

**AMNESTY
INTERNATIONAL**



January 7, 2014

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: Investigations and Disclosure on Drone Strikes

Dear President Obama:

We write to urge you to ensure independent and impartial investigations into credible reports of potentially unlawful deaths from US drone strikes, including killings Amnesty International documented in its October 2013 report, *'Will I Be Next?' US Drone Strikes In Pakistan*.

Since we published the report, your administration has neither publicly committed to investigating the cases of potentially unlawful killings that we documented, nor provided its own account of what occurred. This contravenes US legal obligations to investigate alleged violations of the right to life and to provide victims with adequate, effective and prompt reparation for the harm suffered. Obligations to investigate arise from both international human rights law and—in the narrow and exceptional circumstances of armed conflict—international humanitarian law (the laws of war).

Officials in your administration have referred us to your May 23rd speech at National Defense University, in which you reaffirmed your commitment to the rule of law and transparency. Yet your administration's unwillingness to acknowledge and investigate the cases we documented is at odds with this commitment, suggesting instead that secrecy and a lack of accountability will continue to characterize US drone policy.

As the first country to use armed drones extensively, the United States sets a precedent for the rest of the world, including the 86 other countries that have reportedly acquired drone technology. We are concerned that your administration's failure to ensure investigations and



disclose information not only runs counter to US obligations under international law, but also sets a dangerous example on the question of accountability for potentially unlawful killings.

This issue also has ramifications for your administration's wider human rights agenda. When the US fails to openly engage with reports of potentially unlawful killings from drone strikes, it seriously undermines its credibility when criticizing unlawful use of lethal force by others. It also risks more generally undermining respect for human rights standards. Governments and other actors may deflect legitimate criticism of their human rights records by citing US secrecy on drone strikes.

Administration officials have responded to our report by suggesting that the US has a count of "civilian" casualties that diverges widely from non-governmental reports. However, these officials have not provided the count or said whether it includes the cases we documented. In effect, your administration's position is that it knows whom it is killing in drone strikes, but it will not confirm whether the individuals whose deaths we documented, including a grandmother and 14-year-old boy, are among them. The administration's secrecy makes its assurances of legality impossible to test, rendering them meaningless and detrimental to the goal of accountability. Both the Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence have considered legislation that would require reporting on drone strike casualties, reflecting broad concern about the administration's failure to disclose information it says it possesses.

Your administration has confirmed the killings of four US citizens from drone strikes in Yemen, suggesting that greater disclosure is possible. It has not officially made any such disclosures regarding non-citizens, however. As a matter of international law, citizenship is not a legitimate basis for denying victims of unlawful strikes or their families with access to information and investigation. As UN expert Christof Heyns emphasized in a September 2013 report to the General Assembly: "Drone victims, just as any other human rights victims, and society at large have a right to have access to information relating to allegations of human rights violations and their investigation...Likewise, during an armed conflict, relatives of persons killed or missing have the right to know the fate of their relatives."



Acknowledging and investigating potentially unlawful killings is a matter of legal obligation for the United States. 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. We accordingly urge you to take the following steps:

- **Disclose information about the facts, legal basis and any investigations into the cases Amnesty International documented** in our October 2013 report, including the killing of Mamana Bibi on October 24, 2012 and the killing of 18 laborers on July 6, 2012.
- **Order all relevant agencies to adopt policies and mechanisms to ensure independent and impartial investigations** into all 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 investigating 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.
- **Ensure that the 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 to families of civilians killed or injured even when investigations suggest that, in a particular killing of civilians, casualties 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 and Yemen, and elsewhere, including the number categorized as “civilians,” “militants” or “combatants.” Disclose the criteria used to determine “civilian,” “militant” or “combatant” status and ensure that US post-strike assessments and investigations do not presumptively categorize individuals killed or injured as “militants” or “combatants.”

Amnesty International has made additional recommendations regarding US drone strikes policy, available in our report: <http://dronespakistan.amnestyusa.org/>



We urge your administration to take the steps we have outlined here and in our previous reports.

Sincerely,

A handwritten signature in black ink, which appears to read "Steven W. Hawkins". The signature is fluid and cursive, with the first name being the most prominent.

Steven W. Hawkins
Executive Director
Amnesty International USA

Cc:

Lisa Monaco, Assistant to the President for Homeland Security and Counterterrorism

John Kerry, Secretary of State

Samantha Power, US Ambassador to the United Nations

Richard Olsen, US Ambassador to Pakistan

John Brennan, Director, Central Intelligence Agency

Chuck Hagel, Secretary of Defense