Presidential Authority: Operation Geronimo

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# Introduction

Terrorism is one of the pressing issues of the contemporary world. It is an undeniable fact that terrorism has destroyed the social fabric of many societies, and people who have lost their lives are numbered in millions. The United States had always condemned terrorism in each of its manifestations. There had many various studies conducted on terrorism. Different scholars view this phenomenon differently. Many believe that unprivileged social circumstances are the reason for terrorism, whereas some believe that terrorism is just a tool to further heinous gains. Despite the numerous reasons different authors cite, a wide consensus exists that terrorism in any form is condemnable. With the start of this century, terrorism took a new manifestation, many people who were associated with the extremist movements became overt and more menacing. The incident of 9/ 11 was one such example of the menacing attitude of the terrorist organizations. In America, the 9/ 11 incident resulted in the loss of many lives.

Since 9/11, the United States leads a fight against terrorism. Osama bin Laden who was the perpetrator and mastermind of the 9/ 11 and his terrorist organization Al- Qaeda was targeted in the fight against terrorism in Iraq, Afghanistan, and in the North-Western frontier region of Pakistan. As like Iraq and Afghanistan, Pakistan was not invaded, rather the military regime under President Musharraf joined the US-led war against terrorism. The turn of events in the war against terrorism remained so fastidious and meaningful that in some years, the US-led collision was successful in eliminating the major terrorist outfits. However, despite the billions of dollars spending on the war against terrorism, Osama bin Laden was alive. Finally, in 2011, a military operation code-named *Operation Geronimo* was initiated against Osama bin Laden in the city of Pakistan. President Obama, along with top military leadership oversaw operation Geronimo, which was initiated after his approval as the President. Does this assignment aim at analyzing that did President Obama had the legal authority to approve this operation or not?

# Operation Geronimo and the case analysis

Operation Geronimo was the code name used for the operation conducted for killing Osama bin Laden in Pakistan. It was on May 2nd, 2011, when the U.S. Navy Special Warfare group comprised of six SEALs entered the compound of Osama bin Laden near to a military base in Abbottabad (the city in Pakistan). This operation is also named as *Operation Neptune Spear*. Before the final operation, the U.S. Special Operations Command conducted the raid, which also included the U.S. Special Operations Command. This operation was also assisted by the CIA's special activity group, which collaborated with the Navy six seal to bring the decade-old search of Osama bin Laden to an end (Wachtel, 2005). The complete operation inside Afghanistan was conducted, and within twenty-four hours, Osama bin Laden was laid as per the Islamic traditions. After Al- Qaeda’s confirmation of Osama bin Laden’s assassination, both the Tehreek-i- Taliban and the Al- Qaeda announced to take revenge on Osama bin Laden’s killing. The Pakistani government also announced the confirmation of Osama bin Laden’s killing the day after Operation Geronimo.

The case study about the legality of the Presidential authority suggests that as per the United States law pertaining to issues of national security, President Barack Obama already informed the leadership in congress about the planned operation against Osama bin Laden, which was to be conducted inside Pakistan. President Obama also held regular meetings with the CIA staff, along with this he chaired the meetings of the National Security Council. Along with holding meetings, President Obama was in regular contact with the CIA officials, which from time to time, presented him with different options to conduct a speedy raid. The final program of action was, however, was approved by President Obama on April 29, 2011. Interesting to note was the fact that prior to finalizing the operation against Osama bin Laden, four of the federal lawyers developed legal rationales to overcome any legal barrier in the way of killing the Al- Qaeda chief.

# Assessing the legality of Operation Geronimo

Osama bin Laden’s death in the hands of Navy SEALS aroused different comments from worldwide. There were people who commended the operation, whereas there were some who considered it a violation of the International norms. In view of the Presidential authority, it appears deficient that the President had the legal authority to resolve this issue. In analyzing the Presidential authority, it appears viable first to consider what the legal paradigms suggest in this wake. As it was related to the 'War against terror,' and the war against terror had been an issue widely considered as ambiguous. Therefore, the pressing question arises that was the operation conducted for killing the Al- Qaeda chief conformed to the international criminal and the international humanitarian law? Or should it be judged with a perspective of a conventional armed conflict? The operation can also be viewed as a military strike against the enemy chief in an armed conflict, which should be considered under the law of armed conflict?

Some of the most critical commentators believe that the larger perspective of operation should be considered under the international human rights standards (Savage, 2015). It is, although critical and problematic, if evaluated from this perspective. The international law in this wake prohibits to destabilize the stability in the international environment, thereby barring each military from staying away from violating the international territory, without the consent of the host state. In addition to this, the international law suggests that in the time of the armed conflict, the target should be captured alive, in order to make sure the fact that the person planned to target is the actual target (Savage, 2015). The other perspective suggested by the International humanitarian law is the prohibition of the use of lethal force, not even in the circumstance of self-defense. Considering the perspectives offered by the international humanitarian law, the killing of Osama bin Laden appears a murder under the classic body of law. This would be categorized as murder, if the only opposition came from the detached guest house, largely referred to as the compound where the accused was hiding.

The United States' perspective, which has influenced the Presidential authority in allowing operation against the al- Qaeda chief suggests that the 9/ 11 is widely recognized as the armed attack on the U.S. (Glazier, 2019). In view of the general agreement of the International world on terrorism, the U.S. Congress allowed the use of force on the perpetrators of the attack. This all conundrum which at times remain parallel to the International Humanitarian Law and the International Law of Conflict, it appears that the U.S. counter-terrorism law and the efforts to eradicate it stands on the unique footings (Glazier, 2019). This unique nature of law paved the way for the White House to use force against the perpetrator of the 9/ 11 attack. This was how President Barack Obama considered himself compelled to use force against the perpetrators of terrorism. President Barack Obama, therefore, took into consideration all the national security institutions and the Congress to further the plan against Osama bin Laden.

Another aspect that may also be considered in analyzing the legality of Operation Geronimo is the war on crime and drugs. The United States has the legal authority to use force against the Al- Qaeda leadership; therefore the killing of Osama bin Laden should be evaluated under the law of the armed conflict (Glazier, 2019). The law of armed conflict also suggests that the enemy fighters and commanders should be killed on the sight unless they offer physical incapacitate or voluntary offering. In wake of all the international laws and the U.S. law regulating terrorism and armed conflict, it appears valid to justify the Presidential orders of authorization. Therefore, the case analysis of the facts presented and the international norms suggest that President Obama had the legal authority to order Operation Geronimo and to permit the execution of the plan.

# Conclusion

The killing of any human being is not justified. Neither any law of the state or any international law stands in favor of killing any human being unjustifiable. The many religious laws are written centuries before, never permitted the killing of any person, also many other laws are written by human beings never justified the killings of any human life. However, the turn of events suggests that international politics and the gains associated with the killing of humans, with time, justified the killing of people. Terrorists and the militant organizations took the lead in initiating such heinous acts. The worst example of mass killing was the 9/ 11 incident of 2001. These terrorist organizations have killed many other innocent human beings in other countries. The way they killed people in Iraq, Syria, Sri Lanka, and parts of Pakistan is undesirable at any cost. Therefore, the U.S.'s efforts in eliminating such menacing elements must be categorized as the effort for maintaining peace and upholding law and order. The killing of Osama bin Laden has proved that the elimination of such elements ensures peace and prosperity. Therefore such actions must be seen as not violating the International customary law at least.

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