

# **BURNLEY V. UNITED STATES**

## **Demanding Accountability on Caribbean Boat Strikes**

### **FREQUENTLY ASKED QUESTIONS**

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#### **Background: Accountability for Murder on the High Seas**

The family members of two Trinidadian men killed in a U.S. missile strike in October are suing the U.S. government for wrongful death and extrajudicial killing. Chad Joseph and Rishi Samaroo, two Trinidadian men, were killed in a U.S. military attack along with four others, onboard a boat traveling from Venezuela to Trinidad on October 14, 2025. The case, brought by ACLU, Center for Constitutional Rights, and ACLU-MA, also challenges the brazen lawlessness of the Trump administration's military campaign of lethal boat strikes in the Caribbean Sea and Pacific Ocean.

#### **Meet the Plaintiff Families**

Plaintiff Lenore Burnley is a citizen of Trinidad and Tobago and the mother of Chad Joseph, a 26-year-old Trinidadian man whom the United States murdered in a missile strike on October 14, 2025. Mr. Joseph leaves behind his wife and three minor children, his mother, father and five siblings. Like others from the Las Cuevas fishing community, Mr. Joseph routinely traveled between Trinidad and Venezuela for fishing and farm work to provide for his family.

Plaintiff Sallycar Korasingh is a citizen of Trinidad and Tobago and Rishi Samaroo's younger sister. Before the United States killed him in an October 14 missile strike, Mr. Samaroo was a 41-year-old farmer and resident of Las Cuevas, Trinidad. Like Mr. Joseph, Mr. Samaroo had traveled from his home in Las Cuevas to Venezuela for fishing and farm work to help support his children and elderly parents. Mr. Samaroo was returning to Trinidad to care for his ailing mother when the U.S. killed him.

#### **What is this case trying to do?**

This case seeks accountability for the murders of Chad Joseph and Rishi Samaroo, asking the court to find that their killings were unlawful and to order the U.S. government to compensate their families for their loss. The case challenges the U.S. government's legal justification for the strikes, and clarifies that the killings are simply murder, ordered at the highest levels of government and obeyed by military officers in the chain of command.

The United States' unlawful killings of persons at sea violate two federal statutes that entitle their survivors to redress: the Death on the High Seas Act ("DOHSA") and the Alien Tort Statute ("ATS"). DOHSA allows surviving family members to sue the U.S. for wrongful or negligent acts that caused the death. The ATS allows foreign nationals to sue in U.S. courts for violations of international law.

#### **Was the military strike legal?**

**No.** It was murder, plain and simple. Extrajudicial killing (i.e., killing without judicial process) is prohibited under federal law and international human rights law, which properly govern the legality of the strike. The deliberate use of lethal force against persons who do not pose a concrete, specific, and imminent threat to life or serious physical injury is illegal. Not even the government claims the strike could meet this standard. There is no bona fide armed conflict that could justify these actions.

## Is the United States at war with drug cartels in Venezuela?

**No.** The Trump administration claims that the U.S. is engaged in a “non-international armed conflict” with unspecified drug cartels to justify the summary killing of individuals the government claims to suspect of smuggling drugs on boats. The administration is wrong. Under the laws of war, also known as International Humanitarian Law (IHL), there is no plausible argument that the U.S. government is involved in an armed conflict against any drug cartel. The legal and factual conditions for any such armed conflict quite simply do not exist. All publicly available information indicates that the victims were civilians against whom lethal force is prohibited.

Further, these killings would be illegal even if there were an armed conflict. International law prohibits indiscriminate and direct use of force against civilians and civilian objects like the boats. Thus, even in war, states are required to distinguish between combatants and civilians, who must be protected against attacks. The protections include that States may not target civilians with force unless the civilian is directly participating in hostilities (i.e., carrying out combatant-like activities like fighting with military weapons). These conditions are not met here. Even in war, intentionally directing an attack against individual civilians who are not taking direct part in hostilities would be a war crime.

### A note on International Law

*International Humanitarian Law (IHL) governs warfare. The Trump administration is using IHL and “law of war” terminology to claim the boat strikes are lawful. But IHL does not apply because the U.S. is not at war against drug cartels. Some key IHL terms include:*

- **International armed conflict (IAC)** is a conflict between states.
- **Non-international armed conflict (NIAC)** applies to conflicts between a state and non-state actor.
- **Non-state actors** are organized armed groups that are structured, disciplined, and operate like a state’s armed forces.
- **A NIAC only exists** if there is protracted armed violence, like a military conflict, between a state and the non-state actor.

## What evidence has the United States presented to justify its actions?

Through a separate Freedom of Information Act (FOIA) case, the ACLU and CCR are seeking the secret memorandum from the Office of Legal Counsel (OLC) that lays out the administration's purported legal justification for the strikes. With respect to nearly all of its strikes, including the one that killed our clients’ family members, the government has not identified which cartel it claimed to be targeting. Nor has the government made public any evidence to support its assertions that the boats it has blown up and the individuals it has killed were members of, or even affiliated with, drug cartels. The Trump administration has not provided any public evidence that targeted boats were carrying drugs or that the occupants were trafficking them or that any such drugs were destined for the U.S..

But even taking the Trump administration’s absurd claims at face value, trafficking drugs does not suspend your human right to life. And the mere suspicion of criminal activity can never grant the U.S. military an unrestricted license to execute people. **These killings are illegal under any legal framework.** Outside of armed conflict, under human rights and domestic law, which is the proper framework, these killings are simply murder.