

Timeline

Selected calls for transparency and key disclosures by the government

For many years, the government disclosed almost nothing about its practices of killings in areas outside traditional battlefields. Advances came only in the wake of independent fact-finding and repeated, sustained calls for transparency, including advocacy by the families of those killed and NGOs, as well as Freedom of Information Act (FOIA) requests and subsequent litigation following refusals by the government to disclose sufficient information. At the same time, important efforts by key officials at the White House and in other government departments to prioritize transparency and respond to civil society demands have resulted in some notable improvements.

| Selected Calls for Transparency | Year | Key Disclosures |
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| <ul style="list-style-type: none"> • U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions (SR EJE) Asma Jahangir (1998-2004) voices concerns about transparency and accountability following a drone strike in Yemen in 2002.⁶⁰ | 2002 | <ul style="list-style-type: none"> • U.S. government officials obliquely acknowledge strike in Yemen in comments to the media.⁶¹ |
| | 2003 | <ul style="list-style-type: none"> • The U.S. government responds to SR EJE Asma Jahangir, stating that it would make “no comment” on the specific allegations, but asserted its right to use force against “legitimate military targets” in “any military operations conducted during the course of an armed conflict with Al Qaida,” which, the United States claimed, did not fall within the mandate of the Special Rapporteur.⁶² |
| <ul style="list-style-type: none"> • SR EJE Philip Alston (2004-2010) expresses concern in an allegation letter to the U.S. government regarding the killing of Haithim al-Yemeni, and asks for clarification on the rules of law under which the United States was operating, the procedural safeguards, and the basis on which the decision was made to kill rather than capture.⁶³ | 2005 | |
| <ul style="list-style-type: none"> • SR EJE and U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism reiterate the concerns expressed in the August 26, 2005 letter,⁶⁴ in two new letters to the U.S. government decrying the lack of transparency and accountability.⁶⁵ One letter was a response to the U.S. government’s response to the SR EJE on the allegations regarding strikes in Pakistan, noting the unsatisfactory response given regarding the first allegation.⁶⁶ The second letter was sent after three strikes in Pakistan—two in 2005 and one in 2006—allegedly resulted in the deaths of several civilians.⁶⁷ | 2006 | <ul style="list-style-type: none"> • The U.S. government responds to the SR EJE’s allegation letter, stating that it is in an ongoing international armed conflict with Al-Qaeda and that it is under no obligation to disclose information.⁶⁸ |

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| <ul style="list-style-type: none"> • Extensive investigations by NGOs into strikes proliferate after 2009, documenting the extent of civilian harm, the impact of strikes on communities, and possible legal violations.⁶⁹ • SR EJE submits findings from his June 2008 mission to the United States to the U.N. Human Rights Council, in which he reiterates concerns about the lack of accountability and emphasizes the need for U.S. transparency about its legal framework and targeting decisions.⁷⁰ | 2009 | <ul style="list-style-type: none"> • Until the end of 2009, there is almost complete secrecy around U.S. drone strikes and “targeted killings,” with no official U.S. acknowledgement about the United States’ use of armed drones, even in general terms. |
| <ul style="list-style-type: none"> • The American Civil Liberties Union (ACLU) begins filing Freedom of Information Act (FOIA) requests to demand disclosures from the Department of Defense, Department of Justice, Department of State, and CIA about legal and factual information related to drone strikes.⁷¹ Such FOIA litigation remains ongoing and has led to some of the most important disclosures, including the release of the Presidential Policy Guidance in August 2016.⁷² • The ACLU and the Center for Constitutional Rights (CCR) file a lawsuit in August 2010 challenging the government’s asserted authority to carry out “targeted killings” of U.S. citizens located far from any armed conflict zone and arguing that the American public are entitled to know the standards it uses for authorizing the premeditated and deliberate killing of U.S. citizens located far from any battlefield.⁷³ A federal court dismissed the case in the same year, arguing that it raised “political questions” that the court could not decide. • SR EJE calls for greater transparency on the legal rationale for drone strikes and the bases for selection of targets in two reports on targeted killings, submitted to the U.N. Human Rights Council and the U.N. General Assembly.⁷⁴ • Center for Civilians in Conflict (CIVIC) publishes report on civilian harm in northwest Pakistan.⁷⁵ | 2010 | <ul style="list-style-type: none"> • In March, Harold Koh, Legal Adviser to the State Department, gives a speech at the annual meeting of the American Society of International Law in which he acknowledges U.S. “targeting practices,” stating that the Administration believes that such practices “comply with all applicable law, including the laws of wars.”⁷⁷ This speech also lays out the U.S. position on the legal framework for its targeting practices, citing an ongoing armed conflict with Al Qaeda and associated forces, the right to self-defense, and the 2001 Authorization for Use of Military Force (AUMF).⁷⁸ |
| <ul style="list-style-type: none"> • Human Rights Watch writes a letter to President Obama asking for transparency on the rationale behind the use of drones and the procedural safeguards taken to minimize harm in response to Harold Koh’s March 2010 speech.⁷⁶ | 2010 (CONT.) | |

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| <ul style="list-style-type: none"> • Congressman Ron Wyden asks the Director of National Intelligence for the government’s legal analysis on the President’s authority to kill U.S. citizens.⁷⁹ By 2014, 31 members of Congress had made 24 requests specifically calling for such information.⁸⁰ • Jack Goldsmith, former Assistant Attorney General, Office of Legal Counsel and Special Counsel to the Department of Defense from 2002-2003, calls for the release of the legal memorandum justifying the killing of Anwar al-Aulaqi.⁸¹ • Several different NGOs continue to write letters calling for increased transparency.⁸² | <p>2011</p> | <ul style="list-style-type: none"> • In June, John Brennan, Assistant to the President for Homeland Security and Counterterrorism, states that “nearly for the past year there hasn’t been a single collateral death” in a speech at the Paul H. Nitze School of Advanced Studies.⁸³ He later reportedly clarified his remarks by saying he had “no information to the contrary.”⁸⁴ • In September 30, President Obama announces the death of Anwar al-Aulaqi, stating that he had been killed earlier that same morning in Yemen.⁸⁵ |
| <ul style="list-style-type: none"> • Stanford Law School International Human Rights and Conflict Resolution Clinic and NYU School of Law Global Justice Clinic publish a report on civilian casualties from drone strikes in Pakistan.⁸⁶ • Columbia Law School Human Rights Clinic publishes a report reviewing the different estimates and methodologies for counting drone strike deaths, and calling for the U.S. government to release more information.⁸⁷ • CIVIC and Columbia’s Human Rights Clinic jointly publish a report assessing the civilian impact of drones, specifically identifying the need for transparency about civilian harm and related policies.⁸⁸ • The Bureau of Investigative Journalism (TBIJ) releases data on drone strikes conducted between 2002 and 2011 in Somalia and Yemen.⁸⁹ In subsequent years, TBIJ continues to gather data on drone strikes and other covert actions in Pakistan, Somalia, Yemen, and elsewhere. • Reprieve and the UK law firm Leigh Day petition UK courts for judicial review of UK drones policy following the reported killing of around 50 people in a 2011 drone strike in Pakistan.⁹⁰ The case was dismissed in 2014 on jurisdictional grounds because the courts were concerned that the “findings would be understood by the U.S. authorities as critical of them.”⁹¹ | <p>2012</p> | <ul style="list-style-type: none"> • In a speech at Northwestern University in March, U.S. Attorney General Eric Holder acknowledges that the United States had targeted senior operational leaders of Al-Qaeda and “associated forces.”⁹⁵ • One month later in April, John Brennan, Assistant to the President for Homeland Security and Counterterrorism, gives a speech that includes the first official U.S. acknowledgment of the use of drone strikes, describing the United States as “the first nation to regularly conduct strikes using remotely piloted aircraft in an armed conflict.”⁹⁶ In the speech Brennan also notes the need for greater transparency to help correct the impression internationally that drone strikes are used “casually.”⁹⁷ • Also in April, Stephen Preston, CIA General Counsel, gives a speech at Harvard Law School describing in outline the CIA and its relationship with oversight bodies and the law.⁹⁸ |

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| <ul style="list-style-type: none"> • The ACLU and the CCR file a lawsuit challenging the government’s targeted killing of three U.S. citizens, including 16-year-old Abdulrahman al-Aulaqi, in drone strikes far from any armed conflict zone, and calling for disclosure of the legal criteria the U.S. government used to justify the strikes. In 2014 Judge Rosemary Collyer, while concerned at the breadth of the government’s arguments to try and prevent the courts from hearing the case, still dismissed the case on the grounds that U.S. law afforded no remedy, and that the judiciary had a very limited role in the area of national security.⁹² • In October, hundreds of people joined a protest against U.S. drone strikes in a march in Pakistan led by Pakistani politician Imran Khan and joined by the NGO Code Pink.⁹³ • In a briefing paper directed at the reelected Obama administration, Human Rights First calls for greater transparency in relation to U.S. drone strikes.⁹⁴ | 2012 (CONT.) | |
| <ul style="list-style-type: none"> • Senate Subcommittee on the Constitution, Civil Rights and Human Rights holds hearing on drone warfare,⁹⁹ with Rosa Brooks and Farea Al-Muslimi giving testimonies calling for greater transparency.¹⁰⁰ Al-Muslimi, Chairman of the Sana’a Center for Strategic Studies calls on the U.S. government to issue a formal apology and compensate the families of victims killed or injured by U.S. drone strikes, and disclose the names of those on “kill lists.” • In May, following litigation by the Foundation for Fundamental Rights and Reprieve, a Pakistani court declared the U.S. government responsible for war crimes for its use of drones in northwest Pakistan, held that the U.S. government should compensate victims, and ordered the Pakistani government to take a series of steps to stop future strikes.¹⁰¹ • In October, U.N. Special Rapporteurs raise concerns about transparency with the U.N. General Assembly, U.N. Human Rights Council, and the U.S. government.¹⁰² • Responding to the presentations of the U.N. Special Rapporteurs, a number of states express concern about the lack of transparency regarding drone strikes.¹⁰³ • U.N. Secretary-General expresses concern at “the continuing lack of transparency surrounding attacks involving armed drones and the consequences thereof,” in a report to the U.N. Security Council on the Protection of Civilians.¹⁰⁴ | 2013 | <ul style="list-style-type: none"> • In February, John Brennan, during the Senate hearing on his nomination to become Director of the CIA, tells the Senate Intelligence Committee that strikes were used against targets planning attacks against the United States, not as a form of retribution.¹¹¹ • In a May letter to congressional leaders, U.S. Attorney General Eric Holder discloses that one American citizen had been targeted and three others killed in counter-terrorism operations conducted by the United States “outside of areas of active hostilities.”¹¹² • In May, President Obama delivers a speech at the National Defense University where he acknowledges strikes against Al Qaeda and associated forces in Afghanistan and beyond as a response to a “continuing and imminent threat.” He also recognizes that there are civilian casualties in strikes.¹¹³ • On the same day as this speech in May, the U.S. government releases a factsheet on the newly promulgated “U.S. Policy Standards and Procedures for the Use of Force in Counterterrorism Operations Outside the United States and Areas of Active Hostilities.”¹¹⁴ • In August in widely reported comments to the press, Secretary of State, John Kerry makes very rare acknowledgment of U.S. strikes in Pakistan.¹¹⁵ |

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| <ul style="list-style-type: none"> • Amnesty International publishes a report documenting alleged unlawful killings from drone strikes in Pakistan.¹⁰⁶ • The family of Mamana Bibi, a 65-year-old grandmother killed in 2012 by a U.S. drone strike in North Waziristan, Pakistan, testifies before a Congressional briefing on drone strikes.¹⁰⁷ • The Council on Foreign Relations publishes a report on reforming U.S. drone strike policies, including calling for greater transparency.¹⁰⁸ • A coalition of NGOs writes the first in a series of letters expressing concern about U.S. drone strikes and targeted killings policy and secrecy.¹⁰⁹ • Admiral Dennis C. Blair, former Director of National Intelligence, Harold Koh, former Legal Advisor to the State Department, and Gen. James Cartwright (Ret.) call for greater transparency in relation to drone strikes.¹¹⁰ | 2013 (CONT.) | |
| <ul style="list-style-type: none"> • In March, the states at the U.N. Human Rights Council adopt Resolution 25/22, calling on states to comply with international law when using armed drones, to “ensure transparency in their records” on their use, and to conduct prompt, independent and impartial investigations into potential legal violations.¹¹⁶ • In April, the U.N. Human Rights Committee, in its concluding observations on U.S. compliance with its ICCPR obligations, calls on the U.S. government to disclose the legal basis for strikes, conduct investigations into alleged violations, and provide an effective remedy and accountability mechanisms for victims of unlawful killings.¹¹⁷ • In September, states again make calls for transparency in relation to drone strikes at a panel discussion at the U.N. Human Rights Council,¹¹⁸ where the Deputy High Commissioner for Human Rights, the SR EJE, the SR CTHRs, and other panelists also emphasized the importance of transparency.¹¹⁹ • The NGO Coalition sends a letter to the U.N. Human Rights Council, encouraging it to build upon resolution 25/22, and calling for increased transparency by states.¹²⁰ • In October, the European Center for Constitutional and Human Rights and Reprieve file a legal complaint in Germany challenging the use of the U.S. airbase at Ramstein, Germany in drone strikes. | 2014 | <ul style="list-style-type: none"> • In June, the U.S. government releases a redacted Department of Justice memorandum justifying the targeting of Anwar al-Aulaqi and dated July 16, 2010, pursuant to a court order arising out of litigation over an ACLU FOIA request.¹²³ The document authorizes and explains the legal basis for both the Department of Defense and the CIA to kill Anwar al-Aulaqi, a U.S. citizen in Yemen.¹²⁴ • The U.S. government issues its first official acknowledgment of a strike in Somalia with the Pentagon announcement of the death of Ahmed Godane, co-founder of al-Shabaab.¹²⁵ |

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| <ul style="list-style-type: none"> • Human Rights Watch publishes a report of further investigations into a drone strike on a wedding in Yemen.¹²¹ • Open Society Foundations publishes a report on U.S. and Pakistan government responsibilities to victims of drone strikes.¹²² | 2014 (CONT.) | |
| <ul style="list-style-type: none"> • The U.N. Office for Disarmament Affairs publishes a study pursuant to a recommendation of the Advisory Board on Disarmament Matters, containing detailed recommendations for improving the transparency, oversight and accountability for the use of drones.¹²⁶ • The NGO Coalition directs a letter to President Obama, calling for public acknowledgment and investigations of targeted killings and drone strikes.¹²⁷ • The Open Society Justice Initiative and the Mwatana Organization for Human Rights publish a report on civilian harm caused by U.S. targeted killings in Yemen, calling for the disclosure of legal and policy standards related to the use of force. • The Foundation for Fundamental Rights (FFR) and Reprieve publish a report on the issue of compensation for the victims of U.S. drone strikes in Pakistan.¹²⁸ | 2015 | <ul style="list-style-type: none"> • President Obama makes an official statement on the deaths of Warren Weinstein and Giovanni Lo Porto,¹²⁹ four months after they are killed by a U.S. drone strike.¹³⁰ In his statement, the President acknowledges that both were accidentally killed in a U.S. counterterrorism operation, explaining that the initial intelligence supporting the strike did not indicate that there were civilians present. More broadly, President Obama acknowledges that “deadly mistakes” can occur in operations.¹³¹ • In May, pursuant to ACLU FOIA litigation,¹³² the U.S. government releases a Department of Justice White Paper, dated November 8, 2011, on the “Lawfulness of a Lethal Operation Directed Against a U.S. Citizen Who Is a Senior Operational Leader of Al-Qa’ida or an Associated Force.”¹³³ • Stephen Preston, General Counsel of the Department of Defense, presents the legal framework for the use of military force against Al-Qaeda, ISIL, and “Associated Forces.”¹³⁴ |
| <ul style="list-style-type: none"> • Amnesty International sends a letter to Caroline Krass, General Counsel of the CIA, requesting acknowledgement of the death of Mamana Bibi, pursuant to Executive Order 13,732 on civilian casualties.¹³⁵ • The NGO Coalition sends a letter to the Obama administration calling for implementation of Executive Order 13,732 on civilian casualties.¹³⁶ | 2016 | <ul style="list-style-type: none"> • On March 23rd, the U.S. government officially acknowledges strikes in Yemen for the first time since the 2011 Anwar al-Aulaqi¹³⁷ strike and the belated 2013 acknowledgements of the strikes killing Samir Khan and Abdul Rahman al-Aulaqi. The U.S. military starts regularly acknowledging strikes in Yemen from this time on. • State Department Legal Advisor Brian Egan delivers the keynote address at the American Society of International Law annual meeting in April, summarizing the U.S. understanding of the legal basis for use of force against ISIS, and explaining the U.S. interpretation of several key elements of international law.¹³⁸ • In July, President Obama issues Executive Order 13,732 on “United States Policy on Pre- and Post-Strike Measures to Address Civilian Casualties in U.S. Operations Involving the Use of Force,” which discloses that there are civilian casualties in strikes, and cites future steps to minimize casualties and acknowledge harm.¹³⁹ |

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| | 2016 (CONT.) | <ul style="list-style-type: none"> • On the same day, the Director of National Intelligence releases its report, “Summary of Information Regarding U.S. Counterterrorism Strikes Outside Areas of Active Hostilities,” revealing that from January 20, 2009 to December 31, 2015, 473 strikes took place “outside areas of active hostilities,” resulting in an estimated 2,372–2,581 “combatant” deaths and 64–116 “non-combatant” deaths.¹⁴⁰ The Summary acknowledges the challenges in calculating these casualty rates, especially given the “non-permissive environments” in which strikes often occur, and offers limited analysis aimed at explaining the discrepancies between these estimates and casualty estimates drawn from “credible reporting” by NGOs.¹⁴¹ • Pursuant to ACLU FOIA request litigation,¹⁴² in August the U.S. government releases the redacted Presidential Policy Guidance (PPG),¹⁴³ along with several other related documents.¹⁴⁴ Previously, the U.S. government had released only a short fact sheet about the 2013 PPG.¹⁴⁵ The PPG sets out the “Procedures for Approving Direct Action against Terrorist Targets Located outside the United States and Areas of Active Hostilities.”¹⁴⁶ • In November, Jennifer M. O’Connor, General Counsel to the Department of Defense, gives a speech in which she discusses the U.S. military’s targeting processes and some of the legal rules it applies to targeting in armed conflict situations.¹⁴⁷ • The White House releases several documents in December, including the Report on Legal and Policy Frameworks that consolidates previous disclosures related to the legal and policy rules that the U.S. government applies to strikes.¹⁴⁸ |
| <ul style="list-style-type: none"> • In January, the Yemeni organization Mwatana Organization for Human Rights releases its documentary ‘Waiting for Justice,’ with testimonies of civilian victims of a U.S. drone strike that Mwatana says are a reminder of scores of civilian victims in Yemen who are still waiting for justice and recognition.¹⁴⁹ • In March, the ACLU filed a Freedom of Information Act request with the Central Intelligence Agency, the Department of Defense, Department of Justice, and State Department requesting records on the legal basis, decision-making process and assessment of civilian harm for the January 29, 2017 raid. As no response to the request was received, in May, the ACLU filed a complaint calling on the courts to enforce the request.¹⁵⁰ | 2017 | <ul style="list-style-type: none"> • In January, the Director of National Intelligence releases its second “Summary of Information Regarding U.S. Counterterrorism Strikes Outside Areas of Active Hostilities” report, which states that, during 2016, 53 strikes took place “outside areas of active hostilities,” resulting in an estimated 431–441 “combatant” deaths and 1 “non-combatant” death.¹⁵³ • During a Senate Armed Services Committee hearing to receive testimony on the “posture of U.S. Central Command (CENTCOM) and U.S. Africa Command (AFRICOM)” General Joseph Votel, Commander of CENTCOM, accepted responsibility for the January 29, 2017 Yemen raid and acknowledged that the operation killed between 4 and 12 civilians.¹⁵⁴ |

- In March, Reprieve and the law firm Lewis Baach file a petition asking U.S. courts to order the removal of two journalists from any lists of individuals targeted by the United States to be killed, and including a broader request that the Court order the United States to adhere to legal standards when conducting drone strikes.¹⁵¹
- In June, the NGO Coalition sends a letter to the Trump administration calling for transparency and accountability, and urging the government to strengthen and improve, not weaken, policies on the use of force.¹⁵²

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