the first US citizen so designated.

Later that year, Anwar al-Awlaki's father, Nasser al-

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Awlaki, filed suit seeking an injunction to prevent the government from killing his son. He was assisted in that suit by the ACLU and the CCR. A federal judge dismissed the suit, accepting the arguments of the Obama administration that the father had no standing to bring the suit and that a decision by the government to kill one of its citizens was a "political" and not a "judicial" matter.

The day Anwar al-Awlaki was killed, President Obama went before the television cameras to boast of the murder and claim that it proved his effectiveness as commander in chief in the "war on terror."

Samir Kahn, who was killed in that strike, was a 26-year-old naturalized citizen whose family resided in Charlotte, North Carolina. He was alleged by the US to be the editor and publisher of an online jihadist magazine linked to Al Qaeda in the Arabian Peninsula.

The US has not linked Abdulrahman al-Awlaki, who was born in Colorado, to Al Qaeda activities. He was killed two weeks after his father, reportedly while enjoying a barbecue with friends.

Last March, Attorney General Eric Holder made a speech in which he defended the supposed right of the US president to unilaterally order the assassination of alleged terrorists, including US citizens, anywhere in the world.

In arguing for this unprecedented assertion of dictatorial powers—in direct violation of habeas corpus and democratic principles reaching back to the Magna Carta—Holder declared: "Some have argued that the president is required to get permission from a federal court before taking action against a United States citizen who is a senior operational leader of Al Qaeda or associated forces. This is simply not accurate. 'Due process' and 'judicial process' are not one and the same, particularly when it comes to national security. The Constitution guarantees due process, not judicial process."

This flagrantly unconstitutional doctrine at one stroke undermines the right to a trial and substitutes for genuine due process internal and secret deliberations of the executive branch, more specifically, the president and his clique of military and intelligence operatives.

On May 29, the *New York Times* published a detailed insider's account, based on information from dozens of Obama administration officials, of Obama's role in personally approving the individuals to be placed on the government's "kill list" and giving the go-ahead for drone strikes in a number of countries. The article quoted Obama as saying of the targeted killing of US citizen Anwar al-Awlaki, "This one is easy."

At a press conference Wednesday morning, ACLU Deputy Legal Director Jameel Jaffer said, "At bottom, the case is very simple. The government has killed three people. It should account for its actions." He continued: "The current administration has said that due process doesn't mean judicial process. We couldn't disagree more."

Speaking of the murder of Abdulrahman al-Awlaki, Pardiss Kebriaei of the CCR said, "There is something terribly wrong when a 16-year-old American boy can be killed by his own government without any accountability or explanation."

Press officials with the CIA, the Pentagon and the Justice Department declined to comment on the suit on Wednesday.

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