

October 6, 2016

The Honorable Barack Obama
President of the United States of America
White House 1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Re: Implementation of Executive Order of July 1, 2016 regarding pre- and post-strike measures to address civilian casualties in U.S. operations involving the use of force

Dear President Obama,

The undersigned human rights, civil liberties and faith organizations appreciate the recent efforts that your administration has made to improve transparency and protection of civilians in U.S. operations involving the use of force, including drone strikes. While, as we reiterate, much remains to be done, your issuance on July 1, 2016 of Executive Order 13732, “United States Policy on Pre- and Post-Strike Measures to Address Civilian Casualties in U.S. Operations Involving the Use of Force”, is a positive step towards more transparent and accountable U.S. policy and practice on the use of force.

We write to request that, as part of a robust effort to implement the Executive Order this fall, your administration investigate ten past drone strikes as well as other strikes where there are credible allegations of harm to civilians. In May 2015, we wrote to you, highlighting these ten cases that the United Nations, local and international human rights organizations, or journalists had investigated and in which they found credible evidence of harm to civilians and, in some cases, potentially unlawful killings, resulting from U.S. strikes carried out in secret. Brief summaries of these ten cases are again attached to this letter as an appendix. Now that you have adopted a policy on post-strike investigation and redress for civilian harm, we urge you to apply that policy to these and other past incidents that remain unaddressed.

In particular, we ask that to ensure implementation of section 2(b) of the Executive Order, you direct the relevant agencies, at a minimum, to:

- Publicly acknowledge U.S. government responsibility for these strikes;
- Ensure review and prompt, thorough, effective, independent, impartial and transparent investigations into these cases and all other cases in which civilians are reported to have been killed or injured;
- Publicly disclose the methodology, scope and findings of these investigations. With only those redactions necessary to protect information that is properly classified, acknowledge and provide explanations where there are discrepancies between findings of the U.S. government’s investigations and those of the United Nations, human rights organizations and journalists, including how these findings were assessed in the course of U.S. investigations;
- Provide details of any lessons that can be learned from these reviews or investigations of these incidents that have led, or will lead, to measures to avoid unlawful strikes and better avoid, or at least minimize, civilian casualties;
- Offer condolence payments and other forms of compensation to civilians injured or the families of civilians killed in these strikes.

In our letter of May 13, 2015, we noted your public acknowledgment and apology for the deaths of Warren Weinstein and Giovanni Lo Porto. We understand that since that date the U.S. government has agreed to pay compensation to the family of Giovanni Lo Porto. These are welcome initiatives that should be followed in a systematic fashion, which the Executive Order commits to doing. To make the promise

of the Executive Order a reality, we hope you will implement the Executive Order in relation to the ten cases in the appendix and other cases where there are credible allegations of civilian harm. Doing so would go a long way to providing dignity and a measure of justice to victims and families and set a strong precedent for future administrations to follow.

As we have maintained in our correspondence with you on these issues, in particular in our joint letters of May 13, 2015, December 4, 2013 and April 11, 2013, we have broader concerns about the U.S. government's lethal use of force in counterterrorism operations, and these concerns endure in spite of the recent limited disclosures. In particular, in addition to investigating individual strikes, acknowledging responsibility, and providing appropriate redress for civilian harm, we urge your administration to take further essential steps to: publicly disclose and explain standards and criteria governing "targeted killings" beyond the release of the redacted Presidential Policy Guidance and related documents; release meaningful, disaggregated civilian casualty figures; ensure that U.S. lethal force operations abroad comply with international law; and enable meaningful congressional oversight and judicial review.

We appreciate your attention to our concerns.

Sincerely,

American Civil Liberties Union
Amnesty International
Center for Civilians in Conflict (CIVIC)
Center for Constitutional Rights
European Center for Constitutional and Human Rights
Friends Committee on National Legislation
Human Rights Clinic (Columbia Law School)
Human Rights First
Human Rights Watch
National Religious Campaign Against Torture
Open Society Foundations
Relieve

cc: John Kerry, Secretary of State

cc: Ashton B. Carter, Secretary of Defense

cc: John O. Brennan, Director, Central Intelligence Agency

cc: Susan Rice, National Security Advisor

Ten U.S. Strikes Requiring Investigation and Acknowledgement¹

1. **Yemen, December 17, 2009:** A cruise missile strike in al-Majalah in southern Yemen is alleged to have killed at least 41 civilians, along with 14 alleged militants, in a Bedouin camp. Groups including Human Rights Watch determined that the civilians included 21 children and nine women—five of whom were pregnant.
2. **Pakistan, March 17, 2011:** A strike on a large gathering near a bus depot in Datta Khel, North Waziristan, is alleged to have killed at least 24 civilians according to several independent investigations by human rights organizations, including Reprieve, and journalists.
3. **Pakistan, October 30, 2011:** A strike reportedly killed four civilians who were traveling in a car in North Waziristan, Pakistan. According to an Open Society Foundations investigation, those killed were likely a businessman and several day laborers.
4. **Pakistan, July 6, 2012:** A series of strikes allegedly killed 18 civilians in Zowi Sidgi, North Waziristan, Pakistan. Amnesty International reported that the 18 victims were likely laborers, ten of whom were killed by a second round of strikes targeting those who had arrived at the scene to help the wounded and recover the dead. At least 22 others were injured, including an eight-year-old girl who sustained shrapnel injuries to her leg.
5. **Yemen, August 29, 2012:** A strike reportedly killed five men outside a mosque in Kashamir, Yemen, including two civilians. Groups including Human Rights Watch and Reprieve determined that those killed included a popular anti-Al Qaeda cleric, Salim bin Ali Jaber, and his cousin Waleed, one of the village's only policemen.
6. **Yemen, September 2, 2012:** A strike on a Toyota Land Cruiser in Yemen is alleged to have killed 12 civilian passengers, including three children and a pregnant woman. Groups including Human Rights Watch found that the alleged target was not in the vehicle and that those killed included the breadwinners for more than 50 people in one of the poorest areas of Yemen.
7. **Pakistan, October 24, 2012:** A strike allegedly killed Mamana Bibi, a woman aged about 65 who was gathering vegetables in her family's large, mostly vacant fields in Ghundi Kala, a village in North Waziristan, Pakistan. Investigations conducted by Amnesty International and Reprieve found credible evidence that nine others were injured in the strike that killed Bibi. The nine injured were children, including several of Bibi's grandchildren.
8. **Yemen, January 23, 2013:** A strike in al-Baidha Governorate in Yemen allegedly targeted a house in which 19 civilians lived, near where approximately 30 civilians had gathered to watch the only television in the village. The Open Society Justice Initiative and the Yemeni organization Mwatana determined that the strike injured five civilians, including two children.
9. **Yemen, December 12, 2013:** A strike on a convoy in rural Yemen allegedly missed its intended target but killed at least 12 and wounded 15 others. Human Rights Watch, Reprieve,

¹ The signatories of this letter do not consider this an exhaustive list, but ten examples of strikes in which civilian harm has been credibly alleged.

and independent journalists found that the convoy was a wedding procession, as well as evidence that some, if not all, of those killed and wounded may have been civilians.

10. **Yemen, April 19, 2014:** A strike allegedly targeted a truck carrying suspected militants in al-Sawma'ah, Yemen. An investigation by the Open Society Justice Initiative and Mwatana found credible evidence that shrapnel from the strike killed four civilians and injured five others who were traveling in a nearby car.