

DRONE ATTACKS AND HUMAN RIGHTS

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A drone attack is typically where an unmanned combat aerial vehicle fires a missile at a target. The drone may be equipped with such weapons as an air-to-surface missile, air-to-air missile, or other types of precision guided munitions. Since the turn of the century, most drone strikes have been carried out by the US military in such countries as Pakistan and Yemen using air-to-surface missiles.

Drone attacks can also be done by dangerous payload and crashed into vulnerable targets. Payloads may also include explosives, chemical, radiological or biological hazards. Countries such as United States, Israel, China, Iran, Italy, India, Pakistan, Russia and Turkey are at present known to have manufactured operationalUCAV as of December 2015.

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more.

Human rights are moral principles or norms that describe certain standards of human behaviour and are regularly protected as natural and legal rights in municipal and international law.

Various drone attacks have been seen in last few years, due to which conflict has arisen between the drone attacks and human rights. Like every aspect drone attacks has negative as well as positive impact, if we see the positive impact then drones have revolutionized the nature of war, becoming one of the most utilized, desired, and successful military advances in modern history. As drones advance, the international system must work to situate this technology within human rights obligations, specifically, within International Humanitarian Law(IHL)

The use of drones lies at the centre of contemporary debate on national security. On the 10 May 2016, the parliamentary Joint Committee on Human Rights waded into this debate and published its 108-page report on “The Government’s policy on the use of drones for targeted killings”.

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It has been noted during the several years that drone attacks have more negative impact as compared to positive ones. The valid reasons could be, it has been seen that drone attacks have larger number of deaths of innocent people than of accused ones, the act may be intentional or unintentional, but death will be considered as death.

Since the turn of the century, the use of drones has proliferated at a rapid rate and is becoming commonplace in the arsenal of states and armed groups throughout the globe.

Considerable controversy surrounds the use of drone strikes. The US has faced ongoing criticism from human rights groups over its unmanned drone attacks in Pakistan, Yemen and Somalia, The British government also came under attack in 2015 after the targeted killing of two British citizens in Syria. Issues of transparency and accountability abound; states often do not explain their legal interpretations sufficiently or release basic data on their drone programmes, which makes it difficult to assess claims of legality.

On 25 May 2017, the International Bar Association's Human Rights Institute (IBAHRI) Council adopted a resolution on the use of drones, which expresses concerns about the proliferation of the use of armed drones by states and non-state actors to deliver lethal force, and which calls for clarity and transparency.

The resolution states that, the use of drones must adhere to the current law governing the use of force and whether or not a drone strike occurs in the context of an armed conflict is crucial to assessing its lawfulness.

CASES

-ACLU VS CIA

- YEMEN DRONE STRIKE CASE

Pakistan has raised at the UN Human Rights Council the issue of US drone strike in the country and asked the international community to take note of rights violations taking place as a result of such illegal attacks.

The Foreign Office (FO) said that Pakistan has taken the issue of drone attacks by the US to the UN Human Rights Council.

Speaking at the Human Rights Council in Geneva, permanent representative of Pakistan, Ambassador Tehmina Janjua stressed that the Human Rights Council and its mechanisms should respond to human rights violations and the loss of precious lives as a result of drone strikes on the territory of Pakistan in violation of its sovereignty.

She emphasised that these drone strikes are also a violation of UN Charter, International Law including Human Rights and Humanitarian Law, the FO said.

Pakistan has been stressing repeatedly that use of armed drones or remotely piloted aircrafts is a breach of human rights, in particular, the right to life, which is non derogable, it said.

The ambassador urged the international community and the Human Rights Council to remain seized of Human Rights violations taking place as a result of illegal drone strikes, according to the FO.

Pakistan had been enraged at the 21 May US drone strike which killed Taliban chief Mullah Mansour in Balochistan.

The Israeli Supreme Court is the only tribunal to have confronted the legality of targeted killing, at a time (2008) when 234 victims had been members of Hamas and a further 153 had been civilians who got in the way. The court contented itself with comments about limiting the targets to dangerous terrorists and issued Polonius like precautionary precepts “well based information is needed “ , innocent civilians are not harmed, careful verification is needed before an attack is made. In reality innocent civilians very often are killed and verification always seems careful to the minds of the targeters.

The UN Charter the conventions and the norms of the courts have not provided satisfactory guidance for waging asymmetric warfare. Hence the silence of states and the recent earnest request, by the UN’s human rights commissioner, for urgent clarification of the law. The way forward May be to find a way back, to reasonable force and proportionality. At present, many drone killings can only be described as summary executions the punishment of the Red Queen (sentence first, trial later) which denies the right to life, the presumption of innocence and the right to a fair trial.

Lastly it has been concluded that it is urgent need for the states to take steps very carefully because through the whole discussion , it can be seen that drone attacks violate human rights.