

Statement by Amnesty International at the CCW Informal Meeting of Experts on Lethal Autonomous Weapons Systems (LAWS), 14 April 2016

Thank you, Madame Chairperson.

Amnesty International, which is a member of the Campaign to Stop Killer Robots, is grateful for the opportunity to contribute its views to the CCW Meeting of Experts on Lethal Autonomous Weapons Systems (LAWS).

Amnesty International takes the view that "Autonomous Weapons Systems" (AWS) is a useful term for these weapons systems, since these systems can (i) be designed to have lethal or less lethal effects and (ii) be used in armed conflict and/or law enforcement situations.

As Amnesty International has previously highlighted, we foresee that the use of AWS, including less-lethal robotic weapons that can cause deaths and serious injuries, without effective and meaningful human control would result in unlawful killings and injuries both in situations of armed conflict, where international humanitarian law and international human rights law apply, and in law enforcement operations, where international human rights law applies. In this light, Amnesty International is pleased to see a wide convergence of opinion on the need for human control over AWS.

We believe that without effective and meaningful human control in armed conflict situations, these weapons systems would not be able to comply with key international humanitarian law requirements to distinguish adequately between combatants and civilians, take necessary precautions to minimize harm to civilians, and to respect the principle of proportionality.

Similarly, for law enforcement, the development, deployment and use of lethal and less-lethal AWS raise serious human rights concerns, threatening the right to life, the right to security of person, the right to human dignity, and potentially undermining other human rights such as the right to freedom of peaceful assembly.

Under international policing standards such as the UN Basic Principles on the Use of Force and Firearms (UN Basic Principles), in the exercise of their duty, police and law enforcement officers must as far as possible apply non-violent means before resorting to the use of force. Force may be used only if non-violent means have proven to be, or are likely to be, ineffective.

On an operational level, this requires law enforcement officials to proactively seek to resolve any situation through, for example, means of persuasion, negotiation and de-escalation. These techniques require human empathy, negotiating skills, a high level of training and an ability to assess and respond to often dynamic and unpredictable situations. An AWS could not be an adequate substitute for properly trained law enforcement officials.

Any use of force must also be guided by a differentiated response, with a view to minimizing harm. On an operational level this requires law enforcement officials to have different types of protective equipment and means of communication, as well as less-lethal equipment and weapons which allow for such a differentiated response. It also involves an ability to decide on the appropriate time and place for any law enforcement action with a view to minimizing risks and damage. The ability to assess unique and evolving situations and to make the complex judgments on how they can be addressed in a manner that minimizes harm, protects the public, and respects the law requires continuous training. It is hard to imagine that AWS, operating without effective human oversight, would be able to perform such duties.

Lethal force must not be used except to protect against an imminent threat of death or serious injury. In order to be able to carry out policing and law enforcement operations in a lawful manner, AWS would need to be able to make extremely complex assessments, including the degree to which there was an imminent threat of death or serious injury, who is posing that threat, whether force is necessary to neutralize the threat and what weapons and equipment would allow for a differentiated response. It is inconceivable that AWS, without effective and meaningful human control and judgment, would be able to comply with these requirements, especially in unpredictable and evolving environments.

Finally, the use of AWS in law enforcement, without effective and meaningful human control, would present serious challenges to ensuring accountability for violations of human rights. For example, according to UN standards governments must ensure that arbitrary or abusive use of force by law enforcement officials is punished as a criminal offence under their law, but it is difficult to see how this requirement would be feasible if AWS are deciding on their own when to use lethal or less-lethal force.

In light of all these factors, Amnesty International calls for a pre-emptive ban on the development, transfer, deployment and use of lethal and less-lethal AWS.

We also echo and support the call made by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions in their joint report at the Human Rights Council on “the proper management of assemblies” in March 2016 that “[A]utonomous weapons systems that require no meaningful human control should be prohibited” and “[W]here advanced technology is employed, law enforcement officials must, at all times, remain personally in control of the actual delivery or release of force”.

It may seem dramatically far-fetched to imagine scenarios in which these weapons systems could be deployed. However, systems designed to fire toxic chemical irritants, rubber or plastic projectiles and electric shock stun darts, though not fully autonomous, already exist and current technological advancements and trends demonstrate that it is only a matter of time before such weapons systems could acquire full autonomy if States allow this.

This issue must therefore be treated with the urgency it demands. Amnesty International is pleased that many States have been highlighting the importance of addressing the potential use of AWS in law enforcement operations, but we believe much more needs to be done to ensure the important issue of AWS is addressed fully with respect to international human rights law as well as IHL. Amnesty International urges States to continue to raise this issue in other relevant international fora, including the Human Rights Council, as well as during the course of the CCW, ensuring that human rights experts participate in those discussions.

Thank you for your attention.