

*Check against delivery*

**Human Rights Council 27<sup>th</sup> Session**



**Ensuring use of remotely piloted aircraft or armed drones in  
counterterrorism and military operations in accordance with  
international law, including international human rights and  
humanitarian law**

**Remarks by**

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Excellencies,  
Ladies and gentlemen,

It is a great pleasure for me to open this interactive panel discussion on the use of remotely piloted aircraft or armed drones in compliance with international law. This is a timely discussion, as the recent emergence of a range of new weapons technologies has raised a number of legal questions, including under international human rights law.

Since its emergence fifteen years ago, drone technology has developed remarkably, and the use of drones has grown in the context of military operations and counter-terrorism measures. An increasing number of States are seeking to acquire armed drone technologies, and indeed, there is concern that non-State actors may possess such technology as well.

As I have the privilege of opening the panel, let me stress at the outset that States have the duty under international law to take measures to protect individuals from terrorist acts, but any such measures must be consistent with human rights law. I will make three points that I hope will help stimulate fruitful discussion:

1. My first point relates to the *legal framework applicable to the use of armed drones*. Discussions of armed drones have largely focused on the question of whether their use is compatible with the rules and principles of international humanitarian law, which is applicable in situations of active hostilities in the context of an armed conflict. But international human rights law applies at all times, including in situations of armed conflict.

The human right to life places stringent conditions on the use of lethal force. In any situation other than active hostilities in an armed conflict, the prohibition of the arbitrary deprivation of life means that the intentional use of lethal force would be lawful only in a law enforcement context, when an individual poses an imminent threat to the life of another, and where the use of lethal force is strictly unavoidable to protect life. Additionally, such use of lethal force would be lawful only where other, less lethal, measures -- including restraint, capture, and the graduated use of force -- cannot be employed. These international human rights standards govern the use of armed drones in such situations.

2. My second point is about *the human rights impact of the use of drone strikes*. Drone strikes most often are conducted across borders. Research has highlighted the grave and wide-ranging impact these have on individuals – including children, the elderly and disabled – and their communities. In some situations, drone strikes have crippled the daily life of the society affected, and have compromised the enjoyment by individuals of rights including to peaceful assembly; freedom of association; freedom of religion; to education and to health, among others.

Irrespective of claims related to their precision, the use of armed drones creates an atmosphere of fear in affected communities. In addition to the documented loss of life through individual casualties, including bystanders, in some places even the fear of drone strikes has had negative impact – resulting in interrupted education, as families keep children home from school; in interrupted cultural and religious practices, as community members avoid gathering in groups; or in reluctance to assist victims, for fear of being caught in secondary strikes.

3. Thirdly, I want to refer to the concepts of *transparency and accountability*. Both are key to ensuring the enjoyment by victims of human rights violations of their associated right to a meaningful remedy. Lack of transparency concerning the circumstances in which armed drones are used, as well as the involvement of intelligence agencies in their use, create obstacles to determining the applicable legal framework and ensuring compliance. It also hampers the delivery of justice and redress for victims, and is a barrier to preventing violations from occurring in the first place. High Commissioner Navi Pillay expressed particular concern at the lack of transparency surrounding drone strikes, for these reasons. It is important that State policies on the use of armed drones be spelled out more clearly, including the legal basis for specific attacks.

The Secretary-General has urged States to take all necessary measures to ensure that attacks involving drones comply with applicable international law. And States have an obligation to carry out prompt, independent and impartial investigations whenever there are credible indications of a serious violation of international human rights law and, where applicable, international humanitarian law, which has allegedly occurred because of an armed drone strike. As an inherent part of the right to life, international human rights law requires accountability for any violation of this right. Perpetrators of any violation must be held to account.

In closing, I would like to draw attention to the important work that has been done on these issues by the human rights Special Procedures mandate holders. Twelve years ago, the former Special Rapporteur on extrajudicial, summary and arbitrary executions, Ms Asma Jahangir, raised concerns about targeted killings through the use of drone strikes in Yemen. In 2010, her successor, Philip Alston, conducted a critical study on targeted killings, including through the use of armed drones. Today's panel discussion will benefit from the analysis of two current mandate-holders who have continued to address important aspects of these issues throughout their work: the Special Rapporteur on extrajudicial, summary and arbitrary executions, Mr Christof Heyns; and Mr Ben Emmerson, the Special Rapporteur on the promotion of human rights and fundamental freedoms while countering terrorism.

As more States, and non-State actors, obtain the technology that enables the deployment of armed drones, compliance with international human rights law and accountability for their use will become more urgent. I very much look forward to reflecting on these important issues together.

Thank you