

CASE REPORT _____

Survivors of US drone strike sue the German government

On the evening of 29 August 2012, several rockets fired by US drones hit the Yemeni village of Khashamir. Faisal bin Ali Jaber, Ahmed Saeed bin Ali Jaber and Khaled Mohamed bin Ali Jaber, as well as many of their family members were in the village to celebrate a wedding. They survived the drone attack, but their relatives Salim bin Ali Jaber and Walid Abdullah bin Ali Jaber were killed. Many of the survivors were left traumatized.

Germany's role in US drone strikes

The US military base Ramstein in Germany played an important role in the attack. The US uses Ramstein Air Base to pass data on to the drones via satellite. Part of the operations team in Ramstein evaluates the real-time drone pictures and assists the pilots in the targeted killings.

The German government rejects any responsibility for the death of civilians in US drone strikes. This is why, in October 2014, Faisal bin Ali Jaber, Ahmed Saeed Abdallah bin Ali Jaber and Khaled Mohamed bin Ali Jaber initiated legal proceedings at Cologne's Administrative Court, suing the German government as represented by the Ministry of Defense. The three plaintiffs are asking Germany to prevent the use of Ramstein for drone attacks, especially the use of the satellite relay station.

In May 2015, a hearing was held at the Administrative Court in Cologne. The court held that the case was admissible, and confirmed that Ramstein plays an important role in the US drone war. The court found however that Germany is not obliged to prevent the US from using the military base for drone strikes. The claimants appealed this decision to the Higher Administrative Court of Nordrhein-Westfalen in Münster in August 2015. The oral hearing will take place on 14 March 2019.

Plaintiffs' Profiles

Faisal bin Ali Jaber

- Born on 1 January 1958 in Khashamir, Al-Qutn, Hadramaut, Yemen
- Married, two daughters and a son, five grandchildren
- His wife and daughters still live in the Hadramout region, Yemen
- Salim bin Ali Jaber was his brother-in-law, Walid Abdullah bin Ali Jaber was his nephew

His experience of the drone attack

Faisal spent the day of the drone attack in his home village of Khashamir. He and his family had celebrated his eldest son's wedding the day before. He was sitting at dinner with family when he started to hear the humming of the drones. Looking out of the window, they first saw a bright flash like a lightning strike, then they heard an explosion and roar – “as if the mountain was going to explode,” Faisal remembers.

After the drone strike, Faisal rushed to where the rockets had hit, which was about one and a half kilometres from his house – there he found only burnt body parts. It took several hours before he and his family members could identify the body parts of Salim and Walid.

One of his daughters, Hiba Faisal bin Ali Jaber, saw the drone attack up close. When the rockets hit, she and her two children were at home, close to the point of impact. She suffered a severe trauma and for three weeks after the strike refused to leave her room.

His life after the attack

After the attack, Faisal made several public appeals to the US government. He even wrote to former President Barack Obama directly – but he and the bin Ali Jaber family never received an answer. In a statement to the German government, he said: “Without Germany, my brother-in-law and my nephew would still be alive. Without Germany, the US would not be able to conduct air strikes in Yemen. Germany must prevent the US from using Ramstein and from bringing death and destruction to my country. Like the US, Germany has decided to hide behind a wall of silence: They refuse to answer questions from politicians, journalists and lawyers concerning their role in the drone strikes.”

In a message to the US, he says: “For years, we have been suffering from the drones that the US use to rain bombs on us. Our family is no enemy of the USA. The people they killed were determined opponents of al-Qaida. Shortly before the attack, Salem had publicly criticized al-Qaida in a sermon. The US silence towards survivors and relatives only increases the injustice. If the drone strike was a mistake, my family deserves a formal apology from the US and the Yemeni government – but we have been waiting in vain for many years.”

Ahmed Saeed bin Ali Jaber

- Born on 24 November 1989 in Khashamir, Al-Qutn, Hadramaut, Yemen
- Salim bin Ali Jaber was his father-in-law and uncle, Walid Abdullah Abdullah bin Ali Jaber was his brother-in-law, cousin and friend

How he experienced the drone attack

Together with his father-in-law Salim, Ahmed was sitting in front of the mosque in Khashamir. The other family members were inside Ahmed’s house, Salim was planning to join them later. Ahmed’s friend Walid came and told them that reputed members of al-Qaida had come to the village to talk to Salim.

Five days before the attack, Salim had denounced al-Qaida in a public sermon and called for resistance against the group. On the evening before the drone attack, three reputed members of al-Qaida approached him about his sermon. Salim agreed to meet them the following day to explain his point of view.

As Salim and Walid went to meet them, Ahmed went back to his house which is located approximately 100 meters from the mosque.

When he arrived at the door, the first rocket hit. Another followed shortly after. Ahmed rushed towards the point of impact. When he was about 50-75 meters away, the third and fourth rocket hit.

Immediately after the drone attack, Ahmed suffered a psychological and physical breakdown. He was not able to identify Salim’s and Walid’s bodies together with the other family members.

How the drone attack impacted his life

Since the drone strike, Ahmed suffers from severe sleep problems. He cannot sleep or find any calm unless someone he knows is in the room with him at night. He

often breaks down in tears, and needs psychological support and comforting. He only feels somewhat safe if somebody is near him.

His wife – Salim’s daughter – suffers from nightmares and repeatedly wakes up during the night with feelings of fear and suffering from fits of crying.

Since August 2012, Ahmed has heard drones above Khashamir and neighboring villages at least two dozen times. Every time he hears or sees a drone, it takes him back to the drone strike that killed Salim and Walid. Even the sound of a normal airplane reminds him of the drone strike and causes the same reaction in him. When Ahmed sees or hears drones, he is not able to leave his house. All the children of the family then have to stay indoors as well. In order to drown out the sound of the drone, he and his family turn up the volume of their TV to the highest level.

“We want a decent life: a life without the constant fear of drones. The drones destroyed our lives. How have we deserved this? The US don’t fight a ‘war against terror’ – they bring terror to innocent people.”

Khaled Mohmed bin Ali Jaber

- Born in Khashamir, Al-Qutn, Hadramaut, Yemen
- Salim bin Ali Jaber was his great uncle, Walid Abdullah bin Ali Jaber his second cousin

How he experienced the drone attack

During the drone strike, Khaled was in his house which shook every time a rocket hit the ground. Together with some family members, he identified Salim’s and Walid’s dead bodies, cleaned them and prepared them for the funeral. “It was one of the worst days of my life,” he says.

How the drone attack impacted his life

Khaled has still not been able to fully process or begin to get over the deaths of Salim and Walid. Images of the burnt bodies haunt him to this day.

“My family and I live in constant fear and uncertainty. Every moment, we fear that rockets will hit again. This feeling paralyzes us day and night. Since the attack, my wife will not sleep on her own. When I’m not at home she is so nervous she has to sleep at our neighbors’ place. It is not only her though, many people in our village suffer from insomnia and a constant state of panic.

I too am haunted by nightmares: the dreams will always begin with beautiful images, I am surrounded by my friends and family. And then the drone strikes start again and the rockets hit us.

My sleep problems also have an impact on my work. I have issues with concentration and memory. This has serious consequences, I had to cut my working hours. This means I am only able to work from 8am to 4pm, otherwise I wouldn't be able to get back home before nightfall. Without the drone strikes I would work until 10pm, as is necessary to sustain my family.

As soon as it's dark, 8pm at the latest, we won't leave our house anymore. We don't even leave our village anymore unless it is absolutely necessary. This also has consequences: like other children, my little son from time to time is feverish in the evenings and because I'm too afraid, I can't drive him to the doctor's in the neighboring village. We have to wait until the next morning, giving our son compresses against the fever – and only because we can't leave the house at night in fear of other drone attacks. If there was an emergency, we would have to risk our lives.

My then 12 year old nephew from Seyyoun was visiting us on the day of the drone strike. He was playing outside, the rockets hit the ground less than 100 meters away from him. Since then, he can't sleep unless all windows and doors are closed. His parents have to stay with him until he's asleep. He is so afraid, he won't visit Khashamir again.

What I ask myself is: Will my son have to endure the same? Will he be paralyzed by fear, unable to leave his home and village, unable to sleep soundly? I am afraid this will be so. The older children from the village have told him about the drone attack. Like us, he panics when he hears the drones' buzzing. What kind of life can this be for him?"

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