

'Drones and targeted killing – bringing human rights back in'

Agenda

Day I, September 20, 2010

09.00-10.00 Coffee and croissants

10.00-10.15 Aim and objectives of the meeting

10.15-11.45 Etat de lieu

The context of the use of drones in targeted killings, emerging patterns in its use, scope of justifications provided, identification of human rights concerns and advocacy challenges.

11.45-12.00 Coffee break

12.00-13.15 Justifications provided for drone killings

The scope of the IHL justification: the notion of an armed conflict against non-state actors with global reach. How to prevent the over-extension of the 'war paradigm' and limit it to genuine armed conflicts? Responding to the self-defence argument as an alternative justification of drone killings?

13.15-14.15 Lunch at the ICJ office

14.15-15.45 Drone killings outside genuine armed conflicts

How does human rights law apply to and address targeted killings by drones? Human rights responsibilities of the executing and territorial state and the role of state consent? The scope of extra-territorial jurisdiction of the right to life, the notion of arbitrariness? Can targeted killings by drones be ever justified outside the armed conflict paradigm? Are there genuine dilemmas to be recognized?

15.45-16.00 Coffee break

16.00-18.00 Drone killings in internal, internationalized or international armed conflict

How does human rights law influence who can be targeted and whether such practice can be lawful in international, internal and internationalized internal conflicts? How to define direct participation in hostilities, the limits of the lex specialis argument to the conduct of actual hostilities? How to strengthen the human rights argument in relation to direct participation?

18.00 Wrap-up Day I

Day II – September 21, 2010

09.30-11.00 (cont.) incl. questions of proportionality, necessity and precautions
Towards a human rights proportionality test in drones' killings during internal or internationalized armed conflicts? What precautions and milder means are required as part of a proportionality test? Can drones sufficiently distinguish and can they be employed discriminately? Are precautionary measures helping and realistic?

11.00-11.15 Coffee break

11.15-13.00 Addressing the accountability gap

The lack of transparency and availability of rules of engagement, the role of intelligence, access to information in situations in which drones are used. Advocacy on the right to remedies and its challenges; the right to defend yourself against being named on a targeting list, the duty to investigate with the aim of bringing those responsible to justice. What role for the OHCHR and the Special Rapporteur on Arbitrary and Summary Executions?

13.00-14.00 Lunch

14.00-15.30 Towards more effective human rights advocacy

Communicating a human rights response on drones killings, identification of common elements, legal advocacy on human rights and drones, legal briefs and litigation strategies, how to overcome the lack of factual information from places in which targeted killings take place, how to communicate a human rights perspective to the public and the media? What demarches to be suggested vis-à-vis friendly states and the academic community?

15.30-16.00 Wrap up and concluding comments