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The CCR and the Elephant in the Room - To defend Anwar al-Awlaki and how?

Wednesday 25 August 2010, by [TAX Meredith](#) (Date first published: 22 August 2010).

Two weeks ago, the Center for Constitutional Rights and ACLU announced that they were suing the government to get permission to represent Anwar al-Awlaki, an American citizen who appears from all evidence to be a leader in Al Qaeda and is on the CIA assassination list. They are working pro bono for al-Awlaki's father. The technicalities of the suit are explained in their press releases and in news articles. They were victorious in their first application to represent him and are now going on to the next stage, which they hope will eventually remove al-Awlaki from the government hit list on the grounds that US citizens deserve due process of law.

Are the CCR and ACLU asking for al-Awlaki to be captured and tried in a US court? While that might make sense, it does not seem to be part of their intention. Their concern seems to be focused only on the damage caused to the Constitution by the fact of the assassination list, and not to extend to the damage al-Awlaki himself has caused or may cause in future. Of course they are his lawyers, and, as everyone keeps telling me, you can't expect defense lawyers to criticize their clients, or to ask for them to be tried on other grounds.

But we have a problem here. If political discussion of al-Awlaki is framed only in terms of whether or not he has a right to counsel, or whether it is OK for the CIA to assassinate US citizens (how about non-citizens?), then nobody is talking about the elephant in the room—al-Awlaki himself. What does it mean for a human rights organization to take Al Qaeda as a client?

I would not ask the same question about the ACLU, because they are civil liberties absolutists who have even defended the rights of the Klan and the American Nazi Party in free speech cases. My concern is with the CCR, an organization of which I am very fond, where many of my friends have worked, including Rhonda Copelon, and whose phone number I write on my arm when I go to demonstrations. The CCR is supposed to represent people all over the world whose human rights have been violated. The question is, if they are representing someone who calls for the murder of civilians, can they also represent the interests of the civilians who get murdered? Can the same organization defend Islamic fundamentalists and their victims? And if not, who will stand up for the rights of those who are the victims of al-Awlaki?

It's not very popular on the US left to raise the question of Islamic fundamentalism at a time when rightwing bigots are whipping up hysteria about a mosque in Lower Manhattan (see my last blog). Obviously we have to fight against this kind of prejudice and say that anybody who equates ordinary Muslims with terrorists is either a demagogue or a fool. But in order to defend ordinary Muslims responsibly, we also have to be willing to take on the question of the Islamic terrorists—who target Muslims more than anybody else. It is idiotic to assume that everyone who takes up arms against the US is a freedom fighter. And we cannot leave this question to the national security establishment. We need to map out a different ground of inquiry, ruled not by national security imperatives but by a human rights perspective.

So who is Anwar al-Awlaki? All the CCR has said about him to date is that he is "an Islamic cleric

and an American citizen living in Yemen.” But there is plenty of evidence of his activities in the public record:

- * His sermons were attended by three of the 9/11 hijackers, one of whom moved from San Diego to Falls Church, Virginia, when he did.

- * In March 2009, al-Awlaki sent an audiotape to CNN in which he said that jihad against the US was an obligation for all Muslims.

- * His sermons were also attended by Major Nidal Malik Hasan, the army psychiatrist who killed 13 people in a mass shooting at Fort Hood in November, 2009. Al-Awlaki exchanged many emails with Hasan before the attack and praised his actions afterwards.

- * The “Christmas Day” 2009 or “underwear” bomber, Umar Farouk Abdulmutallab, told the FBI that al-Awlaki was one of his Al Qaeda trainers, helped him plan the attack, and said it was justified in religious terms.

- * In May, 2010, Faisal Shahzad, author of the failed Times Square bombing attempt, told the FBI that he was inspired by al-Awlaki and had linked up with him via the Pakistani Taliban on the internet.

According to Chetan Bhatt, Director of the Centre for the Study of Human Rights at the London School of Economics, and an expert on both Hindu and Islamic fundamentalist movements, Anwar al-Awlaki is one of the most extreme of all salafi-jihadi advocates. He calls for taking up arms anywhere in the world against non-believers (including Muslims who are not fundamentalists); advocates weapons and bomb training; and makes no distinction between civilians and others. His works include Constants on the Path to Jihad, Allah is Preparing Us for Victory, and 44 Ways to Support Jihad. And when he says jihad, he explicitly means not spiritual struggle, but armed attacks on civilians. Says Bhatt:

“Al-Awlaki is unambiguously associated with the Al Qaeda Organization in the Arabian Peninsula. In one of its major English-language publications, al-Awlaki is featured prominently on the cover, given the honor of writing its special feature and launching a campaign of assassinations and violence against civilians. (The name of the Al Qaeda campaign is indeed based on one of al-Awlaki’s own lectures.) Al-Awlaki explicitly calls for a large scale campaign of assassinations, bombings and arson in the west against civilians. He names a Seattle cartoonist as ‘a prime target of assassination.’ The same feature section contains a list of names of individuals in Denmark, the Netherlands, the US and the UK, with a picture of a gun underneath. Al-Awlaki goes on to say that the campaign of violence should not just be limited to those ‘active participants’ whom he believes have ‘blasphemed,’ but should include ‘government, political parties, the police, the intelligence services, blogs, social networks, the media’ and indeed any western target. The same section of the publication contains detailed instructions for lone operators on how to make a pipe bomb.”

In other words, al-Awlaki, who is on the CIA hit list, has a hit list of his own. The CCR and ACLU are defending al-Awlaki from being assassinated by the US, but who will defend the people on al-Awlaki’s hit list from being assassinated by his followers? We can hardly depend on the CIA. Who in this circle of terror and counter-terror is representing the interests of civil society—of civilians in the war on terror—of us?

This is the crux of the political problem and it is one that cannot be resolved by any lawsuit. As Karima Bennouna says, we civilians are caught between Torture and Terror, between the national security state, which is willing to torture, kidnap, assassinate and use remote control bombers to

eliminate its enemies, and Islamists who are willing to kidnap, assassinate, and blow themselves and others up to achieve their ends. To get beyond this dichotomy, in Bennoune's words:

The human rights community, as a matter of basic principles of human rights, must hear (and respond to) the voices of victims of terrorism, their survivors, and all those who live in fear of such violence—just as it hears and responds to the voices of victims of counter-terror, their survivors and all those who live in fear of that violence....A human rights analysis of terrorism centers the discussion on victims and human dignity, instead of only on national security.

This political problem requires the growth of a much stronger and broader human rights movement, one that can stand up for the interests of civil society. The existing human rights movement is supposed to do that, but in practice seems more interested in controlling the excesses of the national security state, leaving the other side of the equation in limbo.

Worried about this one-sidedness and urged on by friends in the global women's movement, I decided to ask the CCR's Executive Director some questions about the lawsuit. I wrote:

"1) I have not seen much about al-Awlaki himself in your press releases or public statements. Is your strategy to avoid saying anything about who he actually is or what he stands for? If you avoid confronting who he really is, you may end up sanitizing somebody really horrible.

2) Did the CCR perform due diligence to find out as much as possible about al-Awlaki before taking up this case? Without research into him and his networks, and the details of his beliefs, you run the risk of ending up with egg on your face... It is not going to be enough to describe him simply as a "US citizen and Muslim cleric living somewhere in Yemen."

3) Is there some reason not to pursue a legal or political strategy explicitly calling for him to be captured and brought to the US to stand trial, a la Eichmann, rather than just not killed? Bill Quigley's article said, "If the government can find him to assassinate him, they can find him to bring him to justice." Could this idea be made a stronger part of your strategy? Could the CCR commit to gathering evidence to be used in such a trial?

4) By what means will the CCR distance itself from al-Awlaki's opinions while defending his right not to be assassinated? The record of human rights organizations in this difficult position has not been good—cf Amnesty's description of Moazzam Begg as a human rights defender. Do you have guidelines for dealing with the press to make sure this kind of blurring does not occur?

5) Most importantly, if the CCR becomes identified as defenders of al-Awlaki, will women who are victims of salafi-jihadists feel they can trust you with their own cases? This question is of great concern because of ... our hopes that the CCR would take up more cases like the Algerian one.

The political issues here are very complicated: We all want to be able to defend the Constitution without siding with jihadis or giving ammunition to racists and xenophobes. I understand that protecting the constitutional and human rights of Islamic terrorists is the only way to protect all of our rights, but believe we also need to find a way to continually bring up the rights of their victims—otherwise we privilege the rights of al-Awlaki over the rights of those in whose deaths he is implicated...."

I sent the letter two weeks ago. I wonder if I will get an answer.

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P.S.

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:<http://www.meredithtax.org/taxonomyblog>