

WAR CRIMES INDICTMENT

Delivered to Creech Air Force Base, Nevada, on March 6, 2015

When an individual becomes a public servant, serving in a government position, he or she publicly promises to uphold the United States Constitution. Article VI of the US Constitution states:

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

This clause is known as the Supremacy Clause because it provides that the Constitution and laws of the U.S., including treaties made under authority of the U.S. shall be supreme law of the land.

The Supremacy Clause provides part of the Supreme Law of the Land.

One Treaty duly ratified by the U.S. is the United Nations Charter. It was ratified by a vote of 89 to 2 in the U.S. Senate, and signed by the President in 1945. It remains in effect today. As such, it is part of the supreme law of the land.

The Preamble of the U.N. Charter states that its purpose is to “save future generations from the scourge of war” and it further states, “all nations shall refrain from the use of force against another nation.”

This Treaty applies both collectively and individually to all three branches of government, on all levels, U.S. federal, state and local governments, starting with the executive branch: the U.S. President and the executive staff; the judicial branch: all judges and staff members of the judiciary; the legislative branch: all members of the U.S. Armed Forces and all departments of Law Enforcement and all civilian staff, who have sworn to uphold the Constitution, which includes Article VI.

Under the U.N. Charter and long established international laws, anyone--civilian, military, government officials, or judges- who knowingly participate in or support illegal use of force against another nation or its people is committing a war crime.

The Central Intelligence Agency, overseen by President Obama and relevant US Congressional Committees, engages in the use of drones (RPAs/UAVs) operated by United States Air Force personnel at Creech Air Force Base to target and kill people without guilt of any crime. Those following orders, from the president and down through the chain of command, after promising to uphold the United States Constitution, and promising to obey Treaties and International Law – as part of the Supreme Law of the Land, and furthermore, under the Uniform Code of Military Justice of the U.S., are required to disobey any clearly unlawful order from a superior.

These drones are being used not only in combat situations for the purpose of assassinations but also for killings far removed from combat zones without military defense, to assassinate individuals and groups far removed from military action.

For example:

- A drone attack in Yemen on December 12, 2013 tragically struck a wedding party, killing 12 people.
- On May 28, June 14, July 6, and July 23, 2012 the CIA deliberately targeted rescuers of previous drone strikes. A field investigation by the Bureau for Investigative Journalism appears to confirm that this horrendous tactic was revived last year.
- Tribal officials reported that in October 2006, 81 civilians, all but one of whom were described as children, were killed in a single drone strike on a religious school in Bajaur Agency.
- On October 24, 2012, a 67-year-old Pakistani woman was killed by an alleged U.S. drone while picking vegetables in a field with her grandchildren.
- Missiles fired by a U.S. drone killed three people in Pakistan on October 31, 2013, according to Pakistani intelligence officials, the first such attack since Pakistani Prime Minister Nawaz Sharif asked U.S. President Barack Obama to end the campaign of drone strikes.

These are just a few examples of thousands of people who have been murdered by the CIA. These are extra judicial killings, and are an intentional, premeditated, and deliberate use of lethal force to commit murder in violation of U.S. and International Law.

It is a matter of public record that the US has used drones in Pakistan, Afghanistan, Iraq, and Yemen for targeted killings to target specific individuals which has nearly always resulted in the deaths of many others.

There is no legal basis for defining the scope of area where drones can or cannot be used, no legal criteria for deciding which people can be targeted for killing, no procedural safeguards to ensure the legality of the decision to kill and the accuracy of the assassinations.

We believe we have a responsibility to file this criminal complaint. We cite Misprision of a Felony, 18 USC § 4 - Misprision of felony, <http://www.law.cornell.edu/uscode/text/18/4>

“Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.”

In support of this indictment we also cite the United Nations Special Rapporteur on extra-judicial, summary or arbitrary executions, who has said that the use of drones creates “a highly problematic blurring of the law applicable to the use of inter-state force.... The result has been the displacement of clear legal standards with a vaguely defined license to kill, and the creation of a major accountability vacuum.... In terms of the legal framework, many of these practices violate straightforward applicable legal rules.” See United Nations General Assembly Human Rights Council Study on Targeted Killings, 28, May 2010.

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>

To further bolster our case, and to illustrate the seriousness with which others around the world view our actions, we quote from <http://dissenter.firedoglake.com/2013/05/09/pakistan-court-decision-finds-us-drone-strikes-are-war-crimes-which-are-absolutely-illegal> which just recently reported, “A high court in Pakistan has found that United States drone strikes carried out in Pakistan by the CIA are war crimes, which are ‘absolutely illegal’ and a ‘blatant violation’ of Pakistan’s state sovereignty.”

The drone attacks supported, ordered, and executed by the CIA are a deliberate illegal use of force against another nation, and as such are a felonious violation of Article VI of the US Constitution.

By giving material support to the drone program, the individuals named in this complaint are violating the United States Constitution, dishonoring their oath, and committing war crimes.

We demand that the CIA and the United States Air Force stop immediately and end all drone attacks, being accountable to the people of United States and Pakistan, Afghanistan, Iraq, and Yemen.

As citizens of this nation, which maintains military and CIA bases around the globe with the largest, most deadly military arsenal in the world, we believe these words of Martin Luther King still hold true, "the greatest purveyor of violence in the world today is my own government".

There is hope for a better world when WE, THE PEOPLE, hold our government accountable to the laws and treaties that govern the use of lethal force and war. To the extent that we ignore our laws and constitution and allow for the unchecked use of lethal force by our government, allowing the government to kill whoever it wants, where ever it wants, however it wants with no accountability, we make the world less safe for children everywhere.

Based on all the above,

WE, THE PEOPLE, CHARGE THE UNITED STATES PRESIDENT, BARACK OBAMA, DIRECTOR OF THE CIA, JOHN BRENNAN, THOSE PLANNING THE TARGETED KILLING BY THESE DRONES, THOSE OPERATING CIA DRONES, AND THE FULL MILITARY CHAIN OF COMMAND INCLUDING COL. JIM CLUFF AND THE OFFICERS AND AIRMEN OF THE 432ND WING AND THE 432ND AIR EXPEDITIONARY WING AT CREECH AIR FORCE BASE, WITH CRIMES AGAINST PEACE & CRIMES AGAINST HUMANITY, WITH VIOLATIONS OF PART OF THE SUPREME LAW OF THE LAND, EXTRA-JUDICIAL KILLINGS, VIOLATION OF DUE PROCESS, WARS OF AGGRESSION, VIOLATION OF NATIONAL SOVEREIGNTY, AND KILLING OF INNOCENT CIVILIANS.