



Statement by the American Civil Liberties Union (ACLU) to the UN Human Rights Council
25th session

March 12, 2014

Mr. President,

We welcome the special rapporteur's new report on the use of drones for targeted killing. His report provides the Council an opportunity to demand increased transparency about state killing programs, including and especially that of the United States.

As Mr. Emmerson's new report emphasizes, states are under a "present and continuing obligation" to "provide a public explanation of the circumstances and the justification for the use of deadly force." In the face of this duty, the United States has remained entirely silent, even when confronted with credible, documented allegations of civilian deaths and harm caused by its targeted-killing operations.

Further, the United States has shielded its own interpretation of the legal rules and evidentiary bases governing the program. And the little the U.S. government has made public about the limits on its killing operations—such as a requirement of a "near certainty" that non-combatants will not be harmed as a result of strikes—stands in direct contradiction with much of the publicly available evidence.

Most importantly, the United States still has not disclosed the specific legal bases for its targeted killing program, or even basic information about the number and identities of those killed. These failures are all the more striking given the release of two recent reports by Amnesty International and Human Rights Watch alleging serious and detailed instances of unlawful killings, as well as calls from two United Nations special rapporteurs for increased public disclosures about, and accountability for, the program.

Despite President Obama's recent assertion, in his 2014 State of the Union address, that he has "imposed prudent limits on the use of drones," the government has still not disclosed its May 2013 Presidential Policy Guidance document containing those limits, nor has it explained which, if any, of the policies the United States considers to be legally binding under domestic and international law. The international community also remains in the dark about any geographic constraints on the United States' claimed authority to kill people "outside areas of active hostilities."

The United States continues to frustrate efforts by the ACLU and others seeking increased transparency about its targeted killing program. In U.S. court cases, the government continues to refuse to describe the nature or even volume of records in its possession concerning its targeted killing program. And, in January 2014, in a secret annex to a government spending bill, lawmakers impeded a planned shift of control over the program from the Central Intelligence Agency to the Department of Defense—a shift that was expected to bring greater transparency to the program.

Mr. President,

The U.S. government continues to fall far short of its international legal obligations under human rights law, and it must begin to make serious efforts to remedy those failures by increasing transparency about the scope of the lethal-force authority it claims and by limiting that scope so that the government's uses of lethal force comport with its legal obligations.

Thank you.

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