



# General Assembly

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## Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by the Women's International League for Peace and Freedom, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2014]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-15066 (E)



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## **Statement by the Women's International League for Peace and Freedom on armed drones and international law**

The Women's International League for Peace and Freedom (WILPF) is extremely concerned with the use of armed drones both for extrajudicial killings outside of armed conflict and to conduct attacks during conflict. We are concerned with the lack of due process for those on "kill lists" and other violations of international humanitarian law and international human rights law; the deaths and injuries of civilians and destruction of civilian objects; the lack of transparency around the operation and targeting of armed drones; the lack of comprehensive and accurate casualty recording; and the apparent lowering of the threshold for the use of force that is enabled by armed drones.

WILPF welcomes the work of the Human Rights Council on addressing the use of armed drones, including the reports by Special Rapporteurs Ben Emmerson<sup>1</sup> and Christoph Heyns,<sup>2</sup> and resolution 25/22. We echo their calls for states to comply with international law, including international humanitarian law and human rights law, in their operation of armed drones. Based on available information, it is difficult to see how the current use of armed drones inside or outside of armed conflict is in compliance with these laws.

The method of killing by drones frequently involves air-to-ground missiles, which are explosive weapons. When they are fired in populated areas they risk killing and injuring civilians caught in the blast and fragmentation effects from the explosion.<sup>3</sup> The practice of using blanket categorisations to target strikes also results in civilian casualties. For example, designating all military-age men as combatants, or using one's sex as an indication of militancy, is false justification for indiscriminate attacks that kill civilians.<sup>4</sup> This practice is intended only to defeat constraints required under international humanitarian law, namely the principles of distinction, proportionality, and precaution.

Using gender or other blanket categorisations as a criterion for targeting drone strikes also undermines the principle of presumption of civilians in international humanitarian law. According to Article 50 of the 1977 Protocol I Additional to the Geneva Conventions, "In case of doubt whether a person is a civilian, that person shall be considered to be a civilian." Special Rapporteur Christof Heyns has specified that targeting an individual without sufficient information to make the necessary determination of their status as civilian or combatant is clearly unlawful.<sup>5</sup>

There is a shocking lack of transparency regarding the standards used to identify those who constitute a legal target as well as the number of civilians killed. This lack of transparency also makes it difficult or even impossible to assess whether those using armed drones are in compliance with international humanitarian law or international human rights law. Yet, given what information and the official rationales used to justify drone strikes, it is clear that the use of armed drones outside of armed conflict results in violations of the right to life. States have an obligation to provide due process to suspects and must not just kill them.<sup>6</sup>

One of the most important tools for proper evaluation of attacks is comprehensive, detailed, and systematic casualty recording. Understanding the level and nature of civilian deaths would help determine compliance of the strike with international law. But a study produced by the Oxford Research Group could not find any public, systematic, or

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<sup>1</sup> A/68/389, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, 18 September 2013.

<sup>2</sup> A/68/382, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christopher Heyns, 13 September 2013.

<sup>3</sup> "Drone strikes raise fundamental concerns for humanitarian protection," Article 36, 20 June 2012. This broader problem of explosive weapons use in populated areas has been repeatedly highlighted in reports by the UN Secretary-General on the protection of civilians, in which he has called for states to refrain from using explosive weapons with wide area effects in densely populated areas. See for example S/2012/376, Report of the Secretary-General on the protection of civilians in armed conflict, 22 May 2012.

<sup>4</sup> "Designating all men as combatants: armed drones, protection of civilians, and gender-based violence," Article 36 and Reaching Critical Will, forthcoming.

<sup>5</sup> See A/68/382, *op cit.*

<sup>6</sup> See A/68/382, *op cit.*

comprehensive casualty records produced by any state involved in launching or hosting drone strikes.<sup>7</sup> By illuminating the impact of drone strikes, effective casualty recording could help improve the protection of civilians.<sup>8</sup>

## Recommendations

- All states operating armed drones must comply with international humanitarian law, international human rights law, and law governing the constraint of force.
- All states must cease or refrain from extrajudicial killings as well as so-called “signature” strikes with armed drones and all other means and methods.
- All states operating armed drones should release records of their targeting decisions and operations. They should also be clear about the legal standards applicable to their use of armed drones by publishing legal advice and procedures in this area. Such information should be subject to independent scrutiny to determine compliance with international law and that there is meaningful human control over attacks.
- All states operating armed drones must engage in comprehensive and accurate casualty investigations and recording efforts, in coordination with independent experts from the UN or other relevant international organisations.
- The international community should support the work of the relevant Special Rapporteurs and welcome their recommendations.
- The international community should support the Secretary-General’s study to examine ideas for improving transparency in the use of armed drones, developing a robust oversight and accountability mechanism for the use of armed drones, and considering the application of international law to the use of armed drones.<sup>9</sup>
- This study and other effects should consider the implications of armed drones for arms control and arms races.

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<sup>7</sup> Kate Hofstra and Elizabeth Minor, *Losing sight of the human cost: casualty recording and remote control warfare*, Every Casualty and Remote Control, Oxford Research Group, August 2014, p. 8, <http://ref.ec/rc>.

<sup>8</sup> Every Casualty, <http://www.oxfordresearchgroup.org.uk/rcac>.

<sup>9</sup> Such a study has been recommended by the UN Secretary-General’s Advisory Board on Disarmament Matters—see A/69/208, “Work of the Advisory Board on Disarmament Matters, Report of the Secretary-General,” 30 July 2014.