

UN Launches Major Investigation into Civilian Drone Deaths

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by Chris Woods and Alice K Ross

A UN investigation into the legality and casualties of drone strikes has been formally launched, with a leading human rights lawyer revealing the team that will carry out the inquiry.

The announcement came as the latest reported US drone strike in Yemen was said to have mistakenly [killed two children](#).

Ben Emmerson QC, the UN's special rapporteur on human rights and counter-terrorism, told a London press conference that he will lead a group of international specialists who will examine CIA and Pentagon covert drone attacks in Pakistan, Yemen and Somalia.



Ben Emmerson QC addresses reporters in London (Photo: TBIJ)

The team will also look at drone strikes by US and UK forces in Afghanistan, and by Israel in the Occupied Territories. In total some 25 strikes are expected to be examined in detail.

The senior British barrister will work alongside international criminal lawyers, a senior Pakistani judge and one of the UK's leading forensic pathologists, as well as experts from Pakistan and Yemen. Also joining the team is a serving judge-advocate with the US military 'who is assisting the inquiry in his personal capacity.'

Emmerson told reporters: 'Those states using this technology and those on whose territory it is used are under an international law obligation to establish effective independent and impartial investigations into any drone attack in which it is plausibly alleged that civilian casualties were sustained.'

But in the absence of such investigations by the US and others, the UN would carry out investigations 'in the final resort', he said.

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Early signs indicate Emmerson's team may have assistance from relevant states. He told journalists that Britain's Ministry of Defence was already co-operating, and that Susan Rice, the US's ambassador to the United Nations, had indicated that Washington 'has not ruled out full co-operation.'

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The UN Human Rights Council last year asked its special rapporteurs to begin an investigation after a group of nations including Russia, China and Pakistan requested action on covert drone strikes. Emmerson told the Bureau: 'It's a response to the fact that there's international concern rising exponentially, surrounding the issue of remote targeted killings through the use of unmanned vehicles.'

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Emmerson said he expects to make recommendations to the UN general assembly by this autumn. His team will also call for further UN action 'if that proves to be justified by the findings of my inquiry'.

He added: 'This is not of course a substitute for effective official independent investigations by the states concerned.'

One area the inquiry is expected to examine is the deliberate targeting of rescuers and funeral-goers by the CIA in Pakistan, as revealed in an [investigation](#) by the Bureau for the Sunday Times.

In October 2012 Emmerson said: 'The Bureau has alleged that since President Obama took office at least 50 civilians were killed in follow-up strikes when they had gone to help victims and more than 20 civilians have also been attacked in deliberate strikes on funerals and mourners. Christof Heyns [UN special rapporteur on extrajudicial killing] ... has described such attacks, if they prove to have happened, as war crimes. I would endorse that view.'

The American Civil Liberties Union welcomed the UN inquiry, and called on the US to aid investigators. 'Whether it does or not will show whether it holds itself to the same obligation to co-operate with UN human rights investigations that it urges on other countries,' said Jamil Dakwar, director of the ACLU's Human Rights Programme.

Who's who on the UN's team

Dr Nat Cary - One of the UK's most respected forensic pathologists, Cary is the president of the British Association of Forensic Medicine and has worked on high-profile cases including the second autopsy of [Ian Tomlinson](#) and that of Joanna Yeates. He is an expert in injuries caused by explosions.

Imtiaz Gul - Gul is an eminent observer of terrorism and security in Pakistan. The executive director of the Islamabad-based [Center for Research and Security Studies](#), which tracks terrorist activity and violence throughout Pakistan, he is also a prominent journalist. He has written four books on al Qaeda, the Taliban and Pakistan's militants, and is a regular contributor to both [Pakistani](#) and [international](#) titles.

Abdul-Ghani Al-Iryani - A long-established [analyst](#) of and commentator on Yemeni politics, Iryani also leads the Democratic Awakening Movement. This campaign group, [formed](#) as President Saleh's regime weakened during the Arab Spring, campaigns for human rights, strong civil society and the rule of law in Yemen.

Professor Sarah Knuckey - Human rights lawyer Knuckey runs the Global Justice Clinic at New York University's law school. Last year she co-authored a major study into the impact of drones on civilians, [Living Under Drones](#), which found that the CIA's drone campaign in Pakistan had a 'damaging and counterproductive' effect on those who lived within the strike zone.

Lord Macdonald QC - A former director of public prosecutions for the UK government, Liberal Democrat peer Ken Macdonald is a leading defence barrister at Matrix Chambers, where Emmerson also practices. He has authored a major [review](#) of governmental counter-terrorism policy. He is [chair](#) of legal charity Reprieve's board of trustees.

Sir Geoffrey Nice QC - A war crimes specialist, Nice spent eight years as a prosecutor at the International Criminal Tribunal for the Former Yugoslavia, culminating in leading the team that prosecuted Slobodan Milosevic. Many of his cases still centre on international law and war crimes - and last year he caused controversy by [questioning](#) whether Sudan's President Bashir was responsible for genocide in Darfur.

Captain Jason Wright - The US Army lawyer who defended Khalid Sheikh Mohammed in his trial for plotting the September 11 attacks, Wright [spoke out](#) about his client's torture in Guantanamo Bay. He is now a judge-advocate with the US military and is assisting the inquiry in a personal capacity, Emmerson noted at the investigation's launch.

Justice Shah Jehan Khan Yousafzai - Yousafzai has spent two decades as [senior judge](#) in the circuit of Peshawar high court, working in towns and cities adjacent to the Pakistani tribal regions that have been the epicentre of covert drone warfare. Peshawar high court has heard high-profile [legal challenges](#) to the drone campaign.

Jasmine Zerini - A former diplomat, Zerini is a specialist in Pakistan and Afghanistan, having worked as deputy director for South Asia for the French foreign ministry.

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