



# Serious questions about UK's drone targeted killing

While it may be lawful in certain narrow circumstances to pre-emptively kill a suspect, the growing use of armed drones has hugely expanded the number of targeted killings by states that operate them and international law in this area is quietly being eroded.

The targeted killing in Syria of British citizen Reyaad Khan by an RAF drone (followed three days later by the killing of Junaid Hussain by US forces in co-operation with the UK) has caused huge controversy amongst human rights groups and legal scholars. Prime Minister David Cameron told the House of Commons that the killing of the two men was legal as "it was necessary and proportionate for the individual self-defence of the UK."<sup>1</sup> However it was also suggested that the men were put on a target list earlier in the summer meaning that the killing in August was not in response to any imminent threat. Legal experts emphasise that to be lawful under the self-defence framework such action must be "instant, overwhelming, and leaving no choice of means, and no moment for deliberation".<sup>2</sup>

Further confusing the issue, in the House of Commons David Cameron told MPs that the strike "was not part of coalition military action against ISIL in Syria" while in a formal letter to the United Nations reporting the strike, the UK stated that its military actions in Syria was also "in the collective self-defence of Iraq," an entirely new and different legal argument.<sup>3</sup>

## Transparency and accountability

While the legal arguments are complicated and confusing it is surely right that the government sets out clearly for the public and parliamentarians the legal basis for killing a British citizen in a country in which the UK is not at war and for which UN authority has not been granted. Note this is not the same as asking the PM to publish the formal legal advice it has received from the Attorney General, nor to publish intelligence about this particular strike.

The activities of ISIS are abhorrent and in many cases barbarous and there is a temptation to sweep aside international, European and domestic law and insist that terrorists are legitimate targets for swift execution. But that is the way of the mob. Our response to terrorism must not be to abandon the rule of law and embrace unthinking violence as that is just what the terrorists want. Instead we must recommit ourselves to act justly in refutation of the idea that such violence and terror can ever be legitimate.

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<sup>1</sup> Syria: refugees and counter-terrorism - Prime Minister's statement, 7 September 2015,

<https://www.gov.uk/government/speeches/syria-refugees-and-counter-terrorism-prime-ministers-statement>

<sup>2</sup> The Caroline Case. The Avalon Project: [http://avalon.law.yale.edu/19th\\_century/br-1842d.asp](http://avalon.law.yale.edu/19th_century/br-1842d.asp)

<sup>3</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2015/688](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/688)



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