

EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS



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Right to Life (art. 6)

Submission for Germany's List of Issues prior to Reporting,
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INTRODUCTION

The European Center for Constitutional and Human Rights (ECCHR) is an independent, non-profit legal and educational organization dedicated to protecting human rights worldwide. It was founded in 2007 by a group of human rights lawyers in order to protect and enforce the rights guaranteed by the Universal Declaration of Human Rights, as well as other declarations of human rights and national constitutions, by legal means. ECCHR engages in innovative strategic litigation, using European, international, and national law to enforce human rights and to hold state and non-state actors accountable for grave human violations of human rights. ECCHR has consultative status at the United Nations Economic and Social Council.

In this submission ECCHR wishes to address Germany's involvement in the deployment of armed drones by the United States and Germany's participation in the so called Anti-IS Coalition in Iraq and Syria. It has emerged that Germany facilitates US drone strikes by allowing the United States to use the Ramstein airbase in Rheinland-Pfalz for its armed drone operations. As confirmed by representatives from the US Embassy in Germany to the German government,¹ Ramstein serves as a key data relay station for communications between drones operating overseas and drone pilots based in the US. The base also plays a role in the planning, monitoring and assessment of air operations.² With regard to the so called Anti-IS Coalition, Germany provides data and images about potential targets via its Tornado surveillance of the airspace of the region.³

APPLICABLE CCPR FRAMEWORK

Article 6 (1) of the International Convention on Civil and Political Rights (ICCPR) provides that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

RECOMMENDED LOIPR

1. US drones are currently deployed in operations in Afghanistan, Pakistan, Iraq, Libya, Syria, Somalia and Yemen.⁴ In permitting the Ramstein airbase to be used by the US in carrying out such drone strikes, Germany is in many cases complicit in violations of the right to life of victims. Contrary to common claims about the “precision” or “surgical nature” of drone strikes, the technology used for targeting by drone is generally not capable of establishing with sufficient certainty which individual is being targeted, leading to unlawful deprivations

¹ See German Parliament, Plenarprotokoll 18/205, 30 November 2016, p. 20452-20453, available at <http://dip21.bundestag.de/dip21/btp/18/18205.pdf>.

² Ibid.

³ See Global Coalition website, available at: <http://theglobalcoalition.org/en/germanys-military-contribution-against-daesh-in-iraq/>.

⁴ Current overview of US drone strikes available from [The Bureau of Investigative Journalism](#) and [Center for the Study of the Drone at Bard College](#).

of the right to life of many.⁵ Drone pilots can in many cases only observe the outlines of the people they are looking at and are therefore not capable of reliably distinguishing between civilians and combatants (if in an armed conflict situation at all). These technical shortcomings are reflected in the number of civilian casualties of US drone strikes.⁶ Many of these strikes take place outside of armed conflict, where the human rights framework fully applies and where targeted killings will almost always be unlawful.⁷ How does Germany ensure it is not involved in violations of the right to life by permitting other states to use German territory for real-time data transfer to and from armed drones that serve as weapons platforms in strike operations and are of fundamental importance to the execution of strike operations, infringing the right to life of individuals in great numbers in, e.g., Pakistan, Yemen, Somalia, Iraq, Syria, Libya and Afghanistan? How does Germany monitor the activities of other states that use Germany's territory in counterterrorism operations in light of its obligations under CCPR?

2. On the night of March 20th to 21st 2017, an Anti-IS Coalition air strike killed an estimated 150 Internally Displaced Persons in a former school building in Mansurah (Raqqah, Syria).⁸ The German armed forces, through its releasing officer, had added surveillance images of the targeted site, taken two days before the incident, to the database of the Anti-IS Coalition, thus furthering the pre-strike target analysis and decision.⁹ How does Germany ensure it does not violate the right to life by sharing data that contributes to target analysis decisions in strike operations by armed drones and aircraft, infringing the right to life of individuals in great numbers in Iraq and Syria? How does Germany investigate and ensure transparency to the parliament and public in cases where it receives credible information about right to life violations in operations to which it contributed through the provision of data and images, as with the strike of the Al-Badiya school in Mansurah (Raqqah) on 20th/21th March 2017?

⁵ On the various problems involved, see CorpWatch, Drone Inc. - Marketing the Illusion of Precision Killing, available at: <http://www.killchain.org/uploads/1/1/3/3/113345549/droneinc.pdf>, October 2017.

⁶ A comparison of various assessments indicate more than 4,000 dead with over 470 of these civilians, see M. Zenko, Do Not Believe the U.S. Government's Official Numbers on Drone Strike Civilian Casualties, Foreign Policy, 5 July 2016.

⁷ See e.g. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, submitted in accordance with Assembly resolution 67/168, A/68/382, 13 September 2013, at paras. 32 - 35.

⁸ See UN HRC, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 1 Feb. 2018, UN Doc. A/HRC/37/72, paras. 39-41.

⁹ See German Parliament (Deutscher Bundestag), Response to Questions to the Government (Antwort auf Kl. Anfrage), file no. 18/12368 of 17 May 2017 (Drucksache 18/12368 vom 17.05.2017).