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Possible Changes to U.S. Policies on the Use of Force in Counterterrorism Operations

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Authors

American Civil Liberties Union (ACLU), Amnesty International, Center for Civilians in Conflict (CIVIC), Center for Constitutional Rights, Human Rights Clinic, Coalition for Peace Action, Human Rights First, Human Rights Watch, Interfaith Network on Drone Warfare, National Religious Campaign Against Torture, Open Society Foundations, and OpenTheGovernment

June 1, 2017

Lt. Gen. H.R. McMaster, Jr., USA
Assistant to the President for National Security Affairs
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Re: Possible Changes to U.S. Policies on the Use of Force in Counterterrorism Operations

Dear General McMaster:

We write today to express our deep concern regarding reports that the administration is considering weakening current policy standards for the use of force in counterterrorism operations.¹ We find these reports particularly troubling in light of the significant increase in the number of civilians who have reportedly been killed in U.S. strikes during the last several months.²

We urge you to strengthen and improve, not weaken, the standards for the use of force contained in the Presidential Policy Guidance adopted in May 2013. This policy, which applies outside “areas of active hostilities,” contains some standards that are contrary to what is legally required outside of armed conflict situations – concerns that many of the undersigned human rights and civil liberties groups have previously detailed elsewhere.³ In light of the concerns, we are deeply troubled by reports of efforts to weaken policies that are intended to protect civilians and the right to life. As more countries and non-state armed groups around the world acquire armed drones, it is critical that the United States seek to set an example for other nations and demonstrate that its use of force practices adhere to its obligations under international law. To that end, we believe existing protections should be strengthened and improved, not weakened.

Beyond strengthening existing protections, we urge this administration to prioritize transparency and accountability by implementing a consistent and effective investigation and redress policy across all relevant agencies, acknowledging all uses of lethal force, providing detailed strike and casualty information on an ongoing basis, disclosing all applicable legal and policy frameworks and U.S. interpretations, and providing the relevant Congressional committees with sufficient notification and information to enable them to carry out meaningful oversight.

Thank you for your attention to this important matter. Members of the undersigned organizations would be happy to meet with you or your staff to discuss our concerns and recommendations further.

Sincerely,

American Civil Liberties Union
Amnesty International
Center for Civilians in Conflict
Center for Constitutional Rights
Coalition for Peace Action
Human Rights Clinic (Columbia Law School)
Human Rights First
Human Rights Watch
Interfaith Network on Drone Warfare
National Religious Campaign Against Torture
Open Society Foundations
OpenTheGovernment

Cc: The Honorable Jim Mattis, Secretary of Defense

¹ Greg Jaffe & Karen DeYoung., *Trump Administration Reviewing Ways to Make It Easier to Launch Drone Strikes*, Wash. Post (Mar. 13, 2017), available at https://www.washingtonpost.com/world/national-security/trump-administration-reviewing-ways-to-make-it-easier-to-launch-drone-strikes/2017/03/13/ac39ced0-07f8-11e7-b77c-0047d15a24e0_story.html?utm_term=.2b8f4826dfe6; Charlie Savage & Eric Schmitt, *Trump Administration Is Said to Be Working to Loosen Counterterrorism Rules*, N.Y. Times (Mar. 12, 2017), available at https://www.nytimes.com/2017/03/12/us/politics/trump-loosen-counterterrorism-rules.html?_r=0.

² See, e.g., Airwars, <https://airwars.org/data/>; New America, <https://www.newamerica.org/in-depth/americas-counterterrorism-wars/pakistan/>; Bureau of Investigative Journalism, <https://www.thebureauinvestigates.com/projects/drone-war/>.

³ Letter from Human Rights and Civil Liberties Groups to President Obama (Apr. 11, 2013), available at <https://www.hrw.org/news/2013/04/11/joint-letter-president-obama-us-drone-strikes-and-targeted-killings>; Letter from Human Rights and Civil Liberties Groups to President Obama (Dec. 4, 2013), available at <http://www.humanrightsfirst.org/wp-content/uploads/2013-12-04-Follow-Up-Letter-to-President-on-Targeted-Killings.pdf>