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Center condemns attempted assassination of American-born al-Aulaqi

Claire Schaeffer-Duffy | May. 9, 2011 NCR Today

The Center for Constitutional Rights (CCR) has denounced the U.S. military's attempted assassination by drone missile last Friday of American-born radical cleric Anwar al-Aulaqi (also spelled "al-Awlaki").

40-year-old al-Aulaqi was born in New Mexico and has dual citizenship with Yemen.

U.S. officials believe the tech-savvy cleric whose fiery sermons have been posted on YouTube, helped recruit a Nigerian man charged with trying to blow up a transatlantic flight as it landed in Detroit, Mich., on Dec. 25, 2009. Al- Aulaqi is also said to have exchanged e-mails with accused Fort Hood shooter Major Nidal Hasan.

The Obama administration lists him among the possible successors to bin Laden. But other terrorism analysts contest that categorization, describing al-Aulaqi as a powerful, charismatic preacher of bin Laden's cause who lacks the combat experience that al-Qaida members prize in their leaders.

Friday's attack into southern Yemen, a region al-Aulaqi is believed to frequent, reportedly did not kill him. It did, however, terrorize the area's residents.

"There are three drones which hover above my village 24 hours a day ? it's the Americans," al-Aulaqi's father, Nasser al Aulaqi, told the British daily *The Guardian* last week.

CCR's statement, issued Saturday, reads:

> *We are deeply concerned about reports of resumed strikes in Yemen aimed at U.S. citizen Anwar Al-Aulaqi, whose addition to secret kill lists maintained by the CIA and the U.S. military's Joint Special Operations Command (JSOC) based on secret criteria was announced last year.*

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.

Notwithstanding the government's allegations against Al-Aulaqi, he 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.

It is shameful that at a time when the people of Yemen and the Middle East are struggling for the rule of law, human rights and democracy, and protesting against violence by their governments, the U.S. is resuming strikes for which there is no transparency or accountability, and only escalating violence.

The Center's Web site also reports that on August 30, 2010, CCR and the ACLU filed suit on behalf of Nasser Al-Aulaqi, against President Obama, CIA Director Panetta, and Defense Secretary Gates, challenging their decision to authorize the targeted killing of his son as a violation of the Constitution and international law. In December 2010, the district court dismissed the suit on grounds that Nasser Al-Aulaqi did not have legal standing to challenge the targeting of his son, and that the case raised "political questions" not subject to court review. The Center's Web site reports that "the court never ruled on the merits of the case, and indeed, noted that it raised "stark and perplexing questions." (For more on the case, see my October 13 blog on "state secrets.")

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