



General Assembly

Distr.: General
25 August 2014

English only

Human Rights Council

Twenty-seventh session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Maarij Foundation for Peace and Development, 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.

[9 August 2014]

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

GE.14-14575 (E)



* 1 4 1 4 5 7 5 *

Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.



On the need for international community's condemnation of the attacks on peaceful citizens in some countries by Israel and the United States of America and enhance implementation of humanitarian and human rights law in the cases of such attacks*

Maarij Foundation for Peace and Development and Global Network for Rights and Development would like to thank you for an opportunity to draw the attention of the Council's attention to the issue of the continuing human rights and humanitarian law violations during military operations to kill civilians and destroy the infrastructure and terrorizing peaceful citizens while undertaking military operations by Israel and the United States.

Multiple reports on the regions, most affected by these attacks, such as Palestine, Sudan, Pakistan, Yemen, Afghanistan and Somalia, including the Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, show that currently not enough was done to reinforce the core principles of human rights and humanitarian law in the cases of attacks and protect the lives and property of innocent civilians.

In Pakistan alone, from 2004 to 2013, the total number of civilians, killed in drone strikes was 951, which constitutes roughly ¼ of the total persons killed. In Afghanistan, drone attacks cause 40% of the civilian fatalities, similar catastrophic situations are detected in Yemen and Gaza. None of these cases are thoroughly investigated and no one responsible for the attacks is penalized.

Currently, no international agreements define legality of such attacks in general and no commonly accepted legal framework, under which the attacks are performed, is in place. This legal vacuum leaves interpretation of related core principles of international law, governing the use of deadly force in counter-terrorism operations, solely to the attacking parties. Combined with their unwillingness to provide transparency on the attacks, denying responsible bodies of the UN the right to track, monitor and request clarifications and statistic on civilian casualties, this situation questions international legitimacy of using drones and other deadly weapons.

Meanwhile, an intentional killing of a civilian that has taken no direct part in hostilities can be defined as arbitrary deprivation of life that contradicts Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), stating that “every human being has the inherent right to life. No one shall be arbitrary deprived of life”. This is a peremptory form of international law that can never be suspended or otherwise derogated from, in times of peace or in times of war.

The nature and effect of targeted killing policy may also contravene in some instances other sections of the ICCPR. Sections of the ICCPR include Article 7 (prohibition on cruel, inhumane, and degrading treatment or punishment), Article 9.1 (right to liberty and security), Article 17 (right to freedom from arbitrary or unlawful interference with privacy, family, and home), Article 21 (right to peaceful assembly), and Article 22 (right to freedom of association).

In case if international humanitarian law is not considered to be applicable for the deadly weapons and drones attacks can be obviously questioned under the international standards of use of lethal force, set in international human rights law, as potentially constituting extrajudicial executions. According to these standards, in each strike the attacking party must demonstrate, that intentional lethal force was only used when strictly unavoidable to protect life, no less harmful means such as capture or non-lethal incapacitation was possible, and the use of force was proportionate in the prevailing circumstances.

Any clarity upon this and other issues described above can only be achieved if the attacking side provides sufficient transparency on preparing and implementation of the attacks, as well as defines international legal rules and principles that constitute a legitimate framework for its actions.

Another matter of serious concern is that the states, performing the ‘targeted killings’, keep all information related to their drone fleet classified, including their amount and technical specifications, location of their bases and commercial agreements, that proliferate drones to other state and non-state actors. However we believe, that as any other weapons system, unmanned aerial vehicles should be subject to international rules for acceptable uses, target selection and proliferation of drones and their technology to avoid misuse or proliferation to terrorist and organised crime groups.

Finally, lack of transparency and accountability in preparing and conducting of such military operations goes hand in hand with the failure to provide necessary protection for the right to life and meet the principles of distinction, proportionality, humanity and military necessity, exposing civilian lives and objects under fatal threat. Practically uncontrolled internationally, these attacks create and sustain a state of constant fear, panic and desperation for the people, living under the attacks, harming societal and economic development.

Maarij Foundation for Peace and Development and Global Network for Rights and Development are deeply concerned about the situation described above and call on the Council to intensify its efforts to set an internationally agreed legal framework that would define the legality of the use of drones per se, clarify and re-state peremptory applicable norms of international human rights and humanitarian law, set necessary regulations on the use of drone weapons systems and proliferation of drones and their technology, and ensure adequate penalty for the parties, responsible for war crimes, committed with the use of drones.

We sincerely believe that significant progress in this field can be achieved by intensifying international dialogue, first and foremost, involving the parties, most actively using drones for implementing their military and political goals. We also believe that apart from securing protection for the lives and property of civilians, being attacked by drones in the future, the perpetrators of the past illegitimate attacks will get adequate penalty from the international community that would restate and endorse the core principles of international human rights and international humanitarian law.

* Global Network for Rights and Development (GNRD) NGO(s) without consultative status, also share the views expressed in this statement.