

Forensic Force Series ®
Ron Martinelli, Ph.D.

The Killing of Osama Bin Laden
Assassination or Combat Casualty?

“Be strict in observing justice, and be witness for Allah. Whoever sees a wrong and is able to put it right with his hand; let him do so.”

Quran, Chapter 4, Verse 36; Chapter 3, Verse 110

Osama Bin Laden (OBL) is barely crab food in the Indian Ocean and the liberal pundits are already either directly accusing or questioning whether or not the U.S. Navy SEALs illegally “murdered” or “assassinated” the world’s foremost uber-terrorist. Let me see if I can answer the question for the liberal media, their uninformed audience and at least one politically independent TV judge on a national cable news network.

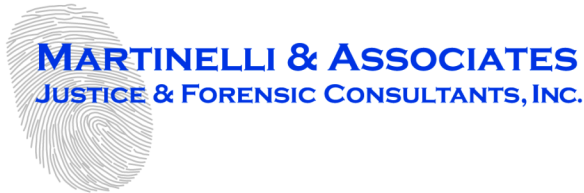
Our government, its intelligence agencies and our military had jointly identified Osama Bin Laden (OBL) as an enemy combatant who had admitted publically to planning, funding and facilitating the killing of thousands of innocent, unarmed non-combatants on 9-11 and in several other terrorist attacks over the past twenty years. This combatant had declared a prolonged “jihad” (holy war) against the U.S., our European allies and other Middle Eastern nations and people. This combatant was not just a soldier, but the general of an international army of terrorist murderers.

Our nation’s military, its various national intelligence services, national and international law enforcement agencies had been engaged in a ten year hunt for this war criminal. We found this enemy combatant in an identified enemy stronghold surrounded by terrorist guards who were stationed both inside and outside of his compound.

Prior to embarking on their presidentially sanctioned mission, the “collective knowledge” of the Navy SEAL commandos regarding OBL was the following: (1) he had repeatedly vowed never to be captured alive; (2) every item of intelligence information the SEALs had was that he was always armed and/or within arms’ reach of a number of deadly weapons, specifically pistols and short barreled AK-47s; (3) he had immediate access to explosives including explosive suicide vests; and (4) he was always surrounded by scores of well-armed and well trained terrorist bodyguards.

All of the above factors created a serious issue of time compression where the SEALs needed to enter OBL’s compound, identify and immediate suppress all opposing forces; locate and either

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neutralize or capture their “package” (OBL) and any other targets of opportunity; locate and recover intelligence information and extract with everything most probably under intense gunfire and all within a matter of minutes before the opposing force (usually armed with rocket propelled grenades (RPGs) could respond, shoot down our helicopters and overwhelm our SEALs.

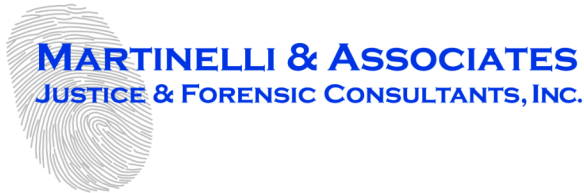
Navy SEAL commandos landed within OBLs outer compound, breached entry into his personal compound, engaged in a brief firefight, killed the opposing force and then forced entry into OBL’s bedroom in total darkness.

Although the SEALs had no doubt practiced their entry and confrontation with OBL scores of times, in milliseconds they still had to deal with the terrorist’s unknown response, determine whether or not he was armed, where his lethal weapons were, if there were any other armed people in the room and was OBL or anyone else wearing an explosive suicide vest that could kill them all.

At the same time, the SEALs were immediately engaged and distracted either by OBL shoving his wife towards them, or the wife rushing towards them. The SEAL team responded by shooting and wounding the woman. The SEAL entry team saw these actions only through the limited black, white and green spectrum of night vision goggles (NVG’s) and again all in the blink of an eye. During the engagement and in imminent fear of their lives the SEALs shot and killed OBL who I must reiterate was acting as an identified enemy combatant during a military mission at a time of war. And the problem with this killing would be?

In the immediate case, the Navy SEALs did what they were trained and ordered to do. This was not an “assassination;” it was an executively sanctioned, precise military operation to capture or kill an identified enemy combatant leader and to gather intelligence necessary to further prosecute a war against an identified, stealthy army of terrorists sworn to exterminate all of us. The SEALs were acting in good faith, had been fired upon and certainly were in imminent jeopardy throughout this entire operation. Under the aforementioned circumstances, even if the SEALs had simply been ordered to locate and KILL Osama Bin Laden, the killing of OBL would be entirely LEGAL and justified.

Professor Nick Grief, an international lawyer at Kent University has been quoted as saying the attack on OBL had the appearance of an “extrajudicial killing without due process of the law.” Perhaps the good professor forgot to read the small print in the contract that states, “This is a WAR and not criminal act or enterprise!” We are not talking John Gotti here professor; we are talking about a long-time identified enemy combatant who declared WAR against the U.S. and at least a score of other peaceful nations, killing thousands in the process. Therefore, the presidentially sanctioned raid on OBL’s compound would surely be considered as an “act of



national self-defense.” Due process does not apply here because OBL is an enemy combatant. Factually terrorists do not subscribe to the Geneva Convention or rules of engagement which are why they are labeled as “terrorists” and not “soldiers.”

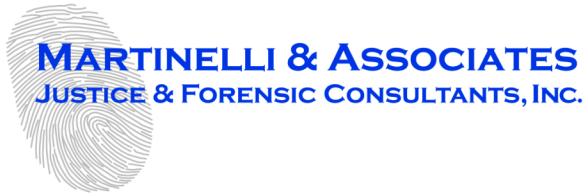
In a theater of war or in any combat action the term “enemy resistance” is liberally used to describe ANY resistive action by an identified enemy combatant whether armed or not as long as they made no effort to surrender to the opposing force. However, the history of war is replete with examples where unarmed enemy combatants were deliberately or collaterally killed, and innocent civilians were collaterally killed by opposing forces. In fact, I cannot identify any war where this has not occurred.

The purpose of war is to create attrition of the enemy by any means necessary. In WWII forces on both sides indiscriminately killed tens of thousands of unarmed enemy forces during combat engagements. They also killed tens of thousands of innocent unarmed civilians during day and night bombing raids that included the use of unguided rockets and the large scale carpet “bombings of cities using explosives and incendiaries. The U.S. killed hundreds of thousands of unarmed military personnel and civilians when we dropped atomic bombs on the Japanese cities of Hiroshima and Nagasaki. In these raids, thousands of non-combatants were literally killed in their sleep. This was done to both create attrition of an identified enemy, to break the will of our enemies and to force the end of a war to ultimately achieve peace. These actions were ultimately successful and saved the world from the enslavement and a certain prolonged international holocaust perpetrated by the Nazi SS and the extremist Imperial Japanese military. While I am not advocating the manner in which prior wars have been fought, I am providing the reader with some needed historical context.

If you are going to involve yourself in a war, then FIGHT the war like wars should be fought! Identify and KILL the enemy and QUIT SNIVELING about how “unfair” or “illegal” we are when we kill identified but unarmed enemy combatants.

If we should have learned anything about terrorists over the past twenty years it is that they do not respect our culture or our religions and they laugh at our sense of ethics, and morals. Our ridiculous, nonsensical “rules of engagement” written by attorneys only place our soldiers in imminent jeopardy on a daily basis.

Jihadist terrorists and our other enemies see us correctly as weak, indecisive, selfish and self-entitled. We do not water board known terrorists for critical intelligence information necessary to save thousands of Americans from potential terrorist attacks. We stupidly Mirandize terrorists who have attacked and killed our soldiers on the battlefield and our citizens on our home ground. Now we cleanse, prepare for proper burial and pray over an enemy terrorist who by surprise



killed thousands of our fellow Americans, denying them proper burials. Then we wonder why we have not made any serious, long-lasting progress on two battle fronts over the past ten years?

Just how successful do you think we will be against an enemy where parents encourage their own children to blow themselves up while wearing suicide bomb vests?

While some jihadists look forward to a date with death to meet Allah, the vast majority FEAR being killed themselves. Personally, I could care less if we have the respect of our enemies, but I certainly want them to FEAR us. I want them to FEAR that we will bring WAR to the doors of their bedrooms when they sleep at night. In fact, I don't want them sleeping soundly. I want them going to bed every night scared out of their minds knowing that any moment could bring the sudden sounds of stealth helicopters and Navy SEALs breaching their door with the terrifying realization that this is their last moment on earth.

When we finally understand and commit to the concept of fighting a REAL WAR, we will begin the process of finally vanquishing the terrorist enemy. If we follow indecisive, liberal leaders, misguided law professors, uninformed celebrity pundits and narcissistic media talking heads, we will surely lose this war on terror.

We do not celebrate the death of Osama Bin Laden; we celebrate the ultimate delivery of justice upon a truly evil person.

About the Author –

Ron Martinelli, Ph.D., is a forensic criminologist and federal/state courts qualified police practices expert with over twenty years of law enforcement experience. Dr. Martinelli specializes in investigating officer-involved shootings and other major uses of force. He is a multi-certified use of force and officer safety tactics instructor who has trained over 300 law enforcement, criminal justice agencies and various military units for over 30 years. Dr. Martinelli has also been a visiting instructor at Naval Special Warfare, SEAL Team One, Coronado, CA where he taught a course on hand-to-hand combat. He is a member of the UDT/SEAL Association and the Navy League. He can be reached at (951) 719-1450, Code3Law@martinelliandassoc.com.