

# A Big Win for Faisal bin Ali Jaber and for Reprieve

## UK 'on notice' after court rules Germany Failed In Duty to Protect Innocent Civilians

Reprieve, March 19, 2019

A German court today ruled that the Government must do more to ensure its territory is not used by the US to carry out unlawful US drone strikes in Yemen. The case marks the first time a European country has been found to play an essential role in US drone strikes, with the Court holding that Germany's role means it has a duty to protect the right to life of those being targeted.

Faisal Bin Ali Jaber, a Yemeni engineer, brought the claim with two of his family members, with help from Reprieve and ECCHR (European Centre for Constitutional and Human Rights). Faisal's brother-in-law, Salem bin ali Jaber, was an imam who preached against Al Qaeda just days before the US killed him and his nephew, Waleed, a policeman, in August 2012. Faisal's relatives were offered a secret bag containing \$100,000 in US dollar bills as compensation from Yemeni intelligence, but the US has never admitted responsibility.

In its decision, the Court acknowledged that Faisal and his family *"are justified in fearing risks to life and limb from US drone strikes that use Ramstein Air base in violation of International Law"*. Ramstein Air base provides the satellite relay infrastructure – without which drone strikes wouldn't be possible.

It went on to state that there were *"weighty indicators to*

*suggest that at least part of the US armed drone strikes...in Yemen are not compatible with international law and that plaintiffs' right to life is therefore unlawfully compromised."* The German Government's declarations to the contrary, according to the court, were based on *"insufficient fact-finding and ultimately not legally sustainable."* The Court also noted that the fact that Faisal and his family were denied a judicial review by the American courts of their relatives' deaths *"runs counter to the idea that there were any [independent investigations by US authorities]."*

The UK also facilitates the US drone programme. UK personnel have played a *"crucial and sustained role"* in the programme, with UK officials reportedly taking part in so-called "hits", *"triangulating"* intelligence for targets lists, *"tasking targets"* via Menwith Hill, a base in Yorkshire, and by participating in a *"joint operations room"* with US and Yemeni forces in support of strikes.

The UK government has admitted that it works *"with allies"* to *"negate the threat"*, but has refused to answer further questions, including on what role UK bases are playing, the legal frameworks around intelligence sharing for such strikes, and whether any safeguards exist. Parliament's Joint Committee on Human Rights in 2016 raised concerns that the UK Government demonstrated a *"misunderstanding of the legal frameworks that apply"* to the use of armed drones outside of war zones and warned that UK support for the US programme could potentially expose ministers and others to risk of criminal prosecution.

**Jennifer Gibson, Reprieve lawyer for Faisal bin ali Jaber, said:**

*"This is a ground breaking result. The court has made one thing very clear to Germany – they can no longer hide in the shadows and absolve themselves of responsibility for the innocent lives being destroyed by Trump's illegal drone*

*programme. The UK and other European countries are now on notice. They must hold President Trump to account and stop being complicit in these crimes.”*

**Faisal bin ali Jaber**, said:

*“I brought this case because I don’t want any other families to suffer the way that mine has. Losing innocent family members, by mistake, to a US drone strike is something that no one should have to go through. The US drone programme could not function without support from European countries like Germany and the UK. It is long past time these Governments stepped up to prevent more innocent people being killed by US drones.”*

---

## **Messages from Iraqi Refugees, Cankiri Turkey**

**from Cathy Breen, May 6, 2015, Cankiri, Turkey**

Dear Friends,

As I write I am looking out a bus window at a beautiful landscape of rolling hills and mountains. Everything is green, and the trees are budding. It is hard to know where to begin. In the past week, I have traveled hundreds of miles by bus and train in order to visit Iraqi refugees living here. Eskisehir, Ankara, Bolu, Mersin and now Cankiri. Some of the families are refugees twice over, having fled to Syria where we first met them some years ago. Others fled more recently after ISIS took

Mosel last June and then the surrounding villages. Some of them I was meeting for the first time. Muslims, Christians and Palestinians, all from Iraq.

Last night Iraqi friends, refugees themselves, took me to a family I had not yet met. I thanked them for receiving me and explained how many people come with me on this trip wanting to know how he and his family are doing. Upon hearing this, he could hardly contain his emotions, his words spilling out rapidly.

*“We have been waiting for someone to come!” he exclaimed. “We needed someone to visit us. We are happy that someone is thinking of us.”*

A handicapped sister, 39 years of age, sat on the floor beside



him. His wife and four sons surrounded him: 21, 19, 15 and 10 years of age. The family has only been registered by the Turkish government, and were given a date of December 2021 for their interview with the UNHCR. At this time, almost six years from now, their history

will be taken and the family will be asked if they have relatives anywhere else in the world. Only then might they be considered for resettlement. In the meantime, work is not permitted and children are not in school! How are they to live?

Earlier in the day I met with another refugee family with three children, ages 8 and 6 years and 4 months. They were given an interview date for the UNHCR of Sept. 2022. Yes, you read correctly .... seven years from now! None of the above mentioned children are in school. By 2022 these children will be 15 and 13 years of age, and the youngest just turning

school age. The father's parents are both in Australia, but the UNHCR will not register that fact until 2022, unless their interview date is moved forward. The father said he pled repeatedly with the clerk at the registration office to give them a date not so far in the future.

The family I am staying with also have a 10 year old child with cerebral palsy in addition to two other daughters, 9 and 3 years old.

I held this child in my arms in Damascus, Syria in 2009. When given no hope for resettlement, the father returned to Mosel with his wife and then, two daughters.

Both parents of the father recently received citizenship in Canada after being resettled there as refugees four years ago. The parents of the mother



have been recently resettled in Australia with refugee status. Because of his handicapped daughter, the family has been granted an interview date with the UNHCR for November of 2017. Only one and a half years to wait! Only at that interview however will their history be taken and the UNHCR will solicit information about family members living outside of Iraq. Only then might they begin the tedious path for resettlement.

One thing is clear. The UNHCR is completely overwhelmed by the refugee crisis, unable to offer protection, financial assistance, food rations, schooling, etc. Mothers and fathers are beside themselves with worry as their children are not in school. One refugee related how an Iraqi camped out in front of the UNHCR office for days in an attempt to draw attention to their plight. One of the guards told the demonstrator that Iraqi families had done the same and it had made no difference. "Nobody cares" is the general feeling.

Forced to look for work *“under the table,”* I heard multiple stories of Iraqis working 10 to 12 hour days for a fraction of the money Turkish people would receive for the same work or, worse yet, not receiving any compensation for their labor.

*“We are like people drowning” was how one refugee described the situation. “All families are scattered, and we ask Americans who were behind all this to help Iraqis now.”*

---

**Cathy Breen** is a Catholic Worker who lives in NYC, and has made many trips to Iraq since the first Iraq War and the imposition of draconian sanctions of Iraq in the 90s. She has been there at least twice over the last 3 years. This is the third of a series of reports she wrote during her most recent trip this spring.

---

## Messages from Iraq: Erbil

from Cathy Breen, Erbil, Kurdistan, Northern Iraq, April 28, 2015

Dear Friends,

Each year Catholics read from the Book of Acts in the period following the Easter celebration of the resurrection of Jesus. This morning's reading speaks of *“those who had been scattered by the persecution.”* Over a span of more than eight years, I had ample opportunity as Voices for Creative Nonviolence to meet many Iraqi Christian refugees in Jordan and Syria. I was often gripped by their stories, and the visions and dreams given to them as the *“suffering church.”*

Last September I had hoped to travel to the village areas surrounding Mosel to hear their voices, so often neglected since the U.S.-led war on their country over a decade ago. And then as we know, in early June of 2014, ISIS took the city of Mosel. I write all of this to help explain the deep emotions that welled up in me as I entered one of the compounds for Internally Displaced Persons (IDPs) in Erbil just two days ago. The Sunday service had just ended and people were streaming out of the tent that serves as their church.



This compound, called Ozal city, in the Kasnizan area of Erbil in Kurdistan, houses approximately 900 Christian families, 400 Muslim families, and 35 Yazidi families. It is just one of many compounds in Erbil. Almost all of the Christians in this complex, if not all, come from

the village of Qaraqosh, a Syriac Catholic enclave, outside of Mosel.

In early August in a 24 hour period, more than 50,000 fled Qaraqosh, the total population of that village together with thousands they had given refuge to from Mosel. I would visit about eight or nine families in the course of the day, meeting the children and hearing accounts of their situations. Some of them were unable to share any of the details of their fleeing ISIS. It was just too painful.

It is important to note that the majority had fled their village twice, the first time in June due to warnings from ISIS, aka Da'ash. But after a few days the families felt they could return. On August 6th however, in the span of 24 hours, over 50,000 fled Qarakos. Da'ash had given people three days to decide their fate. To convert and pay money, or be executed.

As ISIS surrounded the village, they were able to stop people on the road as they fled. Cars were taken, and all of their money and jewelry. Even, at times, suitcases. One fighter took a baby's bottle saying "*Christians don't have the right to live.*" People continued on foot in the merciless heat with just the clothes on their back. The absence of suitcases and household items in the rooms I visited testified to this. Not a single family photo was on display.

One sister told me she knew a family where ISIS took the three year old daughter, never to be seen again.

Three Dominican sisters live among the displaced, as well as two Redemptorist priests and a brother. They too are from Qaraqosh. One of the priests was wounded in 2004 when his car was crushed by a U.S. tank. A fellow priest in the car was killed. The priest who met with me can no longer go up the stairs as both of his legs suffered multiple breaks. A handsome man, he told us "*This was my first experience with Americans...Many people translating for the U.S. were killed...We are wounded on the inside.*" He feels that people are being called to live in peace, respecting one another. "The differences between people is a source of richness for us. Our God is our future, we are on earth temporarily. Our God is our future" he repeated.

The other priest, dynamic and just as good looking, wanted to speak without a translator.

*"The U.S. government has two faces: one of diplomacy, the other of Da'ash. Everyone knows what America is doing. America must confess and admit 'We have killed people and now we need to ask for forgiveness'. ...The U.S. has not only destroyed a country and a people, but the culture. And not just of Iraq. Of Syria, Lebanon, Palestine..."*

It has been over a year since I have been in Iraq, and on this trip I have heard repeatedly in every place I have been,



Muslim or Christian, a strong belief that Da'ash is a creation of the U.S., that the U.S. is responsible for Da'ash and is out to destroy Iraq. People ask themselves, and me, why?

The Dominican sister acting as my guide and translator throughout the day was as tireless as she was gracious. In the late afternoon we came upon an older gentleman who was sitting on a mat visiting with two other men. This was in yet another compound in Erbil housing about 160 displaced Christian families from Qaraqosh. Some of the families are living 20 people in a small space.

Upon learning that I was from the United States, Mr. Shukrallah (which means thanks be to God), became agitated and angry. *"I want to write a letter to Obama"* he said shaking his finger at me, *'in the name of everyone here.'* "

*"I want to tell him that America did nothing for us. They did this to me." He has bone cancer. "We have nobody. Only God, because we are Christians. Obama sent the dogs [ISIS] to eat us. This is the reality. You have to bring my voice to Obama. Say to him for all the Christians from our village : You did bad for the Christian people in Iraq. I have cancer and cannot walk. In some way, Saddam Hussein was better than Obama even though he was a dictator. Because he [Saddam] did not treat us in this way."*

He wanted my word. He wanted a promise from me that I would get this letter to Obama. I told him that ordinarily I would have little hope that such a letter would reach the president. But, I told him, because of all the faith I had witnessed this day in the people around me, I felt that such a miracle could be possible! As we took our leave,



Mr. Shukrallah's anger had dissipated and he pressed my hand warmly. I find there is a great need for Iraqis to be able to express themselves to someone from the U.S. It humbles me to be the representative.

There is much to write, but it will have to wait. Everyone, without exception, wanted to return to Qaraqosh. Everyone, without exception was tired and worn, worrying about the future, not seeing any way out. But each one, without exception, said their faith had deepened in these times of great trial. I assured them that many people come with me on this trip wanting to express their solidarity and friendship. When I asked what, if anything, we could do the response was

*"Pray, pray, pray."*

---

*Cathy Breen is a Catholic Worker who lives in NYC, and has made many trips to Iraq since the first Iraq War and the imposition of draconian sanctions of Iraq in the 90s. She has been there at least twice over the last 3 years. This is the second of a series of reports she wrote during her most recent trip this spring.*

---

## **Messages from Iraq: Karbala**

**from Cathy Breen, Karbala, Iraq, April 23, 2015**

Dear Friends,

As I attempt a first writing for this trip to Iraq, Kurdistan and Turkey, I ask myself if there is a salient theme, or themes, emerging. Perhaps they would be: family, war and

refugees.



I am presently in Karbala which is housing approximately 70.000 refugees, the majority from Nineveh (Mosel) and Anbar. As I traveled by car two days ago from Najaf to Karbala, the road was lined with makeshift tent-like structures, pieces of cloth to provide some privacy and shelter

Last night I attended a local home-meeting of volunteers who are trying to attend to the needs of the refugees. I was allowed to sit in to hear about the work they are coordinating. The group had been informed that I was from the U.S. and involved in humanitarian work. I introduced myself, trying to be brief. I also mentioned that I was trying to get a certain medicine for an Iraqi refugee child with cerebral palsy in Turkey. Could they help me?

*"The case you just presented is just a drop in the bucket,"* was the reply of the first gentleman to speak. *"I have a mosque with seven families, 40 people. One of their children died of thirst on the way because the Kurds would give them no water. It took them seven days to get here from Erbil."* Another said *"We have a family of orphans. The father, a soldier, was killed in Fallujah defending Sunnis. He did not receive any salary."*

I have written before how I often feel my presence in Iraq, as someone from the U.S., opens deep wounds. Last night was no exception. Although I am sure constrained out of respect,

feelings of anger and indignation erupted throughout the room. It seemed that each person wanted to have their say. And had a right to their say to someone from the United States.

- America didn't come to Iraq to protect Iraq. They are taking money for weapons, but we still don't have weapons. We have to resort to getting weapons from Russia.
- The only good thing was the taking down of Saddam Hussein.
- The U.S. opened the way for ISIS to come in.
- We are certain that the U.S. knows what is going on.
- Does anyone speak about or care about Depleted Uranium and the increase in cancer among our people?

*One man said "I have lived in Canada and visited the U.S. The people there are simple people, controlled by the media. We are not accepted when we talk because of the way we look. You are more acceptable."*

But I too wonder if anyone will listen. How can the minds and hearts of the people in the United States be reached?

On the TV yesterday there was a funeral of a soldier in the holy shrine of Imam Hussein, venerated son of Imam Ali. The funeral was being broadcast live and afterwards the scene shifted to Imams and others going to the nearby Hussein hospital to visit the bedside of wounded soldiers. I just learned that in Tikrit it took about 3 hours to go a distance of approx. 100 yards, due to bombs placed by Daash (IS) in doorways, trashcans, cars, under dead bodies, etc. In the space of one hour 18 soldiers were killed by such explosives!

One of the daughters in the family I am staying with is to be married in about two months. Her fiancé is in the army and stationed in Falluja.

In Najaf just a couple of days ago I was with the Dean of the College of Nursing. I met her last year and again in the U.S.

when she was passing through NY city with a small delegation. She was good enough to see me on very short notice, and welcomed me graciously. When just the two of us were in conversation, I asked her how things were. *"We are a country at war"* she replied. Her nephew, she said, *"like a son to me"* is in the army in Falluja and she is worried about him. I could hear the strain in her voice. And then quite unexpectedly she asked me *"Why did you come?"* I hesitated a moment and then answered *"To see you."* She seemed, as I had been, caught unawares, but at the same time genuinely pleased by the answer.



The emotions raised in last night's meeting will be with me for some time. It seems the bonds of human friendship and solidarity have been strained almost to the breaking point. And yet the mutual gratitude and warmth in our parting last night leave no doubt that these bonds still remain.

Whenever I am able to, I assure those I meet that there are countless people who come with me on this trip to bear witness to their reality, to hear their voices and convey their words at home, and to express their deep solidarity in these desperate times.

---

**Cathy Breen** is a Catholic Worker who lives in NYC, and has made many trips to Iraq since the first Iraq War and the imposition of draconian sanctions of Iraq in the 90s. She has been there at least twice over the last 3 years. This is the first of a series of reports she wrote during her most recent trip this spring.