

Illegality of US Drone Killings





MQ-1B Predator Wingspan: 55 Feet



MQ-1B Predator carries 2
AGM-114 Hellfire Missiles –
each 100 lbs and 5 feet long - Alwaki





Drone Assassinations

- Pakistan – 297 drone strikes killing 1800 people, 300-400 non-combatants
- Yemen – 34 drone strikes in 2012 alone
- Somalia – 10 drone strikes





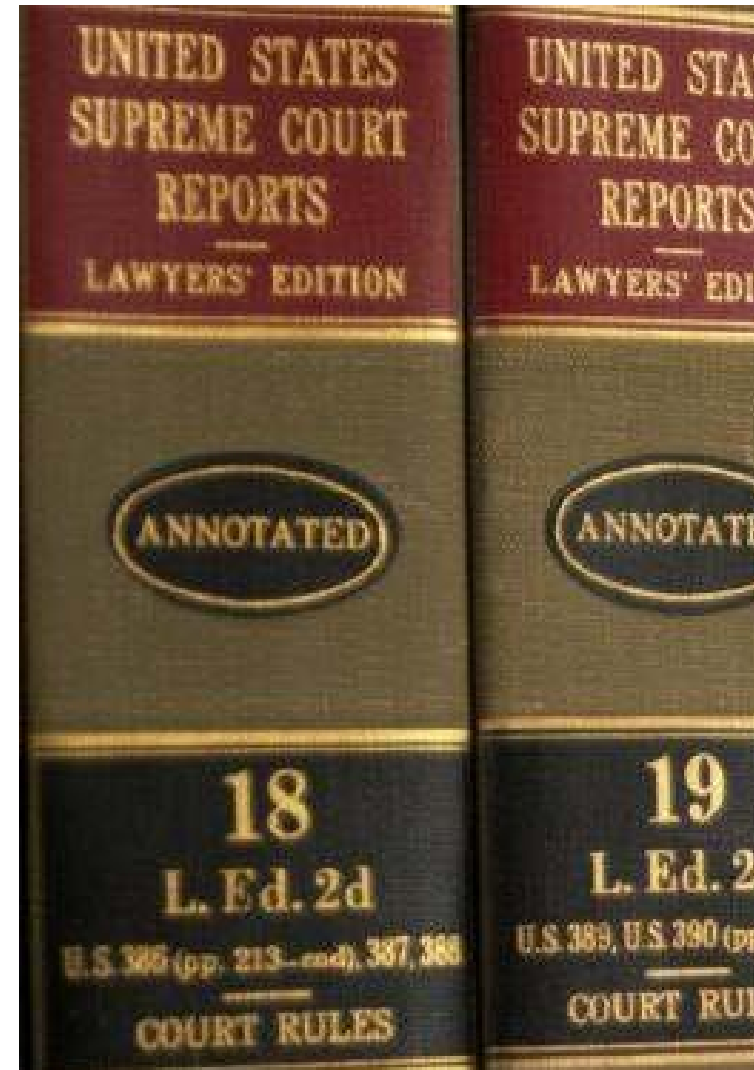
Drone Killings Illegal Under US Law

- Premeditated Murder
- Violate Ban on Assassinations
- Violate Due Process before deprivation of life



Premeditated Murder

- Premeditated Murder is a crime in all 50 states
- Elements of crime: willful, deliberate, premeditated taking of life
- Drone targeted killings pick out specific individuals and murder by lethal force
- Premeditated Murder is also a federal crime
- Premeditated Murder violates US Military Code of Conduct



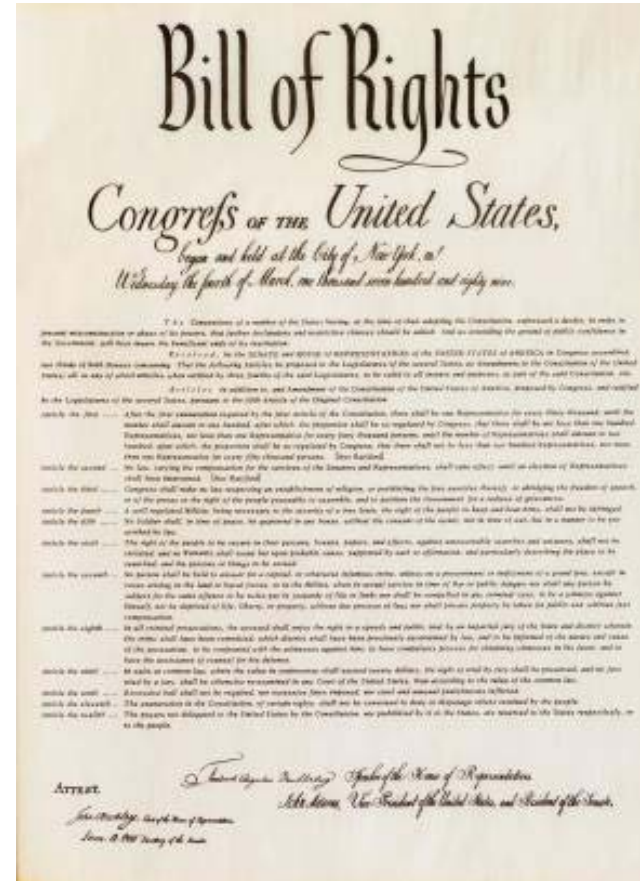
Drone Killing Assassination



- Since 1976, it has been illegal for US agents to assassinate people in other countries
- President Gerald Ford issued Executive Order 11905, Section 5 (g): “No employee of the US government shall engage in, or conspire to engage in, political assassination.”
- President Reagan affirmed this in Order 12333. Section 2.11.

Drone Killings Violate US Constitution

- Drones have been used to kill US citizens abroad, including a 16 year old boy born in Colorado, killed in Yemen.
- US citizens are entitled to due process – life, liberty, and property cannot be taken without due process.
- US government could not execute these people inside the US without due process, why outside?



When are Killings Authorized?

- Only as last resort
- To avoid concrete, specific and imminent threat of death or serious injury.
- None of which are present in drone killings



United Nations Charter



- Article 2 of UN Charter prohibits use of force by one country against another
- Unless in self-defense – Article 51
- Self-defense is allowed until the UN Security Council authorizes the use of force of one country against another
- AND, the use of force is necessary and defensive
- AND, the use of force in self-defense is proportionate to the attack and not punitive in nature.

Authorized Armed Conflict

- If a country is in an authorized armed conflict, it can use proportionate lethal force to defend itself



Where is US in Authorized Armed Conflict?

- One can argue that US is in authorized armed conflict in Afghanistan
- (One can clearly also argue that the US has exceeded the UN mandate for defensive use of force in Afghanistan)



US is NOT in Authorized Combat in

- Pakistan
- Somalia
- Yemen
- Therefore illegal to kill there, much less use assassination by drone



State Killing is Authorized Only

- Only as matter of last resort
- Only to protect life
- Only if proportionate to the imminent harm
- And only if there is no other means available



Outside of Armed Conflict

- The use of drones for targeted killings is never likely to be legal
- The use of drones to kill civilians and militants where there is no imminent threat to human life is illegal under international law.



US denies any civilians killed
but admits to WSJ they do not
even know the names of most of
the people targetted



SANA21-40

***N Waziristan:Corpses of innocent children killed in US drone attack on Friday
which claims 12 lives in Dande Darpa Khel. (SANA PHOTO)***

US claims “anticipatory self-defense”

- Since attacks on September 11, 2001, the US has claimed all US attacks are in self-defense or anticipatory self-defense.
- Anticipatory self-defense is illegal unless there is an imminent threat to life and the use of force is proportionate to the attack.
- Clearly not the case in Pakistan, Somalia, Yemen

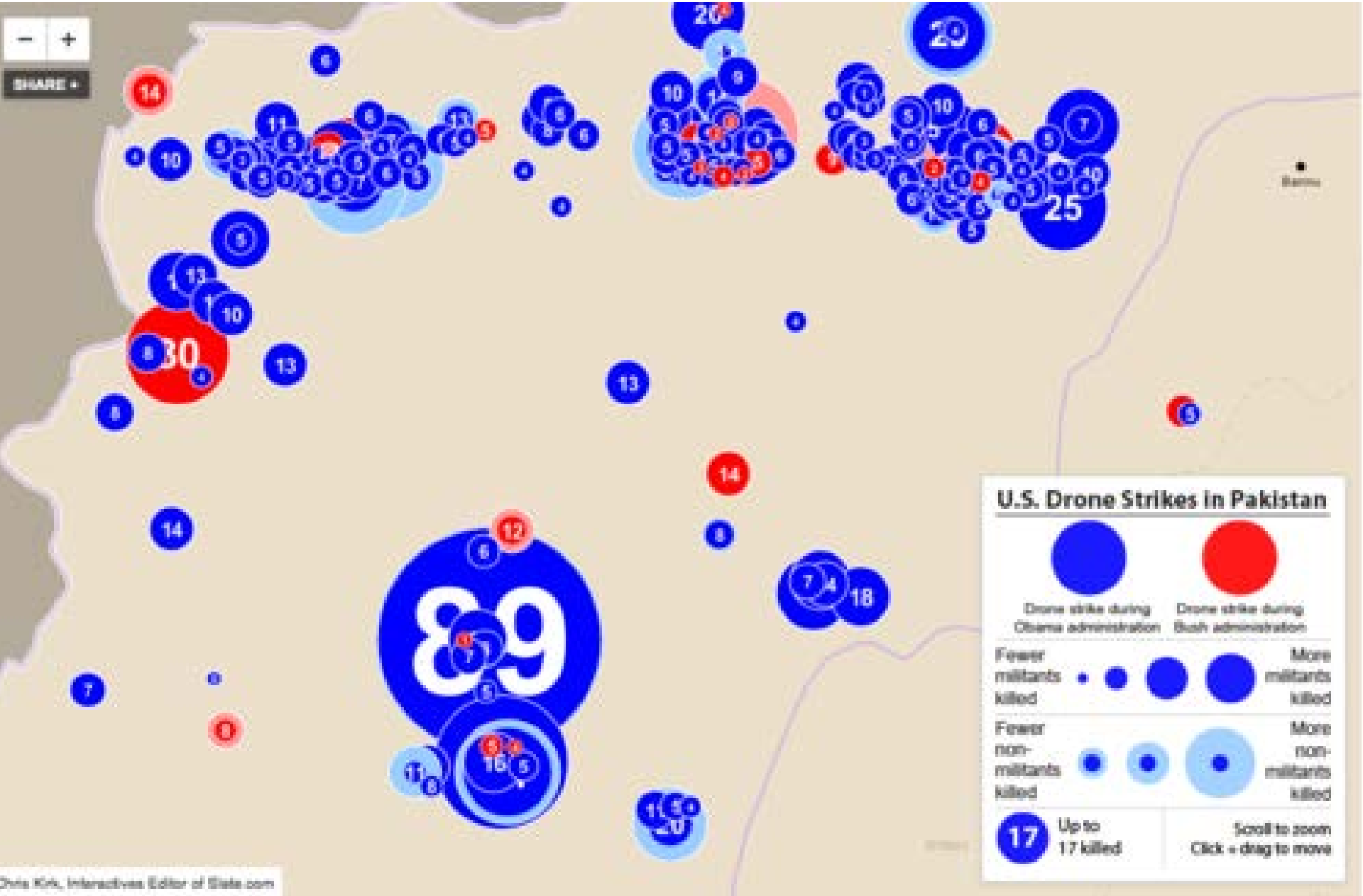


What is “anticipatory self-defense?”



Additional Grounds for Illegality

- Even if US could argue that drone strikes are within the context of armed conflict, the common practice of **follow up drone strikes** at the scene deliberately target rescuers, mourners and other civilians, is immoral and illegal
- These “**secondary strikes**” are war crimes.



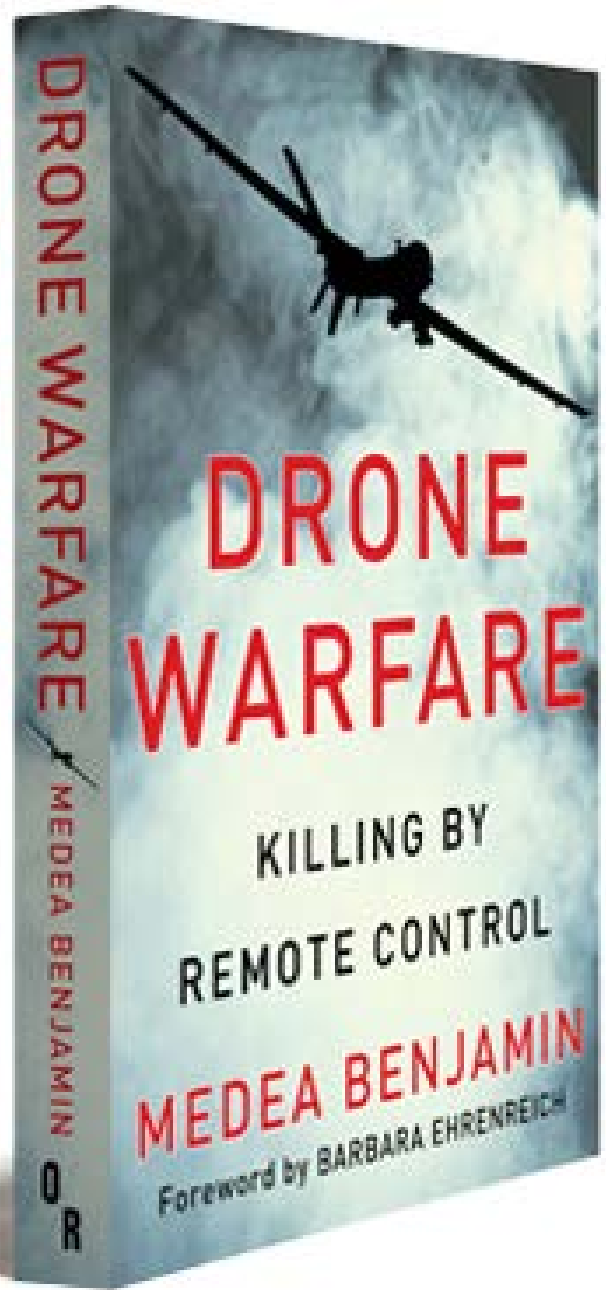
Ultimate Question

- Would the US allow any other country to fire drones into US against our citizens?



Drone Killings

- Illegal under US laws
- Prohibited by Congress
- Illegal under
International Law



DRONE WARFARE

MEDEA BENJAMIN

OR

DRONE WARFARE

KILLING BY
REMOTE CONTROL

MEDEA BENJAMIN

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