Presidential Authority: Operation Geronimo

Author’s Name

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After 9/11, the United States authorized its military’s commander to use force against those who were involved in this attack. Their special concentration was on the main commander of Al Qaeda, Osama Bin Laden. After almost 10 years, the US Special Forces killed Osama Bin Laden in May 2011. It is important to consider that Bin Laden was killed in his hometown in Pakistan. The US Special Forces killed him with a surprise attack on his compound in Abbottabad, Pakistan. With that killing, a series of questions and objections were raised that were based on the legality of this particular operation. A number of reasonable explanations were provided by Obama’s administration to justify this attack (Schaller, 2015). However, many officials did not accept these justifications as they did not fully resolve the surprisingly complex objections.

The president of the US, Barack Obama, addressed the nation and the whole world from the White House that a successful operation was conducted in Abbottabad, Pakistan resulting in the death of Bin Laden. The phrase “Justice had been done” was used by Obama on that occasion for the families who lost their loved ones in the brutal attack of 9/11 (Wallace, 2012). However, it is necessary to determine the legal authority of the President to execute this operation. To successfully implement that legal authority, it is essential to understand whether Al-Qaeda was a terrorist group under the International Humanitarian Law (IHL). According to the IHL, Al Qaeda qualifies as an organized armed group as it had the potential to carry out intensive military operations. One example of that intensive military operation can be seen in the 9/11 attack.

It is noteworthy to mention that International Humanitarian Law (IHL) is only applicable in terms of armed conflict. There are two main types of armed conflicts including international and non-international armed conflict. People often consider Al-Qaeda as a group of criminals, but it is completely unjustifiable. One cannot place Al-Qaeda with other criminal groups such as Solntsevskaya bratva and the Tijuana drug cartel. After 9/11, the government of the US has taken the position that it is in an armed conflict with Osama bin Laden and his group. According to the United Nations Charter, the US has the right to self-defense itself from its enemies. It can be justified with the help of a significant case “Hamdan v Rumsfeld”. In that particular case, it was made clear by the US Supreme Court that the US is in an armed conflict with the terrorist organization Al-Qaeda (Schaller, 2015). Therefore, “the application of Common Article 3 of the 1949 Geneva Conventions triggered a non-international armed conflict between the US and Al-Qaeda” (Wallace, 2012).

In addition to this, the International Humanitarian Law (IHL) also justified the legal authority of the president to plan and execute the operation against Al-Qaeda. Al-Qaeda was a well-known organized terrorist group as it used various tactics such as assassinations, kidnappings, suicide attacks, hijackings, and bombings. Al-Qaeda not only attacked civilians but the military as well. It even attacked in areas such as Europe and the US regardless of having any active hostilities there (Wallace, 2012). Hence, it is justifiably an organized terrorist organization under IHL. Furthermore, Obama had a legal authority to execute this operation on international land. First of all, the Obama administration wanted to defend its country from any terrorist attack. After the 9/11 attack, every president wanted to provide a safe and secure land for their civilians. Obama held five meetings with the National Security Council to ensure whether Bin Laden was in that specific compound or not. Pursuing an aggressive course of action is completely justified as per the United Nations characters of the US.

According to the national strategies of Obama, “the United States has a right to act pre-emptively against terrorists” (Schaller, 2015). It is notable to mention that it was in the national security strategies of Obama’s administration to act pre-emptively against terrorists regardless of having knowledge about the place and time of the enemy’s attack. Like the Bush administration, Obama’s administration followed the traditional position of attacking a terrorist group to eliminate specific threats. This is one of the main purposes behind Obama’s legal authority to plan and execute the entire plan. In addition to this, the right to self-defense in case of an armed attack, also gave the right to Obama to execute the entire operation on international land. The right to use force allows the US military to combat its enemies even on extraterritorial lands.

With the help of all the above justification, it is safe to say that the killing of Osama bin Laden was legal. According to the International Humanitarian Law, there is a non-international armed conflict between the Al-Qaeda and the US. The authorization of this operation by Obama is completely justifiable as per the Supreme Court decision as well (Wallace, 2012). The US can target a terrorist group if it comes under armed conflict. The mass killing of American civilians in the attack of 9/11 ultimately generated an armed conflict between the US and Al-Qaeda. Moreover, the evidence overwhelmingly established that Osama Bin Laden was a strategic level commander of the Al-Qaeda group. The US Special Force remained well within the rights as per IHL to execute an operation on international border to capture and kill a terrorist.

**References**

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