



Written by [Joe Wolverton, II, J.D.](#) on October 24, 2013

## Does Pres. Obama Commit War Crimes in Ordering Drone Strikes?

Every time President Obama orders a drone pilot to launch missiles at a “suspected terrorist,” he may be violating international law and committing actionable war crimes. This is the conclusion reached by a pair of human rights organizations that studied the U.S.’s drone war and the potentially immeasurable civilian toll of that policy.



In one of the reports — “Between A Drone and Al-Qaeda” — published on October 22, Human Rights Watch offered a summary of the possible legal problems of the president’s perpetuation of the drone war in Yemen, as well as the methods he employs to execute his assassination orders.

Two of these attacks were in clear violation of international humanitarian law — the laws of war — because they struck only civilians or used indiscriminate weapons. The other four cases may have violated the laws of war because the individual attacked was not a lawful military target or the attack caused disproportionate civilian harm, determinations that require further investigation. In several of these cases the US also did not take all feasible precautions to minimize harm to civilians, as the laws of war require.

Some of those targeted by US forces as terrorist suspects may not in fact have been valid military targets. Where the laws of war apply, combatants may lawfully be attacked. Persons who accompany or support an organized armed group, but whose activities are not directly related to military operations, such as engaging in recruiting or propaganda, are not lawful military targets.

It is almost impossible to know how many innocent men, women, and children have been summarily executed by U.S. personnel carrying out orders of Barack Obama or a member of his administration.

Many of those who are fatally wounded in these missile attacks find themselves within the zone of a signature strike.

A signature strike is a drone attack based not on suspicion of guilt of the target of the strike, but of a “pattern of behavior” by a group that finds itself in the crosshairs.

To put it another way, if your uncle, a man suspected of being a notorious and despicable mobster, is laid to rest and you attend his funeral, would it be lawful for the FBI to shoot you (and any other members of your family at the gravesite) on the spot for displaying behavior indicative of affiliation with the Mafia or associated forces?

Signature strikes are tactics employed by collectivists. The U.S. government — President Obama and the bipartisan cabal of congressmen who support this illegal and immoral war — lumps together



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everyone who looks alike and worships the same god or wears the same traditional clothing. This is the very definition of collectivism and is an embryonic stage of communism.

Human Rights Watch investigated the six strikes conducted in Yemen. These attacks, one from 2009 and the rest from 2012-13, reportedly killed 82 people, at least 57 of them civilians.

Human Rights Watch explains that “this report assesses whether these attacks comply with the laws of war. It also considers them with respect to the guidelines that President Obama disclosed in May 2013 for targeted killings. Those guidelines seem reflective of international human rights law, which prohibits the use of lethal force in law enforcement situations except when absolutely necessary to protect human life.”

In a [foreign policy speech](#) at the National Defense University on May 23, President Obama set out his “comprehensive counterterrorism strategy,” including a plan for the future development of the deadly drone war being waged throughout the Middle East and North Africa.

Pakistani media described the president’s promises to rein in the rain of missiles fired from U.S. drones as too little too late.

The same could be said about Attorney General Eric Holder’s admission that four Americans have been assassinated on the order of the president.

In his address, the president reported that the United States has been “at war for over a decade.” This is an odd statement from a purported law professor who should know that only Congress can declare war and no such declaration has been made since the beginning of World War II.

Undaunted by his lack of constitutional understanding, President Obama went on to admit: “From our use of drones to the detention of terrorist suspects, the decisions that we are making now will define the type of nation — and world — that we leave to our children.”

This statement certainly qualifies as too little too late and brings up the question: What of the decisions of the past 12 years? What message have our decisions sent to our children and to the world?

As the president sits in the Oval Office with his advisors and looks over names of people deciding whether or not to order their summary execution, will the rising generation somehow come to view such lethal autocracy as unacceptable if we accept it now? Have the missiles fired from drones killing thousands — regardless of their nationality — made the world safer?

The answer to both questions is no.

Furthermore, the rising civilian death toll that continues to go unadmitted and uncounted by the government of the United States provides reasonable pretexts to many Muslims who would not otherwise harbor any ill will toward the people of the United States. This phenomenon is called blowback.

Blowback is a very real consequence of the way consecutive presidential administrations have executed the “War on Terror.”

As [The New American](#) has chronicled, the methods to the mayhem that is the drone war have bred far more enemies than they have eliminated. In fact, the thirst for vengeance created by the viciousness of the use of this deadly remote control force poses not only a clear and present danger, but will likely prove to be a self-perpetuating, multi-generational menace to the safety of many liberty-seeking people worldwide.



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Although in its report Human Rights Watch concedes that these drone strikes may not always violate international law and the law of war, it does contend that “they appear to fall short of the thresholds set by the Obama administration for carrying out targeted killings.”

More important than the failure to meet these standards is the strikes’ failure to meet constitutional standards.

The [Fifth Amendment to the Constitution](#) mandates that “no person shall be deprived of life, liberty, or property without due process of law.”

This amendment is a protection of a timeless principle of liberty and justice. In fact, due process as a check on monarchical power was included in the Magna Carta of 1215.

President Obama’s nearly daily approval of drone-delivered assassinations is an effrontery to over 650 years of our Anglo-American law’s protection from autocratic decrees of death without due process of law. When any president usurps the power to place names on a kill list and then have those people summarily executed without due process, he places our Republic on a trajectory toward tyranny and government-sponsored terrorism. Of course, it would be another matter if those targeted and executed by the president were armed enemy combatants. They were not. Were these suspected “militants” enemy soldiers captured during wartime, they would be necessarily afforded certain rights granted to POWs.

Those slated for assassination are not allowed any rights — neither the due process rights afforded by international law to those accused of crimes nor the rights of fair treatment given to enemies captured on the battlefield.

The White House has assumed all power over life and death and created *ex nihilo* a new category of individual — one deprived of rights altogether.

The result of this deadly despotism is powerfully described in a section of the Human Rights Watch report on the aftermath of a drone strike:

The images show the men’s bodies charred and in pieces — relatives said they identified Salim Jaber by his cheekbone, and Walid Jaber by the remains of his handgun and his ornate belt.

“Now when villagers see these images,” said a relative, Faisal Jaber, “they think of America.”

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