

Ambassador Anthony Luzzatto Gardner

United States Mission to the European Union
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**AMNESTY
INTERNATIONAL**



European Institutions Office

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US MUST ENSURE INVESTIGATIONS AND FULL DISCLOSURE ON DRONE STRIKES

Dear Ambassador Gardner,

Further to Amnesty International's October 2013 report on the use of armed drones and ahead of the March EU-US summit, we urge the US administration to ensure independent, impartial investigations into credible reports of potentially unlawful deaths from US drone strikes, including killings that Amnesty International documented in its report, ['Will I Be Next?' US Drone Strikes In Pakistan](#).

Following the release of our report, White House National Security Staff spokesperson Caitlin Hayden said, "Before we take any counter-terrorism strike outside areas of active hostilities, there must be near-certainty that no civilians will be killed or injured – the highest standard we can set. And when we believe that civilians may have been killed, we investigate thoroughly."¹

To date, the United States (US) administration's refusal to acknowledge and fully investigate the cases documented by Amnesty International suggests that secrecy and a lack of accountability will continue to characterise US drone policy. This is at odds with President Obama's speech last May at the National Defense University, where he reaffirmed his commitment to the rule of law and transparency in counter-terrorism operations.

The US, the first country to extensively use armed drones, is failing to adhere to long established international norms governing the use of lethal force; and risks setting a dangerous precedent for the rest of the world – 86 other countries now reportedly have drone technology. The US administration's failure to ensure investigations and disclose information runs counter to US obligations under international law, and sets a dangerous example on the question of accountability for potentially unlawful killings.

Despite assertions that the US has a count of "civilian" casualties that diverges widely from non-governmental reports, US administration officials have not provided this count, nor said whether it includes the cases we documented. The administration's secrecy makes its assurances of legality impossible to test, rendering them meaningless and detrimental to accountability. Both the Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence have considered legislation requiring reporting on drone strike casualties, reflecting broad concern about the administration's failure to disclose information it says it possesses.

On 27 February, the European Parliament passed a resolution with a clear majority on the use of drones, calling for "the EU to develop an appropriate policy response at both European and global level which upholds human rights and international humanitarian law."²

Acknowledging and investigating potentially unlawful killings is a matter of legal obligation for the US. It is a matter of dignity and justice for the victims and survivors of strikes, their loved ones and communities. Accountability mechanisms are also vital to upholding the rule of law and US commitments to human rights.

Amnesty International accordingly urges you to take the following steps:

Ensure that drone strikes are on the agenda of the upcoming EU-US summit in Brussels in March 2014, and that discussions explicitly address US and European Union member state responsibilities to uphold human rights in the disclosure on and use of armed drones.

¹ NBC, "US investigating deadly Yemen drone strike" 7 January 2014: <http://www.msnbc.com/msnbc/us-investigating-deadly-drone-strike>.

² European Parliament resolution on the use of armed drones (2014/2567(RSP)), 27 February 2014, <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P7-RC-2014-0201&language=EN>.

Disclose information about the facts, legal basis and any investigations into the cases Amnesty International documented in its October 2013 report.

Order all relevant agencies to adopt policies and mechanisms to ensure full, independent and impartial investigations into cases where there are reasonable grounds to believe that drone strikes resulted in unlawful killings, including the cases documented by Amnesty International. Relevant agencies should establish or assign a dedicated investigations unit with access to classified information; independence from the units involved in the strike under investigation; and adequate authority, including the ability to compel witnesses and evidence, and to report on its findings to Congress and the public. Details of investigation procedures should be publicly disclosed.

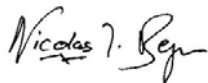
Ensure that victims of unlawful drone strikes, including family members of victims of unlawful killings, have effective access to remedies, including in the form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Ensure compensation is available even when investigations suggest that a particular killing or civilian casualty did not result from violations of international law.

Declassify and disclose information about the identities and the number of people killed or injured in drone strikes in Pakistan, Yemen, and elsewhere, including the criteria and numbers of people categorised as “civilians,” “militants” or “combatants.”

Amnesty International has made additional recommendations regarding US drone strikes policy, available at: <http://dronespakistan.amnestyusa.org>. We strongly urge the administration to take these steps to ensure full disclosure and respect for human rights in the use of drones.

We welcome the opportunity to discuss further with you in person in near future, and stand ready to provide any further information you may require.

Yours sincerely,



Dr Nicolas J. Beger
Director

Cc:

Catherine Ashton, High Representative of the European Union for Foreign Affairs and Security Policy, Vice President of the European Commission (HRVP)

Gilles de Kerckhove, EU Counter-terrorism Coordinator

João Vale de Almeida, Head of the Delegation of the European Union to the United States

James Morrison, Head of Cabinet (HRVP)

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