

In Wake of Bin Laden Killing CCR Calls on Obama to Reexamine Policies of Last Decade (2011)

[*May 6, 2011, New York*—Today, **Center for Constitutional Rights Executive Director Vince Warren** issued the following statement.]

In the wake of the killing of Osama bin Laden, it is a time to be sober, not celebratory, and to reexamine the policies of this and the previous administration. Bin Laden's death does not erase 10 years of lawlessness and war any more than it brings back to life his victims.

President Obama must not continue to let Bush administration torturers and hawks use this moment to support their own self-justifying claims, or to foster more belligerence. Now is the time to show real leadership. This is a teaching moment, a time to reflect on 10 dark years of torture, death, unlawful detention, the targeting of Muslims domestically, the subversion of laws in the name of fighting terrorism, and the many casualties of wars that have only expanded. Hundreds of thousands of civilians have been killed in Afghanistan, Iraq, and Pakistan alone, and millions have been displaced. Over 6,000 U.S. military service members have been killed, and more than 50,000 wounded in wars that have cost the American people trillions of dollars.

In response to claims that torture aided in locating bin Laden, the president must condemn torture in all forms and make it clear that torture has no place in U.S. policy and practice. He must bring to justice those responsible for torture, and apologize and provide redress to the thousands of victims of torture in the years following 9/11.

The Center for Constitutional Rights represents many individuals who have received no justice or redress whatsoever for the violations they or their loved ones have suffered. The victims include hundreds

of men and women held at Abu Ghraib; men held indefinitely and tortured and abused, and even men who have died at Guantánamo and in black sites around the world; Muslim, Arab and South Asian men living in the U.S. and rounded up and abused in the wake of 9/11; and Maher Arar, the Canadian citizen who was rendered to Syria by the U.S. for a year of torture and detention. Mr. Arar was cleared of any wrongdoing by the Canadian government, which launched an investigation and apologized for its role in his ordeal. The U.S. has never apologized or made any effort to provide redress to Mr. Arar or any of the other victims.

Further, we are deeply concerned about reports of resumed strikes in Yemen last week aimed at U.S. citizen Anwar Al-Aulaqi, whose addition to secret kill lists—challenged by CCR—maintained by the CIA and the U.S. military's Joint Special Operations Command (JSOC) based on secret criteria was announced last year. Al-Aulaqi has never been given any form of process that would be due a U.S. citizen or any individual before execution by the state. The executive's policy of targeting suspects based only on its own say-so also poses the real risk that the government, which has clearly made mistakes, as the past decade has shown, will target the wrong people. The use of lethal force against Al-Aulaqi in Yemen, a country against which the United States is not at war, is illegal under the U.S. Constitution and international law in all but the narrowest circumstances—as a last resort to protect against a concrete, specific, and imminent threat of death or serious physical injury. U.S. officials are obliged to comply with these standards.

After a decade of fighting for the rule of law, of challenging torture, rendition and other inhumane and illegal acts committed as part of the so-called war on terror, we at the Center for Constitutional Rights have serious questions about the circumstances of bin Laden's death, including whether his killing violated international law and could constitute a war crime. Emerging facts that bin Laden was unarmed amplify those questions. The United Nations Special Rapporteurs on Extra Judicial Killings and Counter-Terrorism are seeking more information from the U.S. government, and we second that call.

We are also deeply troubled by the jubilant celebrations of the killing and the president's statement following the killing that "justice has

been done,” and concerned that there has been no pause to reflect and consider whether there were other options, other means of doing justice, and what it might have meant to try bin Laden in a court of law.

If bin Laden had been captured and tried in a fair and transparent process, the facts of the case could have been discussed, a historical record created, more information may have emerged, and individuals who lost loved ones could have testified. Perpetrators of some of the worst modern-day atrocities—Nazi war criminals, and individuals bearing responsibility for the Rwandan genocide and the atrocities committed in the former Yugoslavia—were all accorded a process, which had immeasurable value to the victims, the affected nations, and the world.

If this is a moment for anything, it should be one to reflect, reevaluate, and meaningfully bring the worst policies of the past decade to a close. Only then will it be time to celebrate.