

Open Letter to German Chancellor Angela Merkel

On Ramstein: An Open Letter From US Citizens to German Chancellor Angela Merkel

authored by Elsa Rassbach, Judy Bello, Nick Mottern, Ray McGovern

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The letter was written and endorsed by Americans who stand in solidarity with the Yemeni survivors of drone strike victims on behalf of their murdered loved ones. Faisal bin Ali Jaber, the first complainant on the suit, has previously met with members of Congress in the United States, but received no satisfactory response. We further stand in solidarity with the German people who should not be made to host a U.S. center of warmaking and facilitate the illegal murderous U.S. military drone program.

The Upstate Coalition to Ground the Drones and End the Wars, the Syracuse Peace Council and Rochester Peace Action and Education are among the endorsers of the letter, which has been signed by Judy Bello and Carol Baum on our behalf.

May 26, 2015

Her Excellency Dr. Angela Merkel
Chancellor of the Federal Republic of Germany
Bundeskanzleramt
Willy-Brandt-Straße 1
10557 Berlin, Germany

Dear Chancellor Merkel:

On May 27th a German court in Cologne will hear evidence from Faisal bin Ali Jaber, an environmental engineer from Yemen who lost two relatives to a 2012 U.S. drone strike. This is the

first time that a court in a country providing significant military/technical support for the U.S. drone program has permitted such a case to be heard.

U.S. drone strikes have killed or maimed tens of thousands in many countries with which the U.S. is not officially at war. The vast majority of drone-strike victims have been innocent bystanders, including large numbers of children. One respected study found that for every target or known combatant killed, 28 "unknown persons" were also killed. Because the victims were/are not U.S. citizens, their families do not have standing to initiate legal action in U.S. courts. Shamefully, the families of these victims have had no legal recourse whatsoever.

Thus the case of Mr. bin Ali Jaber, representing his family in a German court, is of great interest to many who have long been dismayed at the U.S. government's violations of human rights and international law in the so-called "war on terror." Reportedly, Mr. bin Ali Jaber will argue that the German Government has violated the German Constitution by allowing the U.S. to use Ramstein Air Base in Germany for extrajudicial "targeted" killings in Yemen. He is expected to request that the German government "take legal and political responsibility for the U.S. drone war in Yemen" and "forbid use of the Satellite Relay Station in Ramstein."

Credible evidence has already been widely published indicating that the U.S. Satellite Relay Station in Ramstein plays an essential role in ALL U.S. drone strikes in the Middle East, Africa, and Southwest Asia. The killings and maiming resulting from missiles fired from U.S. drones would not be possible without the cooperation of the German government in enabling the U.S. to use Ramstein Air Base for the illegal drone wars – a military base which, we respectfully suggest, is an anachronism a full seventy years after the liberation of Germany and Europe from the Nazis.

Irrespective of the ultimate outcome in court of Mr. bin Ali Jaber's case, which possibly could continue for years, now is the time for Germany to take effective measures to stop the U.S. from using Ramstein Air Base for combat drone missions.

The reality is this: The military base in Ramstein is under the legal jurisdiction of the Federal Government of Germany, even though the U.S. Air Force has been allowed to use the base. If illegal activities such as extrajudicial killings are conducted from Ramstein or other U.S. bases in Germany – and if U.S. authorities do not desist from these legal offenses then we respectfully suggest that you and your government have a duty under international law to act. This is clearly expressed in the Nuremberg Trials Federal Rules Decisions of 1946-47 (6 F.R.D.60), which were adopted into US law. Accordingly, every individual participating in the enactment of a war crime is responsible for that crime, including businessmen, politicians and others who enable the criminal act.

In 1991 the reunited Federal Republic of Germany was granted "complete sovereignty at home and abroad" via the Two-plus-Four-Treaty. The Treaty emphasizes that "there shall be only peaceful activities from German territory" as does Article 26 of the Basic Law of the Federal Republic of Germany, which states that the acts undertaken to prepare for a war of aggression are deemed "unconstitutional" and "a criminal offense." Many in the U.S. and around the world hope that the German people and their government will provide much-needed leadership in the world on behalf of peace and of human rights.

The German Government often states that it has no knowledge of the activities being conducted at Ramstein Air Base or other U.S. bases in Germany. We respectfully submit that if this is the case, you and the German Government may have a duty to

require the needed transparency and accountability from the U.S. military and intelligence agencies in Germany. If the present Status of Forces Agreement (SOFA) between the U.S. and Germany precludes the transparency and accountability that the German Government needs in order to enforce German and international law, then the German Government must request that the U.S. make appropriate modifications in the SOFA. As you know, Germany and the U.S. each have the right to unilaterally terminate the SOFA upon giving two years' notice. Many in the U.S. would not oppose but would indeed welcome a renegotiation of the SOFA between the U.S. and Germany if this should be required to restore the rule of law.

The end of hostilities in 1945 seventy years ago saw the world faced with the task of restoring and advancing the international rule of law. This led to efforts to define and punish war crimes – major efforts like the Nuremberg Tribunal and the formation of the United Nations, which in 1948 proclaimed the Universal Declaration of Human Rights. While Germany has sought to adhere to the principles of the Declaration, the U.S. increasingly in recent years ignored these principles. In addition, the U.S. seeks to draw NATO and other allies into complicity in violating these principles.

The U.S. began the drone program in secrecy in 2001 and did not reveal it to the American people or to most of their representatives in Congress; the drone program was first discovered and revealed by U.S. peace activists in 2008. The British people were also not informed when the United Kingdom in 2007 obtained killer drones from the U.S. And only recently have the German people been informed, through courageous reporting by independent journalists and whistleblowers, of the key role of Ramstein in the illegal U.S. drone program.

Now aware of the role Ramstein in undermining human rights and international law, many German citizens are calling upon you and the German government to enforce the rule of law in Germany, including on the U.S. bases. And because of the

indispensable role of Ramstein for all the U.S. drone strikes, the government of Germany now holds in its hands the power to actually stop the illegal U.S. drone killings altogether.

If the German Government were to take decisive action in this matter, Germany would surely find support among nations of the world, including the nations of Europe. The European Parliament in its Resolution on the Use of Armed Drones, which was adopted by a landslide vote of 534 to 49 on February 27, 2014, urged its Member States to “oppose and ban the practice of extrajudicial killings” and “not perpetrate unlawful targeted killings or facilitate such killings by other states.” The European Parliament Resolution further declares that Member States must “commit to ensuring that, where there are reasonable grounds for believing that an individual or entity within their jurisdiction may be connected to an unlawful targeted killing abroad, measures are taken in accordance with their domestic and legal obligations.”

Extrajudicial killing – the killing of ‘suspects’ – is in fact also a grievous violation of the U.S. Constitution. And the U.S. initiation and prosecution of killings and wars in sovereign countries that do not threaten the U.S. mainland violate international treaties the U.S. has signed and Congress has ratified, including the United Nations Charter.

Tens of thousands of Americans have struggled in vain for years to expose and end the U.S. drone program and other U.S. war crimes that have quite predictably led to increasing hatred for the U.S. and its allies among the targeted and terrorized populations. Like the incarceration without due process at Guantanamo, drone warfare has clearly undermined the post-WWII international law upon which we all rely.

We hope that major U.S. allies – and particularly Germany, because of the indispensable role it plays – will take firm action to end extrajudicial drone killings. We implore you to

take all steps necessary to put a stop to all activities in Germany that support drone warfare and killings by the U.S. government.

Signed:

- Carol Baum, Co-Founder of Upstate Coalition to Ground the Drones and End the Wars, Syracuse Peace Council
- Judy Bello, Co-Founder of Upstate Coalition to Ground the Drones and End the Wars, United National Antiwar Coalition
- Medea Benjamin, Co-Founder of CodePink
- Jacqueline Cabasso, National Co-convener, United for Peace and Justice
- Leah Bolger, Former President of National Veterans for Peace
- David Hartsough, PeaceWorkers, Fellowship of Reconciliation
- Robin Hensel, Little Falls OCCU-PIE
- Kathy Kelly, Voices for Creative Nonviolence
- Malachy Kilbride, National Coalition for Nonviolent Resistance
- Marilyn Levin, Co-Founder of United National Antiwar Coalition, United for Justice with Peace
- Mickie Lynn, Women Against War
- Ray McGovern, Retired CIA Analyst, Veteran Intelligence Professionals for Sanity
- Nick Mottern, KnowDrones
- Gael Murphy, CodePink
- Elsa Rassbach, CodePink, United National Antiwar Coalition
- Alyssa Rohricht, Graduate Student in International Relations
- Coleen Rowley, Retired FBI Agent, Veteran Intelligence Professionals for Sanity
- David Swanson, World Beyond War, War is a Crime
- Debra Sweet, Director of World Can't Wait

- Brian Terrell, Voices for Creative Nonviolence, Missouri Catholic Worker
- Colonel Ann Wright, Retired Military Officer and Diplomatic Attaché, Veterans for Peace, Code Pink

Endorsed by:

- Brandywine Peace Community, Philadelphia, PA
- CodePink Women for Peace
- Ithaca Catholic Worker, Ithaca, NY
- Know Drones
- Little Falls OCC-U-PIE, WI
- National Coalition for Nonviolent Resistance (NCNR)
- Peace Action and Education, Rochester, NY
- Syracuse Peace Council, Syracuse, NY
- United For Justice with Peace, Boston, MA
- United National Antiwar Coalition (UNAC)
- U.S. Foreign Policy Activist Cooperative, Washington DC
- Upstate (NY) Coalition to Ground the Drones and End the Wars
- Veterans For Peace, Chapter 27
- Voices for Creative Nonviolence
- War Is A Crime
- Watertown Citizens for Peace Justice and the Environment, Watertown, MA
- Wisconsin Coalition to Ground the Drones and End the Wars
- Women Against Military Madness, Minneapolis, MN
- Women Against War, Albany, NY
- World Beyond War
- World Can't Wait

Afterward:

The Yemeni plaintiffs did not prevail on May 27, nor was it anticipated that they would prevail in such an important matter in a lower court in Germany. Nevertheless, the Court's decision in the case set some important legal precedents:

a) The Court ruled that the Yemeni survivors, who are not German citizens, have standing to sue the German government in the German courts. This is the first known time that a NATO country that has granted drone survivors or victims who are not citizens of their country such standing in court.

b) The Court stated in its decision that the media reports regarding the essential role of Ramstein in the US drone killings are "plausible," the first time that this has been officially acknowledged by authorities Germany.

But the Court held that it is in the discretion of the German government to decide what steps must be taken to protect the people of Yemen from the danger of being killed by drones with essential assistance from Ramstein Air Base. In addition, the Court mentioned that the present Status of Forces Agreement (SOFA) between the US and Germany may at this time prohibit the German government from closing the Satellite Relay Station in the Ramstein base. The plaintiffs argued that the SOFA could be renegotiated or even cancelled by the German government.

In an unusual step, the Court immediately granted the plaintiffs the right to appeal. ECCHR and Reprieve will appeal on behalf of the Yemeni plaintiffs as soon as the full written decision of the court in Cologne is available.