



Shining a spotlight on military drones

IN THE FRAME

UK media coverage of drone targeted killing

Note: The term 'drone' is used interchangeably with 'Unmanned Aerial Vehicle (UAV)'

Drone Wars UK is a small British NGO established in 2010 to undertake research and advocacy around the use of armed drones. We believe that the growing use of remotely-controlled, armed unmanned systems is encouraging and enabling a lowering of the threshold for the use of lethal force as well as eroding well established human rights norms. While some argue that the technology itself is neutral, we believe that drones are a danger to global peace and security. We have seen over the past decade that once these systems are in the armoury, the temptation to use them becomes great, even beyond the constraints of international law. As more countries develop or acquire this technology, the danger to global peace and security grows.

Published by Drone Wars UK

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January 2020

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In the Frame is being published at a time when the UK appears to be winding up its military action against ISIS in Iraq and Syria and it is imperative that the ethics and legality of drone targeted killing, and in particular, the UK's policy on such operations, are given much more serious attention before the UK's armed drones are deployed elsewhere. Although detailed legal arguments about pre-emptive targeted killings within and without an international armed conflict are complex and open to interpretation, currently the broad-brush message given to the public is that such targeted killings are not only necessary but perfectly acceptable. This bodes ill for the future.

EXECUTIVE SUMMARY

In September 2015, for the first time, the British government used one of its drones to hunt and pre-emptively kill a British national in a country with which it was not at war. *In the Frame* details the findings of a comprehensive examination of mainstream UK media coverage of drone targeted killing between August 2015 and July 2018. Articles about the killing of eight British ISIS members as well as about the policy itself, were used to collate data on the frequency of legal discussion on UK targeted killing, reporting on the use of a 'kill list' by the RAF, and commentary on the threshold for the use of force.

Data was collated from four mainstream UK news outlets - the BBC, Daily Mail, Guardian and Times. The killing of Reyaad Khan, in Sept 2015, received almost 39% of the total coverage and many of the policy discussions stemmed from his killing. This is not surprising given the questionable legal justifications for his death, which generated a lot of attention. News stories on policy, although comprising only 21% of the total articles, tended to include a high content of legal commentary throughout the three year period, while legal commentary on individual strikes (the remaining 40% of articles) receded. Attention also waned regarding the possible 'kill list'. Commentary on the threshold for the use of force was almost entirely absent from the data set.

Based on these findings, *In the Frame* concludes that:

- **An easy narrative for targeted killing has been constructed:** Government communication of the early killings of Khan and Emwazi developed a simple narrative or 'frame' to support the targeted killing of individuals.
- **A focus on individuals detracted from policy:** The focus on the notoriety of individual British ISIS members detracted from and hampered public policy debate.
- **'Quasi-secrecy' has been useful:** The 'quasi-secrecy' with which media speculation of a 'kill list' was met saw apparent confirmation two years later generate little press interest, suggesting the creeping normalisation of such a practice.
- **We are sleep-walking in to a new era:** Without serious engagement in the ethical dimension of drone warfare, we risk sleep-walking in to a new era in which international human rights norms risk being eroded.

The report recommends that government publish its policy on drone targeted killing and answer questions on the existence of a kill list as a matter of urgency, allowing parliamentary scrutiny and public debate to take place. It should also commit to end targeted killing outside areas of conflict and engage in multilateral efforts to adopt a drone code of conduct.

1 INTRODUCTION

On 21st August 2015, a British Reaper drone flying high over Syria struck a car travelling along a dusty road near Raqqa. The target of the missile was 21-year old Reyaad Khan from Cardiff. While Khan was not the first or last Briton to be killed in the US-led war against ISIS, this strike was significantly different – the “crossing of a Rubicon”, as an RAF commander later described it.¹ For the first time, the British government had used one of its drones to hunt and pre-emptively kill an individual in a country with which it was not at war. Killed in the strike alongside Khan (although not specifically targeted) was Ruhul Amin, another British citizen, and a third man, a Belgian national.

As far as is publicly known, it is the only time the RAF has fired a missile that targeted and killed a British citizen *outside* an area where the UK had declared military action. However, the UK and US (in operations often described as “UK-led”) have used their drones to target and kill other British nationals in Syria both before and after the UK parliamentary vote to extend UK air strikes from Iraq into Syria. Although many other British citizens have been killed in coalition air strikes while fighting for ISIS, this study is concerned only with those who have been specifically and pre-emptively killed in so-called targeted killings.

Over the past few years, we have become increasingly familiar with the concept of armed drones “hunting down” terrorist suspects, mainly through media reports of carefully controlled government messaging.² Debate on the issue, however, has been severely hampered as ministers and officials refuse to engage in discussions about policy and legality, giving vague answers to MPs’ written questions and deploying the ‘we never discuss intelligence matters’ line. The Joint Committee on Human Rights (JCHR), the Intelligence and Security Committee (ISC) and several human rights organisations noted with concern the lack of clarity surrounding the legal justifications for the targeting of Reyaad Khan.³

1 Peter Foster, ‘RAF remote drone pilots facing real-world combat stress’, The Telegraph, <https://www.telegraph.co.uk/news/uknews/defence/11984557/RAF-remote-drone-pilots-facing-real-world-combat-stress.html>, 09 Nov 15

2 Jamie Doward, ‘MoD “in chaos” over drone use outside of war zones’, The Observer, <https://www.theguardian.com/world/2018/feb/03/drones-gavin-williamson-mod-isis>, 03 Feb 18; MoD, ‘Update: Air Strikes Against Daesh’, <https://www.gov.uk/government/news/update-air-strikes-against-daesh>, 29 Jan 16

3 Human Rights Select Committee, ‘The government’s policy on the use of drones for targeted killing’, May 2016, HC 574, Second Report of the Session 2015-2016

Academic studies in the US suggest that such communication of targeted killings coupled with the absence of substantial political debate on a thorough, or actual, policy have all but eroded a norm that was taken for granted – that intelligence services should not engage in targeted killing.⁴



In the Frame: UK media coverage of drone targeted killing details the findings of a comprehensive examination of mainstream UK media coverage of drone targeted killing between August 2015 and July 2018. The study was undertaken in order to aid investigation of whether the controversial practice of using remote-controlled armed drones for targeted killing is beginning to be normalised and accepted in the UK, thereby helping to erode human rights norms.

The report first gives a brief history of UK involvement in drone targeted killing and examines the secrecy that has surrounded it. Next, it looks in detail at UK media coverage of the drone targeted killing of UK nationals, outlining the subjects and timeframe covered, and then summarising the findings of the data collection. These findings are then analysed before the report offers some conclusions and recommendations for policy makers.

Although the report examines past media coverage of drone targeted killings, and at the time of writing UK military operations against ISIS in Iraq and Syria appear to be drawing to a close, it is highly likely that British Reaper drones will be deployed on other operations, so this is far from a historical issue.

While targeted killing, understood here as the deliberate and pre-emptive killing of an individual not in the state's control, may under certain strict circumstances be lawful, the wholesale expansion of its use since the advent of drone technology, particularly by the United States – in effect extra-judicial killing – is a cause for great concern. While legality is rightly a key issue in discussion of this issue, other factors are also crucial (see 'Targeted Killing: Legal and Ethical Implications' section below).

4 Andris Banka and Adam Quinn, 'Killing Norms Softly: US Targeted Killing Quasi-secrecy and the Assassination Ban', *Security Studies*, 27/4 (2018), pp. 665-703

In the UK, parliamentarians and human rights organisations have attempted, without success, to uncover the UK government's policy on the use of armed drones for targeted killing. However, public statements made by some ministers at least suggest that Khan's killing, in a country in which the UK was not at war, would no longer be considered unique. The lack of transparency and accountability here is problematic, not only in terms of ensuring UK adherence to international law, but also for military personnel who are asked to carry out these targeted killings by ministers and intelligence services.

Moreover, the lack of transparency is problematic for the UK's long-term approach to combating terrorism. In the US, it has become clear that drone targeted killing and signature strikes have become a way of "risk-managing" terrorism.⁵ By using technology to solve difficult political problems, ethical and moral arguments regarding the technology are side-lined, especially where there is no open policy formation and debate.⁶

Armed drones are lowering the threshold for the use of force and drawing states into new and dangerous ways of warfare. Without proper transparency and public accountability over their use, we are likely to see an erosion of key international human rights norms limiting the use of force, making the world a much more dangerous place.

5 Christian Enemark, 'Drones, Risk, and Perpetual Force', *Ethics and International Affairs*, 28/3 (2014), pp. 365-81, here p. 376

6 See authors such as James Der Derian, *Virtuous War* (Western Press: Boulder, CO., 2001)

TARGETED KILLING: LEGAL AND ETHICAL IMPLICATIONS

According to a UN special report on the issue, targeted killings are premeditated acts of lethal force employed by states or non-state groups in times of peace or during armed conflict to eliminate specific individuals outside their custody.⁷ “Targeted killing” is not a term particularly defined under international law, but gained usage from around 2000 after Israel made public a policy of targeting alleged terrorists in the Palestinian territories. Initially, the US strongly challenged Israel over the practice, but after 9/11 it adopted both the practice and the term particularly in relation to its use of armed drones.⁸

There are several frameworks that may be relevant to determining the legality of a targeted killing. Firstly, the use of force by one state against another, or against individuals in the territory of another, is governed by *jus ad bellum*. Where a targeted killing occurs during an armed conflict, International Humanitarian Law (IHL), also known as the law of armed conflict, applies. IHL gives states greater scope to use lethal force than during peacetime. Outside of a situation of armed conflict, International Human Rights Law (IHRL) applies and the use of lethal force is highly constrained.⁹

Under *jus ad bellum*, states may lawfully target individuals in self-defence (or defence of another) if there is an imminent threat to life, and where the use of force is necessary and proportionate. While advocates insist that targeted killings are carried out in self-defence, it is often difficult to see how they are complying with the requirement of ‘imminence’ that is fundamental to the law. To be lawful, the need for self-defence must be “instant, overwhelming, and leaving no choice of means, and no moment for deliberation.”¹⁰ We have seen, over the past few years, a real effort by some states to change the meaning and understanding of ‘imminence’ in relation to pre-emptive killing, in order to extend the parameters for undertaking such attacks.¹¹

During peacetime, the use of intentionally lethal force is very likely to breach the targeted individual’s right to life. Under IHRL, lethal force is lawful only where it is a last resort to prevent death or serious injury,¹² the classic example being a police

7 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston - Addendum Study on targeted killings, A/HRC/14/24/Add.6, <https://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>, May 2010; Jonathan Masters, Targeted Killings Backgrounder, Council on Foreign Relations, <https://www.cfr.org/backgrounder/targeted-killings>, 23 May 13

8 Amos Barshad, Extraordinary Measures, The Intercept, <https://theintercept.com/2018/10/07/israel-palestine-us-drone-strikes/>, 7 October 18

9 Some aspect of International Human Rights Law continues to apply within a situation of armed conflict

10 A formulation from the 17th century ‘Caroline incident’. See Christine Gray, *International Law and the Use of Force* (3rd edn, Oxford University Press 2008), pp. 148-9 Some aspect of International Human Rights Law continues to apply within a situation of armed conflict

11 Owen Bowcott, ‘Attorney General calls for new legal basis for pre-emptive military strikes’, The Guardian, <https://www.theguardian.com/uk-news/2017/jan/11/attorney-general-calls-for-new-legal-basis-for-pre-emptive-military-strikes>, 11 January 17

12 UN Human Rights Committee, General Comment No 36 (30 October 18) UN Doc CCPR/C/36 para 12.

officer shooting an individual who is about to kill another. Nevertheless, even in such situations, if an operation is not planned in a way that limits the likely use of lethal force it will breach the right to life of the person targeted.¹³ Due to the highly restrictive nature of IHRL protections, it is difficult to imagine how targeted killings outside of an armed conflict could be lawful, in particular where these are carried out with drone strikes.¹⁴

While undertaking a targeted killing within an armed conflict is less constrained, IHL still limits who may be targeted. A key factor here is whether the armed conflict involves a state or a non-state actor. IHL allows members of a state's armed forces to be targeted at any time (except medical and religious personnel). However, the same is not true with regard to non-state actors who, as they are not members of a state's armed forces, are viewed legally as civilians. However, under IHL civilians may be targeted if they directly participate in hostilities.

The International Committee of the Red Cross (ICRC) has interpreted 'direct participation in hostilities' to mean that members of non-state armed groups will lose their protection as civilians only if they carry out a 'continuous combat function'.¹⁵ This is controversial, with some arguing the ICRC approach is too restrictive and that membership alone should be sufficient to cause someone to lose their civilian protection. This is the position held by the United States (and possibly by the UK, although it's not entirely clear). Others think that the ICRC approach is too broad and that an individual may only be targeted during a specifically hostile act.

However, even if it is accepted that membership of a non-state group alone renders a person targetable, the ICRC argues that certain functions carried out by those who could be described as members or supporters of an armed group, do not equate, in law, to a continuous combat function. The ICRC includes activities such as recruitment and propaganda as not fulfilling a continuous combat function.

A further complexity is that there is a real and significant difference between the two legal frameworks, meaning that a targeted killing may or not be lawful depending upon which framework it is judged. Thus, there is considerable argument about whether a situation in which a targeted killing takes place amounts to an armed conflict or not.¹⁶

Yet, even if a targeted killing can be judged as lawfully part of an armed conflict, there are still a number of ethical and moral concerns to drone targeted killing (and the use of armed drones more generally) that have not been resolved and that the law may be "insufficient" to deal with.¹⁷ So far, it has been possible for the UK government to provide legal justifications for its drone targeted killing by focusing on the utility of specific strikes, whilst failing to engage in an ethical discussion on the use of armed drones as a particular type of force. This has already had implications for accountability, such as limiting the scope of parliamentary

13 *McCann v United Kingdom* [GC] (1995) Series A no 324, para 194.

14 Mary Ellen O'Connell 'Remarks: The Resort to Drones Under International Law', *Denver Journal of International Law and Policy*, 39 (2011), pp. 585, 589.

15 *How Does the Law Protect in War*, International Committee of the Red Cross Casebook, Glossary, 'Combatant', <https://casebook.icrc.org/glossary/combatants>, accessed 06 Nov 19.

16 The difficulty in defining what legal frameworks are applicable to drone strikes, and the use of such technology behind these weapons systems, has raised more theoretical questions about what kind of force drone warfare actually is, with some thinkers suggesting it cannot be defined under any of the existing types of armed conflict, since the "ublinking stare" of the drone constitutes a new type of perpetual force, *vis perpetua*, which needs its own legal framework. Enemark, 'Drones, Risk and Perpetual Force'; Gregorie Chamayou, *Drone Theory* (London: Penguin, 2015)

17 Alex Holder, Elizabeth Minor and Michael Mair, 'Targeting Legality: The Armed drone as a Socio-technical and Socio-Legal System', *Journal of the Oxford Centre for Socio-Legal Issues*, 1 (2018), <https://joxcsls.com/2018/06/18/targeting-legality-the-armed-drone-as-a-socio-technical-and-socio-legal-system/>

investigations in to the killing of Khan.¹⁸ It is thus imperative that UK policy makers engage in debate and allow public and parliamentary scrutiny of the ethical and moral implications of the use of armed drones for targeted killing. These important issues are summarised briefly here.

Firstly, it is often argued that drones have a relatively low financial cost, and importantly, that they are politically low-risk in the domestic setting since there is no danger that one's own soldiers will be in the firing line.¹⁹ This is attractive for elected governments, who rely on public support, and empirical studies have shown that there is higher public acceptance for drone strikes than for other types of armed intervention, particularly with regard to terrorist threats.²⁰ Such perceived low-risk creates a "moral hazard" whereby insulation from the costs of war, at least in the domestic setting, allow more risky decisions to be taken. In other words, the use of force via drone targeted killing becomes an expedient method of dealing with difficult and seemingly intractable problems.²¹

Secondly, as a result, drone targeted killing becomes a tool for "risk-managing terrorism."²² Whilst individual strikes may seem justifiable, or even legal, "[c]umulatively however, th[is is] deeply problematic. More people are killed; politics is ignored in favour of chimeric military solutions; conflicts fester; nothing is resolved."²³ Through this risk-management of a political problem the prospect of 'perpetual war' arises, a new paradigm in which ongoing drone targeted killing becomes a foreign policy norm. This policy is already in use by the US in the form of 'signature strikes' - killing based on "pattern of life analysis."²⁴ Anyone who fits certain criteria that renders them a potential threat becomes the target of a drone strike.

This 'perpetual war' is also an issue of justice for those who are "living under drones." Behind the purported efficient, pain-free solution of remote war lies a serious "transfer of risk" to non-combatants in target areas.²⁵ Although drone war, or modern warfare more generally, is often communicated with descriptors such as 'humanitarian' or 'precision', the reality is that sometimes precision weapons miss their target, are used in densely populated areas, or indeed hit the wrong target due to faulty intelligence.²⁶ Moreover, civilian populations are not only caught up in targeted strikes but face the serious humanitarian impacts of the constant presence of drones - the noise, fear and psychological impacts, especially on children, should not be underestimated.²⁷

The moral implications and legal complexities of the use of armed drones, particularly for targeted killing, have been given scant attention by the UK government, at least publicly. This in turn has contributed to the secrecy of the UK's policy on drone targeted killing and it is to that that we now turn.

18 Mary Ellen O'Connell, 'The law on the use of force begins with the right to life', *Journal on the Use of Force and International Law*, 3/2 (2016), pp. 205-09. O'Connell argues that the Committee's report began by accepting a number of government positions on targeted killing. Yet none of these have been widely debated or policy made available for scrutiny.

19 Enemark, 'Drones, Risk and Perpetual Force', p. 372

20 Marcus Schulze and James Walsh, *The Ethics of Drone Strikes: Does Reducing the Cost of Conflict Encourage War?* (Strategic Studies Institute, U.S. Army War College Press: PA, Sep 2015)

21 Michael J. Boyle, 'The legal and ethical implications of drone warfare', *The International Journal of Human Rights*, 9/2 (2015), pp. 105-126, here p. 121

22 Enemark, 'Drones, Risk and Perpetual Force', p. 376

23 Holder et al, 'Targeting Legality', p. 10

24 Boyle, 'Legal and Ethical Implications', p. 114

25 Enemark, *op cit*, p. 372

26 Maja Zehfuss, 'Contemporary Western War and the Idea of Humanity', *Environment and Planning D: Society and Space*, 30/5 (2012), pp. 861-876

27 Boyle, *op cit*, p. 115; Jessica Purkiss and Jack Serle, 'Humanitarian Harm' and Elizabeth Minor and Doug Weir, 'Environmental harm' in (eds) Ray Acheson, Matthew Bolton, Elizabeth Minor and Alyson Pytlak, *The Humanitarian Impact of Drones*, Women's International League for Peace and Freedom, October 2017, pp. 15-34

DRONE TARGETED KILLING: UK SECRECY

Since the killing of Reyaad Khan, an unknown number of the 900 British ISIS members who travelled to Syria and Iraq have been specifically targeted and killed in RAF drone strikes, or by the US as a result of intelligence sharing.²⁸ Nor is it known for what reasons, or under what circumstances. It is quite clear, and has been stated by government ministers, that the UK government believes that in some circumstances it is legally justifiable to target individuals in a drone strike. The government have not, however, come forward with a comprehensive policy on targeted killing – neither under what circumstances it would be carried out, nor what procedures are undertaken to ensure any such strike meets a minimum legal threshold.

What is known is that the National Security Council gave general approval for the targeted killing of some individuals in May 2015 and that the Attorney General approved an expansive definition of the criteria of imminence when a state is considering a strike on the basis of self-defence.²⁹ In the aftermath of the Khan killing, different defences for this “new departure” in UK policy were put forward in different forums, leading concerned MPs and organisations to say the government had created a legal and accountability vacuum by refusing to publish its position on targeted killings outside of conflict zones.³⁰

The ISC and JCHR both attempted to investigate the killing of Khan but were frustrated by lack of government engagement. The JCHR launched its inquiry in October 2015 to clarify the government’s policy on and legal basis for the targeted killing of individuals outside declared areas of armed conflict. Setting out the reasons for the inquiry, the committee highlighted that the change in policy



28 Lizzie Dearden and Richard Hall, 'The ISIS Britons: where are they now?', The Independent, <https://www.independent.co.uk/news/world/middle-east/uk-isis-recruits-syria-return-british-caliphate-terrorism-jihadis-a8781056.html>, 15 Feb 19

29 John Simpson, Deborah Haynes, Tom Coghlan and Francis Elliott, 'Drones ready to strike again at jihadists who threaten Britain', The Times, <https://www.thetimes.co.uk/article/drones-ready-to-strike-again-at-jihadists-who-threaten-britain-t6h37553tcm>, 09 Sep 15; Owen Bowcott, 'Specific' terror evidence not necessary for RAF drone strikes', The Guardian, <https://www.theguardian.com/world/2017/jan/11/raf-drone-strikes-terror-attorney-general>, 11 Jan 17

30 Matt Chorley, 'Cameron faces legal challenge over secret 'Kill Policy' after drone strike which targeted British jihadis', Daily Mail, <https://www.dailymail.co.uk/news/article-3247417/Cameron-faces-legal-challenge-secret-Kill-Policy-Syria-drone-strike-targetted-British-jihadis.html>, 24 Sep 15

“was not the subject of any prior scrutiny or debate in parliament.”³¹ MPs also sought clarity on whether or not a ‘kill list’ existed and whether or not intelligence was shared with other governments and how that was used.³² However, the government was accused of providing vague and generalised answers that in Harman’s opinion “[did not] begin to answer” the questions asked and led her to state that the government were “refusing to engage.”³³

The ISC asked to examine the intelligence basis for the strike but was hampered through lack of access to ministerial documents regarding intelligence. Although it concluded that it had “no doubt” that Khan posed a serious threat to the UK, they could not reach a firm conclusion on the soundness of the intelligence. Dominic Grieve QC, the committee’s chair, expressed “profound disappointment” and said it had been impossible to conduct a complete investigation.³⁴ Thus, for both investigations, the details remained shrouded in secrecy and hidden from public scrutiny.

After parliament voted to begin air strikes in Syria questions around legality of targeting persons outside of a war zone could conveniently be put to one side. Yet, it is quite clear that the use of drones for targeted killing has changed the UK government’s approach to defence and security. It has been openly stated by current and previous government ministers, such as Gavin Williamson, that killing British ISIS members is an appropriate way of dealing with home-grown terrorists. But these polemic statements give away nothing about any substantial policy on such actions. Williamson argued in an interview that a “dead terrorist can’t cause any harm to Britain”, and that “[w]e have got to make sure that as they [British IS fighters] disperse across Iraq and Syria *and other areas* we continue to hunt them down” (emphasis added).³⁵ This suggests a willingness to use drone targeted killing outside of war zones, leaving the legal basis for such action in question. Although Downing Street gave tacit support to Williamson, the comments only referred to persons in Syria as a “legitimate target.”³⁶ The issue of targeted killing beyond Iraq and Syria was not addressed in the government’s response, once again obscuring the government’s position on such strikes.

British Isis fighters should be hunted down and killed, says defence secretary

‘A dead terrorist can’t cause any harm to Britain,’ says Gavin Williamson, arguing jihadists should not be allowed back into UK



▲ The new secretary of state for defence, Gavin Williamson, has made remarks at odds with the UK’s terrorism watchdog. Photograph: Andy Rain/EPA

Britons who have fought for Islamic State abroad should be hunted down and killed to ensure they never return to the UK, the defence secretary, Gavin Williamson, has said.

- 31 Owen Bowcott and Alice Ross, ‘Parliament’s Human Rights Committee to investigate lethal drone strikes’, *The Guardian*, <https://www.theguardian.com/world/2015/oct/29/human-rights-committee-to-hold-lethal-drone-strikes-inquiry-isis>, 29 Oct 15
- 32 Owen Bowcott, ‘MPs ask whether UK has drone ‘kill list’’, *The Guardian*, <https://www.theguardian.com/world/2015/nov/05/mps-ask-whether-uk-has-drone-kill-list>, 05 Nov 15
- 33 Alice Ross, ‘Government ‘refusing to engage’ with drone strikes inquiry’, *The Guardian*, <https://www.theguardian.com/world/2015/dec/09/government-refusing-to-engage-with-drone-strikes-inquiry>, 09 Dec 15
- 34 Ewen MacAskill, ‘Briton killed in drone strike on Isis ‘posed serious threat to UK’’, *The Guardian*, <https://www.theguardian.com/uk-news/2017/apr/26/briton-killed-in-drone-strike-on-isis-posed-serious-threat-to-uk-reyaad-khan>, 26 Apr 17
- 35 ‘Terrorists have nowhere to hide, says defence secretary’, *BBC News UK*, <https://www.bbc.co.uk/news/uk-42260814>, 07 Dec 17
- 36 Larisa Brown, ‘Defence Secretary is accused of dreaming up Netflix-style plot by threatening to ‘eliminate’ UK jihadist before they can return to Britain’, *Daily Mail*, <https://www.dailymail.co.uk/news/article-5153613/Gavin-Williamson-Brits-fighting-be.html>, 06 Dec 17

The closest that government has come to outlining its position was in January 2017 when the Attorney General, Jeremy Wright, approved an expansive definition of the use of force for self-defence in a speech, stating that targeting individuals may be necessary as the nature of threats had changed and the law needed to keep up with those changes.³⁷ Yet, it remains unclear as to what, if any, policy and procedures the UK government follows in relation to targeted killing, or intelligence sharing for the purpose of lethal strikes.

In August 2017, mention of the “practice of targeting suspected terrorists outside of the armed conflict itself” appeared in the MoD’s *Joint Doctrine Publication 0-30.2: Unmanned Aircraft Systems*.³⁸ This document was uploaded to the MoD website and the full text, related to targeted killing, read:

Arguments against using unmanned and remotely piloted aircraft are centred on worries that systems will be misused or used illegally. They may also arise from the recent UK, and other states, practice of targeting suspected terrorists outside of the armed conflict itself and the meaning and application of a state’s right to self-defence.

This clearly stated that the UK has a ‘practice’ of targeted killing outside of places which it has declared armed conflict.

However, when Stewart MacDonald MP and NGOs queried the existence of a targeted killing policy via an email, a new version of the JDP was uploaded to the MOD’s website without the text in question.³⁹ In response to MacDonald’s questions about the change of document, Defence Minister Mark Lancaster stated that the first version that was made public was an erroneous draft and that UK would always act in accordance with its national and international legal obligations. But as MacDonald pointed out, “[a] document of this nature will have gone through an incredible amount of vetting and redrafting, and will presumably have been cleared by senior officials, legal experts and ministers to ensure accuracy and accordance with the law, before it is put into the public domain. To claim that this was just an erroneous drafting error just won’t cut it.”⁴⁰ This, then, leaves the public and other institutions no clearer on what UK policy on drone targeted killing is.

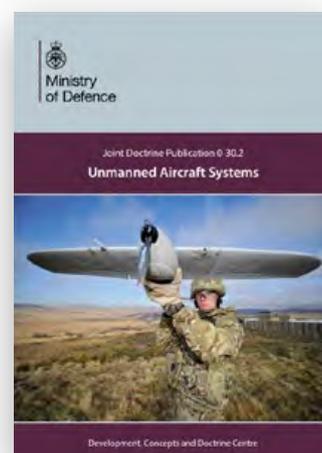
Throughout the three-year period covered by this report, the names of a number of British ISIS members who have been, or appear to have been, specifically targeted and killed by the US or UK in drone strikes have been reported in the press. Whilst UK targeted killing has become something of an open secret, it is important to track how this has happened.

Attorney general calls for new legal basis for pre-emptive military strikes

Jeremy Wright QC wants to update UK’s criteria for authorising use of armed drones or other systems against terrorist threats



▲ An RAF Reaper drone. The attorney general wants Britain to adopt US principles of pre-emptive self-defence. Photograph: Cpl Steve Bain/MoD/PA



37 Just Security, Attorney General’s speech at International Institute for Strategic Studies, *The Modern Law of Self-Defence*, <https://www.justsecurity.org/wp-content/uploads/2017/01/United-Kingdom-Attorney-General-Speech-modern-law-of-self-defense-IISS.pdf>, 11 Jan 17

38 Doward, ‘MoD “in chaos”’

39 Doward, ‘MoD “in chaos”’

40 Doward, ‘MoD in chaos’

4 METHODOLOGY

Existing studies

Several academic studies covering US drone targeted killing have been helpful in establishing a methodology for this report. Three in particular stand out. Perhaps the most relevant study to this present paper, is 'Killing Norms Softly', by Banka and Quinn. It covers President Bush's expansion of the US drone programme in the CIA and US Air Force (USAF), over a period when targeted killing went from an action prohibited by established norms, to one of the foremost ways of dealing with terrorism. This change was accomplished in secret, without having to go through the usual discussions and procedural adaptations that generally create a new norm.⁴¹ The authors of the study suggest that by providing no comment on drone targeted killings, or only commenting on a very limited number of high profile targeted killings (e.g. Bin Laden and al-Awlaki), the US government circumvented the usual process of establishing a policy norm, leaving the public with a sense that the practice existed legitimately, even though no debate had taken place. For those concerned about transparency, accountability and human rights, this is a serious problem, but for the majority of the "war weary" public, 'easy', hi-tech solutions that keep the problem at arm's length seem very attractive. Strategic leaks combined with easy narratives that are light on policy detail have worked in the US government's favour.⁴²

Banka and Quinn conclude that:

"The utility of quasi-secrecy lies precisely in facilitating this move: it advances the goal of legitimization by cultivating a widespread impression that open debate, resulting in consent, must surely have occurred at an earlier moment, while in fact serving to avert its occurrence at any point. In this way, even a norm of substantial weight may be killed sufficiently softly that the precise moment of its passing fails to register. The ethical and political virtues of such a strategy are—clearly—open to question, but this case provides proof of concept for its efficacy."⁴³

The need for public participation in the debate on drone targeted killing is therefore critical for holding government to account. Whilst it is difficult to obtain full information from government, the effectiveness of journalism in creating public understanding was highlighted in a second study which measured engagement when the public were presented with opposing views on targeted drone strikes. The researchers found that the US public was more likely to engage in critical

41 Banka and Quinn, 'Killing Norms Softly'

42 Banka and Quinn, *ibid*, pp. 690-93

43 Banka and Quinn, *ibid*, p. 702

analysis of drone strikes, rather than be turned off and revert to stories which offered familiar assurances about the US role in the world. This shows the role that a critical media can play, even in the absence of clear communication from government.⁴⁴

The third study that was particularly helpful for this paper was Sheets et al's 'View from Above', which provided a useful framework for collecting and coding data for the present study.⁴⁵ The authors scrutinise a variety of US and international news sources to determine whether outlets in different geographical locations express similar levels of support or criticism for US drone strikes. Moreover, the researchers coded the language used to determine how supportive or not a particular article was, assigning a value from 1-3 for each article.⁴⁶

Media Framing

The three studies described above use the concept of 'framing' to evaluate their research. Framing, in media studies, has been described as the process by which those in power (e.g. governments) filter information through an easily understood narrative, that necessitates little critical engagement to absorb.⁴⁷ The problem and its causes are judged, and solutions are provided.⁴⁸ For example, government communication on the 'war on terror' might fit in to a simple frame such as: terrorist attacks against the west are a problem, Islamist extremism is the cause, Islamists have a world view that is counter to western values and leads to terror, 'taking out' terrorist before they attack us is necessary. These frames find their way into the public domain through 'cascading activation', a top down process of communication whereby information passes from the executive to communications departments to the press and eventually to the public. Complex stories or policy discussions are packaged into easily digestible highlights so that the information the public receives is the simplified and highly 'framed' version of a policy or action that has been passed through several mediators in the 'cascade'.⁴⁹

In 'View from Above', multiple frames were tested in the research, such as legality of drone strikes, their strategic value, technological sophistication and downplaying of collateral damage.⁵⁰ The present study is limited to considering the framing of the legality of targeted drone strikes, the use of a 'kill list' and ethical dimension of the use of force.

Data Collection

The news outlets for this study were chosen to represent a cross-section of the mainstream media in the UK: the BBC, a supposedly neutral outlet; two self-styled anti-establishment papers, the Guardian and Daily Mail, one left leaning and one right leaning respectively; and finally the establishment broadsheet, the Times.

44 Penelope Sheets, Charles Rowling and Timothy M Jones, 'Frame Contestation in the news: National Identity, Cultural Resonance and US Drone Policy', *International Journal of Communication*, 7 (2013), pp. 2231-2253. They give the example of Entman's study of the reporting of Saudi Arabia's involvement in 9/11. Despite respected journalists writing on the complexity of this in relation to 9/11 and extremism, this received very little media attention because it runs counter to the 'frame' communicated by the White House.

45 Penelope Sheets, Charles Rowling and Timothy M and Jones, 'The view from above (and below): A comparison of American, British and Arab news coverage of US drone strikes', *Media, War and Conflict*, 8/3 (2015), pp. 289-311

46 Sheets, Rowling and Jones, 'The view from above', p. 296

47 Robert Entman: 'Framing: Towards Clarification of a Fractured Paradigm', *Journal of Communication*, 43/2 (1993), pp. 51-58; Robert Entman, 'Cascading Activation: Contesting the White House's Frame after 9/11', *Political Communication*, 20/4, pp. 415-32

48 Entman, 'Cascading Activation', pp. 416-7

49 Entman, *ibid*, pp. 421

50 Sheets et al, 'View from Above', p. 294

When the research was begun, the Daily Mail was the most widely read British news service (taking online and print versions together), and its online service had the largest number of international visitors of any British news site.⁵¹ It has covered the 'war on terror' extensively and was one of the first papers to be given access to RAF Waddington and the UK's drone bases in the Middle East. It is generally regarded as a Conservative-supporting paper and, since 2010 (two years after the UK began to use the Reaper in Afghanistan) the Conservative Party have been in government.

The Times and Guardian are the two biggest selling broadsheets, on the right and left respectively. The Guardian models itself as a "serious, investigative" and, crucially, independent paper, owned by a trust so that its profits are reinvested in the paper. They state that, "we are committed to holding the powerful to account and covering stories that would otherwise be ignored, and, we hope, helping to build a fairer world."⁵² Willing to criticise government policy and uncover scandals, the Guardian's stance is often at odds with the rest of mainstream British press.

The Times, conversely, is usually an ardent supporter of government policy, particularly British foreign policy. It has been a staunchly Conservative supporting paper since the 1970s, although for a brief period between 2001 and 2005 swung behind New Labour.

The BBC, as a public service is bound by a commitment to "due impartiality" and its editorial board is also bound to be independent. However, as it notes, "the term 'due' means that the impartiality must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation. Due impartiality is often more than a simple matter of 'balance' between opposing viewpoints. Equally, it does not require absolute neutrality on every issue or detachment from fundamental democratic principles."⁵³ How it reports on new and controversial subjects, especially those that appear to challenge democracy and the rule of law, is therefore open to question. In choosing these four outlets, it is hoped that a broad cross-section of opinion-forming reporting in the UK is covered.

In order to build the data that would chart any shift in opinion or normalisation of UK drone targeted killing, subjects chosen for the study were British ISIS members who were targeted by the UK or US (almost always with UK support) in a drone strike in Syria/Iraq, between Aug 2015 and July 2018 (a full three years). These targeted killings were either officially confirmed or there exists good evidence to suggest the subjects were targeted. Searches were run for these known British ISIS members who were killed along with 'drone strike', e.g. 'Reyaad Khan drone strike' or 'Sally Jones drone strike' as a search term. In order to capture any other reporting on targeted killing policy, a search for 'Syria drone targeted killing' was also made in each source. This of course returned articles that had already been covered in the named searches, but each article was only recorded once, in the most relevant category. For example, if an article was primarily about Jeremy Wright's speech in 2017 but mentioned the Khan killing, it was recorded in the

51 Freddie Mayhew, 'Mail is UK's most read news brand according to new industry-standard figures, with Sun close behind', Press Gazette, <https://www.pressgazette.co.uk/mail-is-uks-most-read-newsbrand-according-to-new-industry-standard-figures-with-sun-close-behind/>, 25 Jun 18. However, the Sun and Mail often compete for the top spot, see Charlotte Tobitt, 'The Sun overtakes Mail Online to become UK's biggest online news brand, latest Comscore data shows', Press Gazette, <https://www.pressgazette.co.uk/the-sun-overtakes-mail-online-to-become-uks-biggest-online-newspaper-brand-latest-comscore-data-shows/>, 18 May 18.

52 Guardian staff, 'Why our readers' support is vital to the Guardian's future', The Guardian, <https://www.theguardian.com/membership/2018/nov/15/support-guardian-readers-future-journalism>, 15 Nov 18

53 BBC Editorial Guidelines, Section 4: Impartiality, <https://www.bbc.co.uk/editorialguidelines/guidelines/impartiality/>, accessed 27 Mar 19

'Syria targeted killing' results. Thus, there are nine sets of data - eight individual subjects and the broader topic of UK drone targeted killing in Syria.

Hundreds, sometimes thousands, of articles were returned but were only included in the dataset if they contained more than one sentence about the drone strike or topic. For example, an article that was about the trial of a British extremist containing a photo of Mohammed Emwazi with a caption reading, 'Mohammed Emawazi, who was killed in a drone strike last year, is thought to have supported [name] in their plans to commit terrorist atrocities in the UK' was not included if there was no other mention of drone strike. Moreover, many articles returned in the searches only contained a link to a relevant article already included in the data set, and these were discounted. Finally, articles by wire services, such as the Press Association and Reuters, that were returned in searches were included in the results because this is news that the outlets under study made available to their readers on the subject.

The data set was then coded as to whether the articles included a discussion on the legality of targeted killing. A 'discussion' for the purposes of this study meant at least 2 opposing statements about the legality or not of a drone strike. For example, an article that described the targeted killing of Khan and Amin as "controversial" and went on to state that "a 'kill list' of militants who can be attacked when intelligence locates them has been approved by the National Security Council," was deemed to contain a legal discussion if it followed these statements with, for example, "Jeremy Corbyn, Labour's leader, has said the killing of the two British Isis fighters was 'legally questionable'."⁵⁴ However, if an article contained 2 statements on the legality of the killing but both were quotes from Cameron justifying a strike, this was not coded as a discussion.

Any mention of legality was numbered for each article, whether the article included a discussion or not. This numbering was done by coding whether statements on legality were supportive or expressed support of the government's justifications, or, on the other hand, were critical and/or expressed doubt over the government's evidence and justifications for targeted drone strikes.

Articles were also coded regarding the source of opinions expressed, e.g. how many different government voices and non-government voices were given space in each article. This number, however, does not correspond to the number of critical or supportive statements. For example, an article may quote Cameron three times and Corbyn twice, but this is classed as two sources.

Articles were also coded as to whether they made mention of the purported 'kill list', or whether they addressed the wider issue of the lowering of the threshold for the use of force. Finally, the articles were coded, from 1-5, as to their support or criticism of the drone targeted killings. Articles that contained phrases from the journalist like "our boys blasted the jihadi to pieces" or "the pair were evaporated by a precision Hellfire missile" were accorded a two, and articles that were explicitly supportive of government statements/RAF action were given a one. A score of four was given to articles that contained phrases from the journalist such as "much more information is needed to know exactly what the government's position is" or "following the USA's failed policy of targeted killings", and five for articles in which the journalist expressed openly critical views of UK targeted killing. A three was assigned to articles where the tone remained impartial.

Before moving on to the findings, however, a brief history of the UK's targeted killing, the individuals targeted, and associated public debate is necessary.

54 Tim Shipman, 'New drones to join SAS in hunt for Jihadi John', <https://www.thetimes.co.uk/article/new-drones-to-join-sas-in-hunt-for-jihadi-john-md79fdf39g6>, 4th Oct 15

A BRIEF HISTORY OF TARGETED DRONE STRIKES ON UK CITIZENS

Over 900 Britons travelled to Syria to join ISIS and, although several hundred have returned home, at least 200 are still unaccounted for – presumably a number of them have died fighting.⁵⁵ Many of them are likely to have been killed in air strikes and the British government have repeatedly stressed that by going to Syria, any British citizen runs the risk of being killed as a consequence of war. However, there are a smaller, but unknown, number who have been specifically hunted and targeted by the RAF and US Air Force. While some of these are known, there are likely to have been others who have been killed in this way and reporting is patchy at best. The following subjects were chosen for this study because they are believed to have been deliberately targeted by the UK or US (with UK support) and their deaths reported as such in the press. The most high-profile and widely reported have been chosen, where the manner of the strike was the subject of a government announcement, or the identity of the target was clear and details such as date and manner of death (i.e. drone strike) are known.

Abu Rahin Aziz⁵⁶

Abu Rahin Aziz, 32, from Luton, was convicted for stabbing a football fan in London who insulted the Prophet Mohammed, and then skipped bail to travel to Syria as part of ISIS. It is reported he was specifically targeted and killed in a US drone strike on 04 July 2015 after allegedly threatening to organise terror attacks on the USA's Independence Day.

Death of British jihadi in July drone strike raises 'kill list' questions

Abu Rahin Aziz from Luton died in a US attack near Raqqa in Syria after the UK government's list of targets was agreed in early summer



▲ Abu Rahin Aziz travelled to fight for Islamic State after skipping bail for an assault on a football fan. Photograph: YouTube

The death of Abu Rahin Aziz, a 32-year-old from Luton, who was killed in a US drone strike near Raqqa in Syria in July, raises questions about whether he may also have been on the UK government's 'kill list'.

55 Dearden, 'Where are they now'

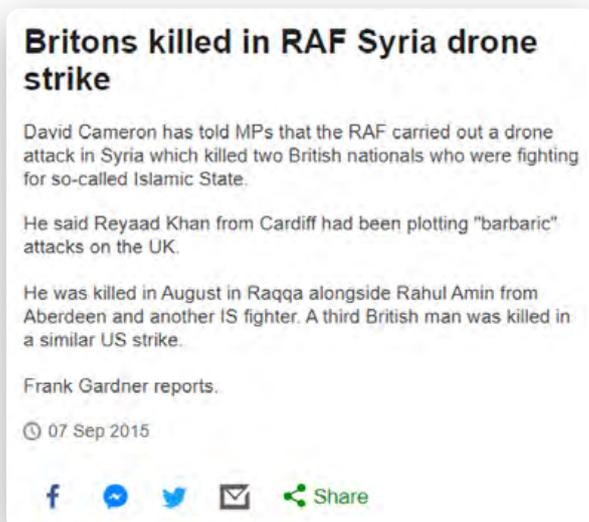
56 Profiles of Aziz: 'Abu Rahin Aziz', Who Are Britain's Jihadists?, <https://www.bbc.co.uk/news/uk-32026985>, 12 Oct 17

Junaid Hussain⁵⁷

Junaid Hussain was from Birmingham and had previously served a prison sentence for hacking and publishing Tony Blair's address book online. He left the UK in 2013 to join ISIS in Syria and was reported in the press as one of their lead hackers and online recruiters, and for this reason was third on the Pentagon's 'kill list.' Hussain married Sally Jones, the British Muslim convert and ISIS member. At the age of 21, Hussain was killed by the US Air Force in a targeted drone strike. It is thought that this was on 25 Aug 2015 and was reported by the press as a US drone strike. When Cameron announced the strike that killed Khan and Amin, he also confirmed the US had targeted and killed Hussain.⁵⁸

Reyaad Khan & Ruhul Amin

Reyaad Khan was brought up in Cardiff and was reported to have been radicalised online. He left for Syria at the age of 19. It is said he used social media to encourage others to join ISIS and was plotting attacks in Britain with would-be jihadists. David Cameron announced in 07 Sep 2015 that he had been targeted and, along with two others, killed by an RAF drone strike on 21 Aug 2015 at the age of 21.⁵⁹ This was the first time such a strike had been carried out by the RAF. Cameron admitted this was a "new departure" for UK policy but insisted it fell within Britain's inherent right to self-defence under international law. However, the UK envoy to the UN cited the collective self-defence of Iraq when the strike was reported to the UN. Moreover, the events that Khan was said to have been orchestrating terror attacks at had already passed by the time of his death. This caused concern among parliamentarians and human rights advocates that the government was not being transparent and accountable for its use of lethal force and sparked two enquiries; one from the Intelligence and Security Committee and one from the Joint Committee on Human Rights.



57 Profiles of Hussain, Amin and Khan here: Nadia Khomami and Alice Ross, 'Reyaad Khan, Junaid Hussain and Ruhul Amin: profiles of Isis Britons killed in Syria', Guardian, <https://www.theguardian.com/world/2015/sep/07/reyaad-khan-junaid-hussain-profiles-isis-britons-syria>, 07 Sep 15

58 'Britons killed in Syria RAF drone strike', BBC news video, <https://www.bbc.co.uk/news/av/uk-politics-34176940/cameron-confirms-britons-killed-in-syria-strikes>, 07 Sep 15

59 *ibid*

The other Briton who died in this strike, but was not targeted, was Ruhul Amin, an Aberdonian (aged 26 at the time of his death), born in Bangladesh. He had left Aberdeen for Leicester and is said to have been radicalised there, subsequently leaving the UK (probably in 2013 or early 2014) to join ISIS. He was travelling with Reyaad Khan when the vehicle was struck, however Cameron said he had not been specifically targeted.⁶⁰ This obviously raises further legal questions about the killing of British nationals outside of war zones, which are not dealt with in the press, nor by the government. Another Belgian national, an ISIS member, was also killed in the strike.

Mohammed Emwazi⁶¹

Mohammed Emwazi, known as 'Jihadi John' from west London, became responsible for guarding foreign captives who suffered torture and mistreatment at his hands. He also is said to have carried out the majority of ISIS beheadings. Videos of these staged beheadings were circulated widely online, with Emwazi issuing threats against the west. He was killed, aged 27, in a targeted US drone strike in November 2015, but Cameron stressed UK involvement in the strike. He said that the UK had worked "hand in glove" and "around the clock" with the US to find and target Emwazi, again for national self-defence.⁶² The strike generated a lot of attention in the press, primarily due to Emwazi's notoriety as a result of the execution videos he appeared in.

Emwazi drone attack wins public support



Raphael Hostey⁶³

Raphael Hostey appears to have been a prolific recruiter for ISIS, especially in his native Manchester. Press reports have focused on his connections with Salman Abedi, the Manchester Arena bomber, whom he is said to have been in touch with. He also 'sponsored' a number of other British ISIS members who left the UK for Syria.⁶⁴ Hostey left for Syria in 2013 and was reported to have been killed in a drone strike in 2016, at the age of 24.

⁶⁰ *ibid*

⁶¹ Dominic Casciani, Islamic State: Profile of Mohammed Emwazi aka 'Jihadi John', BBC News, <https://www.bbc.co.uk/news/uk-31641569>, 13 Nov 15

⁶² Jihadi John dead: David Cameron says targeting ISIS executioner was an act of self-defence', Independent, <https://www.independent.co.uk/news/uk/home-news/jihadi-john-dead-david-cameron-says-targeting-isis-executioner-was-act-of-self-defence-a6733056.html>, 13 Nov 15.

⁶³ Profile here: 'Raphael Hostey', Who Are Britain's Jihadists?, <https://www.bbc.co.uk/news/uk-32026985>, 12 Oct 17

⁶⁴ Leaked ISIS documents showed that existing members supported or verified the applications of others. For example, Fiona Hamilton and John Simpson, 'Files reveal the sponsors who vouched for jihadist recruits', The Times, <https://www.thetimes.co.uk/article/files-reveal-the-sponsors-who-vouched-for-jihadist-recruits-cgqhc6cch>, 11 Mar 16

Sally Jones⁶⁵

Sally Jones, or the 'White Widow' as she became known after Hussain was killed, left the UK for Syria with her 12-year-old son, Jojo Dixon, to marry Junaid Hussain in 2013. She was an active online recruiter and is said to have been in charge of training an all-female ISIS brigade. Jojo was reportedly trained as a fighter and was seen in online videos that showed children beheading Kurdish soldiers. He was also said to be used by Jones as a human shield because she knew she was being targeted. She was killed in a targeted US drone strike in October 2017.⁶⁶ Uniquely in this study, according to the press and military personnel, the UK were not informed of this strike beforehand since it is possible that Jojo was also present and killed, which would be counter to the UN Charter as his age defined him a non-combatant. Although intelligence sources confirmed both Jones and her son were killed, there remains speculation whether Jojo was present, and some reports even claim that Jones was not killed either.⁶⁷



Naweed Hussain⁶⁸

No announcement was made when Naweed Hussain, a 32 year old from Coventry, was killed, but almost a year later the Daily Mail revealed that he had been killed by a missile from a US drone in a targeted strike, led and directed by the RAF.⁶⁹ This is reported to have taken place in the spring of 2017. Press later reported on his death in relation to the trial of the so-called 'Madhatters Tea Party', a family group who intended to carry out a terror attack in London.⁷⁰ One of the young woman, Safaa Boular, had been groomed by Naweed Hussain and they had married online. However, in these later reports the drone strike is not covered in detail.



65 Will Humphries, 'Sally Jones profile: How online love affair turned single mother into fanatic, The Times', <https://www.thetimes.co.uk/article/sally-jones-life-history-who-profile-how-online-love-affair-turned-single-mother-into-a-fanatic-dqz0nrks>, 13 Oct 17

66 'British IS recruiter Sally-Anne Jones 'killed by drone'', BBC News UK, <https://www.bbc.co.uk/news/uk-41593659>, 12 Oct 17

67 For example, Katie Harris, 'White Widow Sally Jones 'still ALIVE', and fighting for ISIS - jihadi claims', Daily Express, <https://www.express.co.uk/news/world/1035870/isis-news-white-widow-sally-jones-alive-islamic-state>, 24 Oct 18; Sarah Wescott, 'Son of British jihadi Sally Jones also killed in drone strike', Daily Express, <https://www.express.co.uk/news/uk/911245/ISIS-British-jihadi-Sally-Jones-White-Widow-son-killed-drone-strike>, 28 Jan 18;

68 Nicola Harley, 'British Isil fighter who plotted UK attack reportedly killed in secret targeted RAF mission', The Telegraph, <https://www.telegraph.co.uk/news/2018/02/17/british-isil-fighter-plotted-uk-attack-reportedly-killed-secret/>, 17 Feb 15

69 Larisa Brown, 'British ISIS fighter who was plotting a massacre on home soil is killed by a US drone in secret UK-led mission in Syria', <http://www.dailymail.co.uk/news/article-5401821/British-ISIS-fighter-Naweed-Hussain-killed-Syria.html>, 16 Feb 18

70 The code "tea party" was used by this mother and two daughters to discuss their proposed attack was a "tea party"

The timeline below gives an overview of the key events - strikes, parliamentary enquiries, significant statements and publications by government ministers.

UK Targeted Killing Aug 2015 - July 2018

Date	Event
07 Sep 2015	David Cameron announces that Reyaad Khan has been killed in a drone strike by the RAF, and that Ruhul Amin (a British citizen) and a Belgian national (both ISIS members) were killed alongside him. Cameron also confirms to Parliament that Junaid Hussain was killed in another drone strike, at the end of August (first reported on 27/08/15), by the USAF. Cameron justifies these strikes saying that Khan was plotting terror attacks in the UK and the strike was carried out as self-defence under Art 51 of the UN charter.
08 Sep 2015	It is reported that Abu Rahin Aziz was killed in a US drone strike in July.
11 Sep 2015	The UK representative to the UN informs the UN of the strike on Khan, this time citing that it was undertaken in the collective self-defence of Iraq.
24 Sep 2015	Reprieve and the Green party bring a legal challenge on the Khan strike. Their pre-action letter is released.
28 Sep 2015	Daily Mail reveals intelligence services hold a 'hit list' of UK jihadis
13 Nov 2015	Mohammed Emwazi, 'Jihadi John', is killed in a US drone strike. Cameron stresses UK involvement saying that two RAF drones were present and supporting with surveillance. The US drone took the shot because it was closest to Emwazi.
02 Dec 2015	Parliament votes for military action in Syria against ISIS.
12 Jan 2016	Cameron answers questions to Commons Liaison Committee on the Khan strike.
01 May 2016	JCHR asks for clarity on the legal basis of targeted killings. It does not accept that government has no policy, and says that if it doesn't, it needs one.
May 2016	Raphael Hostey reported to have been killed in a US drone strike.
20 Oct 2016	Rights Watch launches an appeal against the UK government's refusal to publish legal advice behind the Khan strike.
11 Jan 2017	Attorney General, Jeremy Wright, gives speech outlining the legal basis for strikes against individuals, noting that the doctrine of self-defence needs to keep up to date with new threats.

19 Feb 2017	The ISC draft report is released and concludes that whilst Khan appeared to pose a serious threat to the UK, it is disappointed at the lack of transparency from intelligence services and government, saying they must be more accountable about the basis for making targeting decisions. The government are accused of delaying the release of the findings: the report was only released after the All-Party Parliamentary Group (APPG) on Drones asked for its release after it had been with the prime minister since December 2016. The APPG on Drones also ask for names on 'kill list' to be revealed and scrutinised.
26 Apr 2017	The final version of the ISC report is officially released.
April 2017	Naweed Hussain is killed but this goes entirely unreported at the time.
Sept 2017	The UK government published its <i>Joint Doctrine Publication 0-30.2: Unmanned Aircraft Systems</i> , which contains reference to drone targeted killing outside of war zones. The first version is hastily deleted and a new version omitting any reference to this practice replaces the original on the MOD website. This happens after NGOs and SNP MP, Stewart MacDonald, asks a question via email on the topic.
12 Oct 2017	It is reported that Sally Jones, and possibly her 12-year-old son Jojo Dixon, are killed in a US drone strike.
23 Oct 2017	Rory Stewart, MP and Minister of State for International Development, says the only way to deal with terrorists in almost every instance is to kill them.
06 Dec 2017	Gavin Williamson, Secretary of State for Defence, says in an interview a dead terrorist can't cause any harm and that British jihadis are being hunted down and eliminated, "as they disperse across Iraq and Syria and other areas."
03 Jan 2018	A tribunal rules in favour of Rights Watch; that the government cannot have a blanket ban on releasing information on strikes on national security grounds. It says that the Information Commissioners Office should treat requests on a case by case basis. But in the case of Reyaad Khan, the tribunal rules that it was in the interests of national security not to publish documents.
16 Feb 2018	The Daily Mail reveals that Naweed Hussain was killed in a targeted drone strike.
June 2018	As Safaa Boular stands trial, it is reported more widely that Naweed Hussain was killed in a targeted strike in Spring 2017.
26 Jul 2018	Boris Johnson writes in a Spectator column that targeting British jihadis is dressed up as self-defence but is also retributive 'pay-back.'

FINDINGS

This report now turns to the data collected on the named subjects, and the reporting on 'Syria targeted killing' from the four news outlets. This section starts with a general overview of the findings on the quantity and content of the articles. This data is then broken down into sections on the presence of legal discussion and statements for each subject, the reporting on a 'kill list', and the presence of discussion on the threshold for the use of force. Finally, the significant results of these findings are then summarised. The graphs show numbers per subject (as outlined in methodology section) or per publication for each topic.

Khan, of course, is the only Briton for whom the UK government has admitted to firing the missile that killed him. As such, his death is one of the most prominent features in the data set. Moreover, his killing sparked two parliamentary inquiries and the majority of reporting on these are recorded in the 'Syria drone targeted killing' data. Those who are known to have been targeted in coordination with the US include Junaid Hussain, Abu Rahin Aziz, Mohammed Emwazi and Naweed Hussain. Of the two remaining subjects of this report, the RAF claimed they had no knowledge of the strike on Sally Jones and it is unknown what intelligence was shared on Raphael Hostey prior to the strike which killed him.

The full dataset of articles used in this study is available at www.dronewars.net/IntheFrame/dataset

Summary of findings

Coverage of targeted killing recedes over time: There is a dramatic reduction in reporting on targeted killings after the death of Mohammed Emwazi but this can perhaps be explained by the legal circumstances: the killing of Reyaad Khan was the only time in which the UK admitted to a drone targeted killing in a war zone where it had not declared military action. Junaid Hussain and Mohammed Emwazi were also killed in UK-US missions before hostilities were declared in Syria but in both these actions, a US drone fired the missile. However, other possible reasons for the dip in reporting are explored in the 'Analysis' section.

The government line appears more often than critiques, but this varies by source: The overall difference is not as wide a gap as may have been expected. For every six supportive statements, there were roughly five that questioned or were critical of the legality of targeted killing. This is to be welcomed as journalists clearly sought to include opposition voices. However, the difference in supportive or critical coverage varied considerably when broken down by publication. The most significant difference was found in the BBC, a reputedly impartial news service, but, in the case of targeted killing, had the highest proportion of supportive

statements from government, despite retaining an impartial journalistic stance in almost all articles.

Where policy is covered legal discussion is retained over time, whilst reports on individual strikes do not maintain legal commentary: Although there were significantly more articles on the individual strikes that met the search criteria than on the wider policy of drone targeted killing - 257 compared with the 72 - the articles on policy retain a much higher legal content (of both statements and discussion) over time. Seventy-one per cent of articles on policy contain legal statements or discussion whilst 58.3% of the articles on individual strikes contain discussion or statements. Moreover, seven of the 11 articles that contain reference to the lowering of the threshold for the use of force are in the 'targeted killing' set of articles, suggesting that when a story was not focussed on an individual, there was more scope for ethical as well as legal discussion, and that this was deemed worthy of news coverage.

Commentary and debate on the wider issue of the use of force is very limited: Commentary on the broader ethical concerns about the use of force are absent from public discussion. Of the 11 times the threshold for the use of force is covered in the dataset, the sources are never government voices, suggesting a total refusal to engage in public discourse on nature of drone warfare and the different capabilities and capacity that drones offer to the military.

The possibility of a 'kill list' saw much attention generated but apparent confirmation passed with very little comment: Media speculation in 2015 that a US-style 'kill list' existed in the UK, may have facilitated a process of normalisation. Given that initial interest created a media stir, the fact that apparent confirmation of a 'kill list' in 2017 passes with very little commentary suggests that the idea the UK was operating a 'kill list' was, to some extent, accepted and no longer newsworthy.

Overview

Total coverage per subject

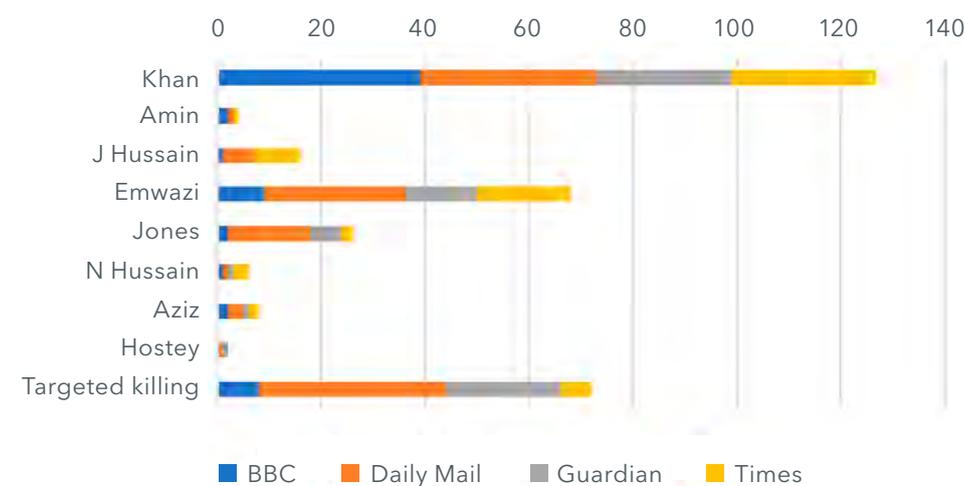


Table 1: Total number of articles per subject across each publication

Across the four news outlets surveyed, 328 articles contained the various search terms with at least two sentences about targeted killing by drone, either regarding named individuals or drone targeted killing policy. By far the most active publication on targeted killings was the Daily Mail, whose online version contained 126 articles (or 38% of the total), in comparison to between 62 and 71 in the other three outlets (around 21% each). Unsurprisingly, Reyaad Khan commanded the

most attention with 127 articles matching the criteria (almost 39% of all articles included in the data). Ruhul Amin is mentioned in some of these but there are only a further four articles that deal with him specifically. Of the others known to have been targeted in 2015, the first was Abu Rahin Aziz in July of that year. His death was reported prior to the killing of Khan and Amin when targeted killing was still as US 'problem'. At the time, this totalled three articles, only one of which mentioned UK involvement in the strike.⁷¹

Junaid Hussain was also killed in August 2015 and there were eight articles that covered his death at the time. In September, Cameron announced his death when he reported the strike on Khan and Amin and there are a further eight articles which deal specifically with Hussain's death, taking the total of articles containing the search criteria on Hussain to 16. His name often appears in articles on Khan and Amin, but he was rarely discussed in more than a single sentence.

Searching for 'Mohammed Emwazi drone strike' returned hundreds of articles but only 67 of these contain more than one sentence on the strike which killed him. For example, the Daily Mail returned 292 articles with the search terms, but only 26 (less than 10%) met the criteria. The rest were on a variety of subjects relating to ISIS or British jihadis, but many, for example, simply included a picture of Emwazi with a caption that mentioned his death in a drone strike.

Although the amount of data on Emwazi is significantly lower than that on Khan, this is even more so the case for Sally Jones, who was killed in 2017. Only 26 articles discuss the strike on Sally Jones in more than a sentence. In the Daily Mail, for comparisons sake, there were just over 100 articles that contained the words 'Sally Jones drone strike' but only 16 that contained two or more sentences.

Coverage then dropped dramatically in 2017. Naweed Hussain's death generated a total of two articles in which his death was the main focus. His death was accorded more than one sentence in a further four articles, of which the 'Mad Hatters' (the first all-female terror cell in the UK to be put on trial) were the main subject.⁷²

As for Raphael Hostey, his name appears in many articles as the recruiter of Salman Abedi, the suicide bomber who attacked the Manchester Arena, but there are only two articles that cover his death in more than one sentence.

There are a further 72 articles included in the dataset which cover the other issues around drone targeted killing in Syria that were part of the 'Syria drone targeted killing' search. This included topics like the parliamentary inquiries on the killing of Khan, the Attorney General's speech in 2017, and various statements and interviews given by government ministers on dealing with British ISIS members.

71 Dipesh Gadhur, 'Drone strikes Kill UK Jihadists', The Times, <https://www.thetimes.co.uk/article/drone-strikes-kill-uk-jihadists-0s6f52phhsj>, 26 Jul 15

72 Naweed Hussain married a British teenager online, Safaa Boular, who was later jailed for terrorism offences.

Total number of articles over time

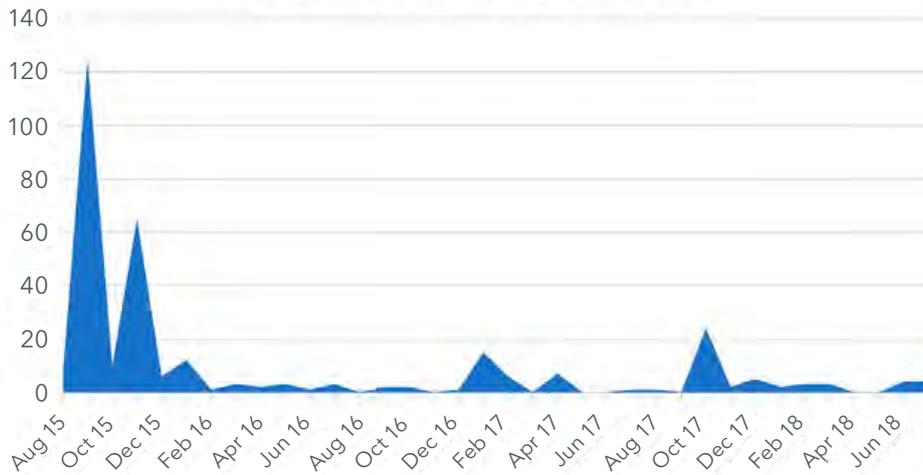


Table 2: Distribution of articles across the three year period of study

Legal commentary and discussion⁷³

Legal commentary

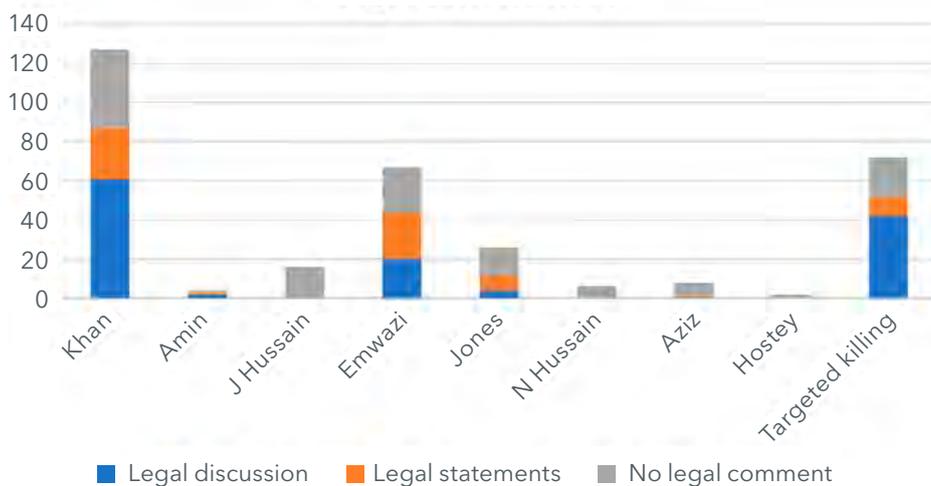


Table 3: Number of legal discussions, legal statements or lack of legal commentary per subject

Of Abu Rahin Aziz, the first Briton known to be targeted, The Times is the only publication that commented on the legality of the strike in July 2015 (or in fact at all), stating that there is a clear legal basis for the Coalition to take “this approach” for collective self-defence.⁷⁴ There is even less interest in the legality of the strike on Junaid Hussain: there is no discussion, nor any statement made in support of or against the strike that killed him.

Of the 127 articles that met the search criteria for Khan’s death, 56 include a legal discussion (44%), and another 24 include at least one statement on the legality of the strike. There is one further article on Junaid Hussain that contains a statement from Cameron in support of the strike on Khan. Most usually, single statements are a short quote from Cameron, e.g. “David Cameron said the strike was ‘an act of self-defence.’” This takes the total number of articles mentioning the legality,

⁷³ ‘Legal discussion’ is defined in the ‘Methodology’ section as an article containing at least two opposing statements on the legality, or not, of a targeted killing. See page 15.

⁷⁴ Gadher, *ibid*

or otherwise, of the strike on Khan to 89, almost 70% of all articles on Khan in the dataset. As noted above this can be attributed to the announcement by Cameron that the UK had fired the missile which killed him, and that it was the first time such an announcement had been made.

Within the four separate articles on Ruhul Amin, two contain a legal discussion of the strike that killed him, and one more contains a legal statement. This is proportionally quite high, but the real issue is that there are so few articles that deal with his death.

Twenty of the 67 articles on Mohammed Emwazi's death contained a legal discussion and a further 24 include statements on the legality of the strike. That is, 65.5% of the articles on Emwazi contain some form of comment on legality, almost half of which (or 30% of the total) that contain a discussion.

Of the other British ISIS member infamous before her death, interest in the legality of strike that killed Sally Jones is far more minimal. Only four of the 26 articles on her death contain a legal discussion whilst a further eight contain a single statement on legalities. That is just over 50% of the articles that contain some form of commentary upon the legality of the strike, and only 16% that contain a legal discussion. It is also significant that some of the interest in Jones' death was because her 12-year-old son, Jojo Dixon, may also have been killed, creating a whole new legal problem with targeted strikes.

Of the final two Britons whose were deliberately targeted in the period covered by this report, no mention on the legality of the strikes is made. Naweed Hussain is known to have been targeted by the US and UK, although the US fired the shot that killed him. Raphael Hostey is only reported to have been targeted by the US, but the specifics are unknown.

Within the wider discussions on targeted killing, 72 articles were found to match the search criteria for 'Syria drone targeted killing' a number of issues were covered. Articles included general commentary on drone targeted killing and the possibility of a 'kill list', the parliamentary inquiries into the strike on Khan and Amin by the JCHR and ISC, the Attorney General's speech that expanded the legal basis of self-defence, and various government ministers' claims that killing British jihadists before they can return to the UK is sound policy. Of the 72 articles included in the dataset, 42 contain a legal discussion whilst a further 10 include at least one statement on the legality or not of drone targeted killing. This takes the presence of statements and discussion on the legality of drone targeted killing to 71% in this set, with 57% of the total containing a legal discussion. This is the highest incidence of legal discussion and statements of any of the search terms. Khan of course is mentioned in many of the articles in this dataset, but the subject matter is primarily the wider issues.



Detailed distribution of legal statements

Legal commentary by publication



Table 4: Distribution of statements that either support or challenge the legality of drone targeted killing, by publication.

Legal statements per subject

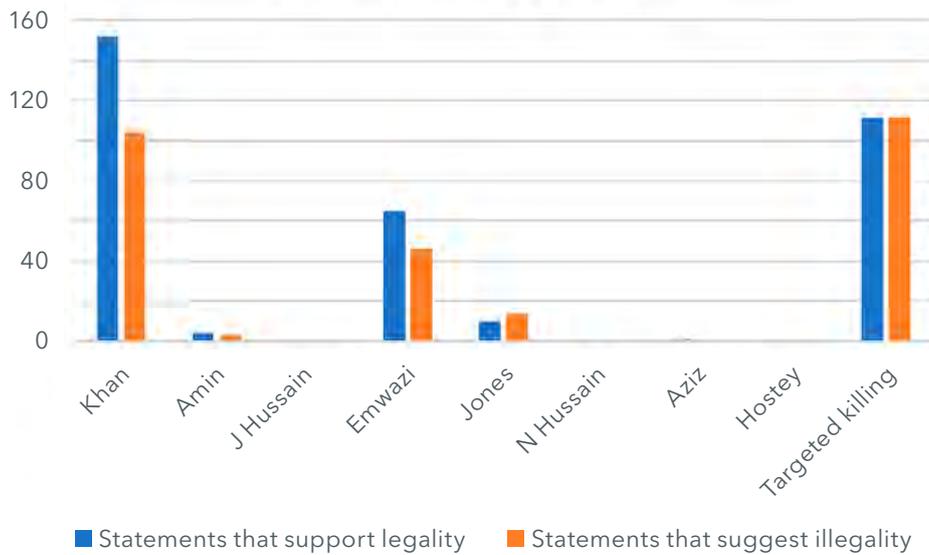


Table 5: Statements by subject that support or critique legality

Of the statements made on the legality of these targeted killings by drone, there are 344 supporting the strikes and 296 opposing or questioning the legality and/or accountability of them. That is 54% of the legal statements in support and 46% opposing or questioning them.

The difference, however, is starker when the results of each publication are broken down. Although this report is not a critique of particular publications, the various positions held by each outlet make this breakdown important when it comes to understanding what voices will be heard.

Overall, the Guardian and Times both have slightly more critical statements than positive ones, 96 to 67 and 61 to 57, respectively. The Times has the smallest margin between supportive and critical statements of all the media outlets surveyed yet a significant proportion of articles express support for the government’s position (more so than maintain impartiality, and far more than are critical).

On the other hand, the presence of supportive comments in the Daily Mail and BBC far outstrips critical voices. In the BBC it is 77 to 35 (68.75% supportive), and in the Daily Mail, 140 to 86 (61.5% statements in support). However, in the Mail 48 of the articles are openly supportive of the government's position (with five critical and 72 maintaining impartiality), whereas all except one (which expresses criticism) of the 64 BBC articles maintains impartial language and tone.

A difference is also noticeable when the statements are broken down by subject. Across the four outlets, with regard to the strike on Khan, there are 152 statements reported in support of the strike, and 104 that question or oppose it – almost one third (30.8%) more in support – a significantly larger margin of supportive statements to critical statements than the overall margin. The only outlet that has a higher number of statements that oppose or question the strike on Khan is the Guardian. Both the Daily Mail and BBC have almost double the number of statements in support than against, whereas the margin in the Times is much smaller, largely because it collated several letters to the editor and published them together, most of which are highly critical. The most interesting thing about this is that although the BBC holds neutrality as a core principle, in practice that seems to mean reporting the government's position more often, which consequently amplifies the voices in support of targeted drone strikes.

Of Ruhul Amin, who died alongside Khan but was not the intended target of the strike, there are only two statements which question the legality of his death and five statements in support. Regarding Junaid Hussain, it was noted in the overview section that there are no statements which support or question the legality of the strike that killed him. The same applies for Abu Rahin Aziz who was also killed before Khan and Amin.

The number of legal statements on Emwazi's death, in total, are 66 (59.5%) in support and 45 that question or oppose the strike. With regard to the individuals covered in this report, this is the second highest number of legal statements both in support and in opposition to the killing (after Khan). As for Sally Jones, there were 10 statements in support of her death and 14 in opposition. Again, with regard to individuals, this is the only time the overall ratio has more statements that questioned the legality of a targeted strike, primarily because it is possible that Jones' son may have been killed alongside her. Due to his age, said a UK military spokesperson, he would have been classed as a non-combatant under the UN charter, and this is brought up as a criticism of the legality of the US strike.

After the death of Jones, there are no legal statements on the others known to have been targeted, that is Raphael Hostey and Naweed Hussain.

Discussion on targeted killing

Aside from the discussions on specific strikes, what this report recognises as equally important is where and how the government's policy, or lack thereof, on targeted killing has been reported, and where informed public debate has been able to take place in the press.

Within the articles on targeted killing in general, there are 111 statements that provide support for and 112 that criticise or question the legality of targeted killing (see Table 5). Significantly this is the highest number of statements on legality as a proportion of the total number of articles for any of the search terms. The average is just over three per article in the 'Syria drone targeted killing' set, whereas for Khan data set (the set with the second highest incidence of legal statements and discussion) the average is just over 2.5 per article, and it is worth breaking down where and when these articles appeared.

Targeted killing

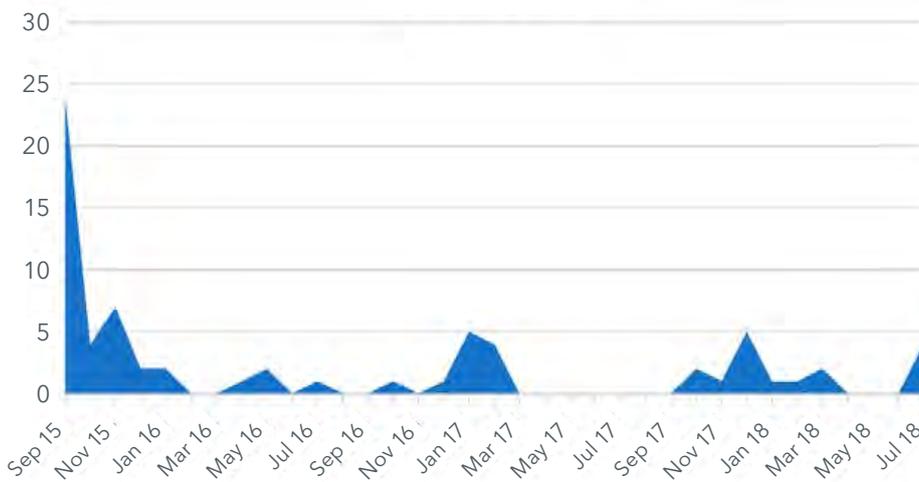


Table 6: Distribution of articles on drone targeted killing over time

There are 17 articles that delve into the wider debate on targeted killing in September 2015, in the week after Khan and Amin were killed. There is one article prior to this when Junaid Hussain was killed, that focuses more on policy than the strike specifically. Of these early 18 articles, 15 contain a legal discussion, while of the remaining three one more contains statements on the legality of targeted killing.

There were a further twenty articles in 2015 which were not clustered around any one event but continue to report on the aftermath of the killing of Khan and Amin, the build-up and commencement of military action in Syria, the potential of killing ISIS leaders once hostilities begin, and the launch of the ISC and JCHR's investigations into the targeted strike on Khan. Seven of these 20 articles contain a legal discussion whilst only one of the remaining 13 contain any legal statements.

In 2016 there were two articles at the beginning of the year which report on Cameron's refusal to engage with the Commons Liaison Committee, that he failed to answer questions on the strikes and maintaining that the government is entitled to withhold information. Then, in April 2016, the Daily Mail published on US/UK intelligence sharing for a US 'kill list', including drug traffickers. The following month, both the Guardian and Daily Mail reported that the JCHR wanted the government to urgently clarify its use of drone strikes for targeted killings. Of these five articles, two engage in a legal discussion, whilst only one of the remaining three contains any statement on the legalities.

There are a further two articles in 2016 which mention targeted killings, either in relation to RAF action in Syria, or interviews in the UK with personnel. Both contain a legal discussion.

Jeremy Wright, the Attorney General, made his speech on the definition of self-defence in January 2017 and this is reported a total of six times in the surveyed outlets. All six contain a legal discussion and multiple statements from Wright which leads to a total of 15 statements in support. Only two articles contain voices that criticise Wright's speech. Another four articles appear in Feb 2017, this time on the draft report of the ISCs investigation and on the 'kill list'. Three contain a legal discussion whilst the other contains several statements in support of targeted killing.

Attorney-general sets out legal basis for drone strikes abroad



There are then no more articles on targeted killing until the end of the year; two in October when Rory Stewart MP said that he thought British jihadists must not be allowed to return and in most circumstances should be killed, one in an article on rehabilitation, a further three when Williamson made his similar comments, and two when May responded to ISC draft report. Half of these eight contain a legal discussion, and of the four that don't, three contain at least a statement on the legality or not of targeted killing. Only one does not contain any statements.

In 2018, there are single articles on the ruling against a blanket protection for the government to withhold information, human rights groups' response to the UAV Joint Doctrine paper, and two other articles. Later in the year, three articles report on Boris Johnson's comments - that targeted strikes are also payback for ISIS crimes - bringing the total to 8 for the year. Only three of these contain a legal discussion but the other five all contain statements on the legality or not of targeted killing. Only one of these is critical; a comment piece in the Guardian.⁷⁵ Of the other seven, six are presented impartially and one is expressly supportive.

The 'kill list'

Rumours of a UK government 'kill list' began as soon as Khan and Amin were killed. Since then the government have refused to make clear if they operate such a list for targeting high value individuals.

Kill list by subject

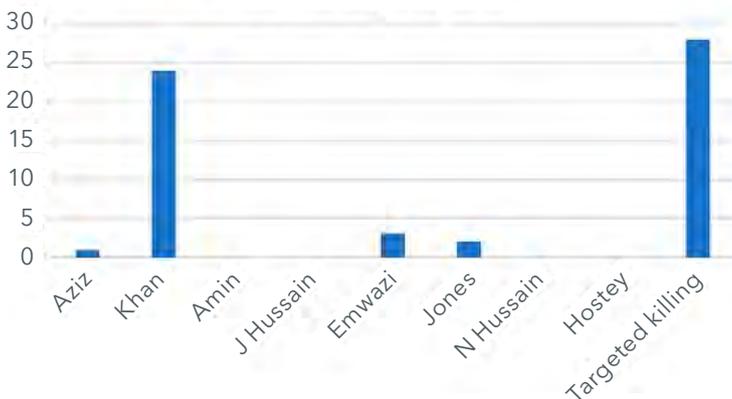


Table 7: Number of times 'kill list' is covered, by subject

Kill list by publication

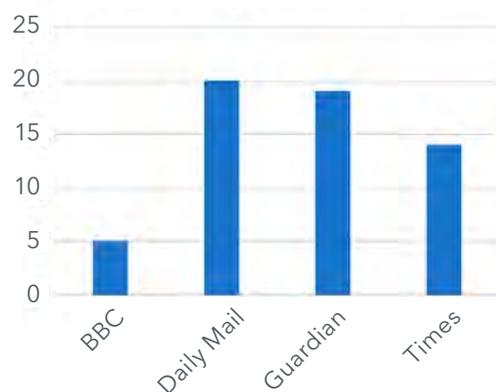


Table 8: Distribution of statements on 'kill list' by publication

⁷⁵ Simon Jenkins, 'Nerve gas in Salisbury, drones in Syria: is there a moral difference?', *Guardian*, <https://www.theguardian.com/commentisfree/2018/mar/09/nerve-gas-salisbury-sergei-skripal-drones-syria-difference>, 09 Mar 18 (date of article update, the original date is not available)

Across the 328 articles, 'kill list' is mentioned 57 times. The Daily Mail has the highest incidence at 20 times, followed by the Guardian at 19, Times at 16 and BBC with only five references. The presence of discussion regarding a kill list is high in articles about Reyaad Khan (in 31 articles) but also in the articles on targeted killing in general. In the Daily Mail, 16 of the 20 times 'kill list' is discussed are found in the targeted killing data set. The rest are in articles on Khan, Emwazi and Jones. The Times, on the other hand, has nine reports of a 'kill list' in articles on Khan and four in its wider reporting on targeted killing. The Guardian's reporting is more even with seven and eight stories of a 'kill list' respectively. The BBC mentions the existence of a 'kill list' five times, all in articles on Khan.

Looking at this data over time, rather than per publication shows that interest in a 'kill list' waned considerably over the period under study. Throughout September 2015, after Khan's death, the news outlets speculated on the existence of a 'kill list' 31 times and over the remainder of 2015 there were a further 10 comments. Yet, when the Daily Mail revealed, from an anonymous defence source, that RAF pilots in Waddington were "working their way through" a list of UK suspects, in February 2017, this was only reported a total of three times; twice in the Mail and once in the Guardian, where it was reported that the APPG on Drones had sent a letter to the PM asking for clarification on the Daily Mail's report.⁷⁶

There are a mix of sources for these reports of a 'kill list'. Some are friends of Khan or other Britons who have travelled to Syria stating they believe there is a 'kill list', some are pure speculation by journalists, some are supposed confirmation by journalists after the Daily Mail revealed the existence of a 'kill list', and some are from the APPG on Drones.

Lowering the threshold for the use of force

Discussion of the wider ethical concerns on the expansion of the use of lethal force only appears 11 times in the 328 articles. That is 3.35% of articles surveyed. Five of these comments occurred when Khan was killed and one when Emwazi was killed. The others were in relation to policy discussion: one when the JCHR released its findings on Khan's death in 2016, three when Jeremy Wright gave his speech on self-defence in Jan 2017, and the last when May responded to the ISC's findings in Dec 2017.



76 Alice Ross, 'MPs call on Theresa May to release 'kill list' for UK drone Strikes', <https://www.theguardian.com/world/2017/feb/23/mps-theresa-may-release-kill-list-for-uk-drone-strikes>, 23 Feb 17

Opinion and language

	Expresses Support	Maintains impartiality	Expresses concern/criticism
BBC	0	63	1
Daily Mail	48	72	5
Guardian	3	52	16
Times	35	30	4
Total	86	217	26

Table 9: Breakdown of reporting opinion by publication

From the above table, it is quite clear to see that an overwhelming majority of articles attempted to maintain an impartial style of reporting (66%). However, a significant number, particularly in the Daily Mail and Times, expressed direct support for drone targeted killing. The balance in the Times tipped towards support, with almost half of articles expressing support, yet it almost as often retains an impartial tone. The Guardian, on the other hand, had by far the highest level of articles that expressed doubt and criticism. Although this was only 23% of the Guardian's articles, it represents over 60% of the total articles expressing criticism from all publications. The BBC only made one critical comment, in relation to the deliberate targeting of Reyaad Khan; the rest of its articles keep an impartial tone.

7 ANALYSIS AND CONCLUSION

This report has examined media coverage of UK and 'UK-led' targeted killings over a three-year period beginning with the September 2015 government statement announcing a British drone had targeted and killed a British citizen in an area that Britain was not at war, in fact where parliament had specifically voted against military action. Over this three-year period, we have identified six other likely targeted killings involving the UK.

The strike that killed Reyaad Khan and Ruhul Amin saw a significant amount of media coverage. Following that, targeted strikes, other than that on Emwazi and Sally Jones, received scant coverage in the media. Whilst taking into account the differing legal contexts for these strikes, this section seeks to understand the reasons for differences in coverage and the legal and ethical framing of drone targeted killing in the media.

The differing legal frameworks mean that the research in this report cannot provide conclusive answers about whether such targeted killing has become publicly accepted. Whilst there are some signs that the press have continued to promote both government and opposition voices, it is also possible to discern some patterns in government communications that give cause for concern regarding future drone use.

This report comes at a time when the UK appears to be winding up its military action against ISIS in Iraq and Syria and it is imperative that the ethics and legality of drone targeted killing, and in particular, the UK's policy on such operations, are given much more serious attention before the UK's armed drones are deployed elsewhere. Although detailed legal arguments about pre-emptive targeted killings within and without an international armed conflict are complex and open to interpretation, currently the broad-brush message given to the public is that such targeted killings are not only necessary but perfectly acceptable. This bodes ill for the future.

In this section we scrutinise some of the ways in which this has happened, based on the quantitative findings of this report. First, we show that the contestable legal frame employed by Cameron to describe Khan's killing was quickly replaced by one of moral justification; secondly, that this contributed to a focus on individual terrorists as a problem, detracting from policy engagement; thirdly, that quasi-secrecy has clearly been put to use in specific circumstances; and, finally, that there has been very limited engagement in broader legal or ethical questions regarding the threshold for the use of force.

Framing the killings of Khan and Emwazi

The killings of Khan and Emwazi happened in the most similar circumstances. Both strikes occurred prior to parliament agreeing to military involvement in Syria, but

in one, the UK fired the missile and in the other it was the US, although Cameron stressed the strike on Emwazi was a UK-led mission. The way the legality of the strikes were 'framed' by Cameron and how that is then presented in the press provides an important example of the power of 'elite framing', to use Robert Entman's terminology.⁷⁷

When Khan was killed, Cameron used carefully chosen legal phraseology in his statement to Parliament to emphasise the legality of the strike as consistent with Britain's inherent right to self-defence under international law. He stated that there was a direct and imminent threat that necessitated immediate action and that there was no alternative (such as government in Syria, troops on the ground, or the prospect of Khan leaving Syria).⁷⁸ All these phrases were intended to show that the strike met the recognised legal criteria for the use of lethal force in self-defence.⁷⁹ The setting for the announcement of Khan, Amin and Junaid Hussain's killings, inside the House of Commons, lent weight to the magnitude of this "new departure" for British defence policy and perhaps gave an air of accountability to the strike. Yet it said little about the complicated process by which the decision was reached, what safeguards and accountability measures were put in place, and what intelligence led to that decision. Nevertheless, the phrase "it was an act of self-defence", necessary because of imminent plots to cause atrocities in the UK, were what news outlets repeated.

Only a few months later, Mohammed Emwazi was killed. The date of the strike on Emwazi was, similarly, before the UK parliament voted to engage in armed conflict in Syria, and although the US took the lethal shot, Cameron was at pains to stress UK involvement in the strike. He went as far as to say it was a UK-led mission and the US drone was only called on to fire the missile because it was closest to Emwazi. Yet, a different type of framing took place. Cameron did state it was an act of self-defence but followed this with the phrase "it was the right thing to do," on which the emphasis was placed. The second phrase became the much-quoted statement in the media, but it gives away even less about the legality of the strike and does not attempt to engage the public in the legal justifications, unlike the announcement of the killing of Khan.

Emwazi had become infamous for the horrific acts of violence that he committed in Syria and his threats against the west. Videos of threats and beheadings, as well as reports of ongoing torture meted out to kidnapped prisoners, were circulated widely online. Emwazi not only represented, but embodied, the violent and ideological war that ISIS was fighting. In his announcement of Emwazi's killing, it was the "barbaric and sickening murders" of Emwazi, as part of an "evil death cult" and the "long reach and unforgetting nature of the British," that Cameron chose to focus on, rather than an imminent threat that would qualify as self-defence.⁸⁰ Col. Steve Warren, Pentagon spokesperson, described him as a "human animal."⁸¹

Cameron says airstrike on Mohammed Emwazi was act of self-defence

Islamic State extremist posed ongoing and serious threat, says PM, as Pentagon confirms British terrorist was targeted in US drone strike



▲ David Cameron: airstrike on Mohammed Emwazi 'act of self defence'

David Cameron has described the US airstrike on the Islamic State extremist known as Jihadi John as an act of self-defence that struck at the heart of the terrorist organisation.

In a brief statement outside Downing Street on Friday morning, the British prime minister said: "[Mohammed Emwazi] posed an ongoing and serious threat ... This [airstrike] was an act of self-defence. It was the right thing to

77 Entman, 'Framing'

78 'Cameron confirms Briton killed in Syria strikes', BBC News Politics, <https://www.bbc.co.uk/news/av/uk-politics-34176940/cameron-confirms-britons-killed-in-syria-strikes>, 07 Sep 15

79 United Nations Charter, <https://www.un.org/en/sections/un-charter/un-charter-full-text/>

80 'Jihadi John dead: David Cameron says targeting ISIS executioner was an act of self-defence', Independent, <https://www.independent.co.uk/home-news/jihadi-john-dead-david-cameron-says-targeting-isis-executioner-was-act-of-self-defence-a6733056.html>, 13 Nov 15.

81 Dan Roberts and Patrick Wintour, 'Killing Mohammed Emwazi a significant blow to Isis, says US', The Guardian, <https://www.theguardian.com/world/2015/nov/13/killing-mohammed-emwazi-was-significant-blow-to-isis-says-us>, 13 Nov 15

Although much of this language is perhaps to be expected, given Emwazi's crimes, it serves to legitimise such military action by placing the target beyond redemption, beyond the rule of law, where a legal justification is not necessary.⁸²

Framing a targeted strike in such a way deliberately confuses the legality of the strike with moral justifications. What may seem a 'common sense' response to Emwazi's violence obscures the fact that no robust engagement in legal and ethical defences for the application of drone targeted killing had taken place. Both killings receive similarly high levels of support in the press – around two thirds of the statements made on the legality of each strike are made in support, as well as similarly high proportions of opinion expressed in support (28% in support, between 56% and 63% impartial, and around 6% negative). It seems that the (albeit contestable) legal arguments employed by Cameron to justify the killing of Khan established a 'frame' into which the strike on Emwazi could fit, without having to seriously justify the legal basis.

Detracting from policy

A focus on the lives of targeted individuals, or British born ISIS members who have been framed as the paramount problem more generally, has in turn detracted from robust and meaningful policy discussion.

Where government ministers have made their views on drone targeted killing known, the focus has been on what to do with terrorists rather than broader policy engagement. Moreover, by 2017 three senior political figures felt able to talk of blanket killing policies and retributive payback. In an interview in December 2017, Gavin Williamson, then UK Secretary of State for Defence, said that a "dead terrorist can't cause any harm," and spoke of a need to "eliminate" terrorists in Iraq and Syria, and "other areas."⁸³ Rory Stewart MP, a minister in the Department for International Development at the time, agreed, saying that, "unfortunately, the only way of dealing with them will be, in almost every case, to kill them."⁸⁴ Neither statements were seriously refuted by senior government ministers. Instead, Theresa May's office simply said anyone travelling to Syria put themselves at risk, sidestepping the bigger issue, implicitly raised, of targeted killing beyond Syria and Iraq.⁸⁵ Moreover, Boris Johnson's comments in 2018 that drone strikes were (at least in part) "retributive" suggested a further move away from a sense that legal and ethical justifications are necessary.⁸⁶ Again, these comments imply, without confirming, that such a practice exists.

Although Williamson, Stewart and Johnson were no doubt playing to the gallery, that they felt able to make such statements suggests a real shift in government thinking. Downing Street's responses, which focused on Syria, legitimise such



82 Zehfuss, 'Contemporary Western War', p. 872

83 Brown, 'Defence Secretary is accused of dreaming up a Netflix-style plot'

84 'British IS fighters 'must be killed' minister says, BBC News UK Politics, <https://www.bbc.co.uk/news/uk-politics-41717394>, 23 Oct 17

85 Larisa Brown, 'RAF Commodore who led the UK's fight against ISIS slams 'fanciful' claim by terror tsar that Britons who went to fight in Iraq and Syria did not know what they were doing', Daily Mail, <https://www.dailymail.co.uk/news/article-5047627/RAF-chief-slams-fanciful-claim-Britons-dabbled-ISIS.html>, 03 Nov 17

86 Press Association, 'Johnson in call to 'chuck chequers' as he renews assault on May's Brexit plans', Daily Mail, <https://www.dailymail.co.uk/wires/pa/article-5994537/Johnson-call-chuck-Chequers-renews-assault-May-s-Brexit-plans.html>, 26 Jul 18

comments whilst side-stepping legally questionable issues that Stewart and Williamson raise of targeted killing beyond Syria and Iraq. In doing so, government ministers have avoided troubling discussion in the press and parliament about the use of armed drones, and risk normalising targeted killing outside of a war zone through vague and off-point responses.

Despite the lack of government engagement however, there is evidence from the data gathered that there is appetite for policy engagement in the press, and by extension the public. Particularly, in the 'Syria targeted killing' data set, opposition voices were included to the extent that coverage provided support and critique of the legality of drone targeted killing in equal measure over the three-year period. This was a welcome finding given the above communications from government. Moreover, in the 'Findings' section, it was noted that the majority (two thirds) of articles attempted to maintain an impartial tone in their reporting.⁸⁷

However, the coverage when broken down by publication was quite varied. Whilst the variations are not particularly surprising given the editorial stance of the publications, an important conclusion can be drawn from the research regarding the process of framing. For example, the BBC's reporting, although impartial, appears to have supported the government's 'frame'. All the BBC articles surveyed contained only one critical comment from a journalist. At the same time, it was far more likely to cover statements from government without providing opposing views. In total, government sources appeared 51 times across the 64 articles whilst non-government sources appeared 33 times. As a result, there were 77 statements that supported the assertion that drone targeted killing is legal and only 35 statements that suggested it wasn't - more than double number of supportive statements than those that were critical. By maintaining an impartial stance, yet relying on government sources, one could say that the 'framing' of the issue is done in exactly the way that a government would hope for. This type of reporting may inadvertently contribute to normalising and legitimising targeted killing.

The government's refusal to engage in discussion beyond "it was the right thing to do" has left press coverage open to government framing and allowed speculation to pass for normalisation of an ethically questionable and potentially illegal policy. With the prospect of re-deployment of British drones on the horizon, this is a dangerous place to be, both legally and ethically.

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Drone strikes are 'payback' against murdering jihadis, Boris Johnson says amid row over UK stance on death penalty for ISIS 'Beatles'

- Ministers have argued drone strikes on jihadis are legal due to their future threat
- But Boris Johnson said the decision to launch strikes is also about 'retribution'
- Johnson defended helping US try 'Beatles' without assurance on death penalty

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PUBLISHED: 08:17, 26 July 2018 | UPDATED: 13:37, 26 July 2018

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British drone strikes against jihadis are 'payback' for their murderous activities, **Boris Johnson** has insisted.

The former foreign secretary said the UK's actions were partly about 'retribution' as he risked opening a new front in the spat over whether the ISIS

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The utility of 'quasi-secrecy'

Although it is too early to tell if drone targeted killing has become normalised in the UK there is clear evidence that the idea of a 'kill list' has become somewhat accepted over the three-year period under study and that a form of quasi-secrecy has enabled this. Moreover, government engagement, or lack thereof, in the parliamentary committees that sought to investigate Khan's killing has also affected the information that the press were able to report on the topic.

As soon as the announcement was made that Reyaad Khan had been killed, questions were asked about the existence of a 'kill list.' Several government ministers and spokespeople refused to confirm if such a list existed when asked by the press, but many journalists suspected there was, and rumours abounded in national newspapers. For example, the Times concluded that because Downing Street had allowed some MPs (presumably the ISC) to review evidence, the government had "effectively conceded that there [was] a 'kill list' of other British jihadists being targeted by the RAF."⁸⁸ This speculation continued in the press, when other targeted killings happened or when articles were published on the work of the ISC and JHRC as they investigated the Khan killing. The largest concentration of speculative articles, however, was around the deaths of Khan and Emwazi.

Then, in February 2017, the Daily Mail 'revealed' that RAF commanders had confirmed the existence of a 'kill list' to them.⁸⁹ In response the APPG on Drones sent an open letter to Theresa May, then Prime Minister, asking for clarity on whether a 'kill list' was in operation.⁹⁰ Despite the intense speculation in 2015, this apparent confirmation was only reported three times across the surveyed news services. This suggests that the one-and-a-half-year period between initial speculation and confirmation was enough to normalise the existence of a 'kill list'.

The government's continued refusal to engage in whether they are "working their way through" a list of targets has allowed them to circumvent proper debate whilst allowing the subject to run its course as a headline issue in the media. As Banka and Quinn suggest, the efficacy of quasi-secrecy is that a new, or even counter, norm can replace even a well-established one, when it seems to the public that the debate on whether it is acceptable or not has already happened.⁹¹

A policy of quasi-secrecy also appears to have operated in government interests when the ISC and JCHR investigated the killing of Reyaad Khan. The ISC and JCHR were both frustrated by lack of access to documentation and government engagement during their inquiries and the government refused to be drawn on

Secrecy over UK drone strike deaths in Syria faces legal challenge

Human rights group appeals against decision not to publish information following the deaths of UK nationals



▲ Reyaad Khan (left) and Ruhul Amin were killed in a targeted strikes near the Syrian city of Raqqa. Photograph: YouTube/PA

The government's refusal to release secret advice about the legality of British drone strikes in Syria is to be challenged by a human rights group.

Rights Watch UK is appealing against a decision by the information commissioner that the Cabinet Office and the attorney general's office should not be obliged to publish the document.

88 Ewen MacAskill and Richard Norton-Taylor, 'How UK government decided to kill Reyaad Khan', The Guardian, <https://www.theguardian.com/world/2015/sep/08/how-did-britain-decide-to-assassinate-uk-isis-fighter-reyaad-khan-drone-strike>, 08 Sep 15; Press Association, 'More anti-IS airstrikes could target terrorist 'kill list'', Daily Mail, <https://www.dailymail.co.uk/wires/pa/article-3227402/More-anti-IS-airstrikes-target-terrorist-kill-list.html>, 09 Sep 15; 'Fallon defends UK IS drone strike', BBC UK, <https://www.bbc.co.uk/news/av/uk-34186874/fallon-defends-uk-is-drone-strike>, 08 Sep 15; Francis Elliot, 'Cameron backs drone strikes to kill rebel British jihadists', <https://www.thetimes.co.uk/article/cameron-backs-drone-strikes-to-kill-rebel-british-jihadists-wdf3w2x75mk>, 10 Sep 15

89 Larisa Brown, 'Ministers 'must tell public' about drone strikes on ISIS Britons: Former commander of UK forces says top brass are 'cowardly' for not publishing details of dead jihadists', Daily Mail, <http://www.dailymail.co.uk/news/article-4254668/Ministers-tell-public-drone-strikes-ISIS.html>, 23 Feb 17

90 Alice Ross, 'MPs call on Theresa May to release 'kill list' for UK drone strikes'

91 Banka and Quinn, 'Killing Norms Softly'

specifics or on policy. When the findings of the ISC inquiry were reported in the press, however, three out of the four articles published in the Daily Mail online, for example, were able to say in the headlines that Khan was a threat to the UK. Only one focused on the ISC's disappointment at their lack of access to documents. Releasing documents about Khan, but not about the decision-making process of a targeted killing, again allowed the focus to remain on the need to eliminate a specific individual, rather than the transparency of a targeted killing policy.

The absence of an ethical frame: sleepwalking into a new era

This report also sought to establish the level of engagement in ethical debates regarding the threshold of the use of force. Drone Wars has long contended that the use of armed drones will result in a lowering of the threshold of the use of force. This is not because the RAF will use drones irresponsibly, but because the perceived benefits of drones, such as lower risk to life for UK personnel and supposed precision targeting, make them attractive tools for dealing with perceived threats overseas for politicians and military commanders. However, as technology enables new types of warfare, it is imperative that public discussion on what this means for the use of force is given due attention.⁹²



The data analysed for this report found that on only 11 occasions did the newspapers report on concerns about lowering the threshold for the use of force. Out of a total of 328 reports, that is remarkable. However, it should be noted that on five of the occasions this topic came up, it was in reports about parliamentary committees or opposition politicians raising the issue, showing that some politicians, at least, recognise the importance of this issue to the use of armed drones.

The only instance in which the government brought this up explicitly was in January 2017, when the Attorney General, Jeremy Wright, gave a speech that was widely hailed as giving a justification for the expansion of self-defence. Yet in reality, the speech gave away little in the way of specific policy, only claiming that the changing nature of threats meant the law had to adapt. Without further government comment, the press were left to report on this with such headlines as 'Attorney General sets out legal basis for drone strikes abroad', suggesting this was concluded or at least undisputed.⁹³ However, as Shami Chakrabarti noted at the time, a speech cannot be credited with changing the law.⁹⁴

With new technologies that make extra-judicial killing beyond declared conflicts a relatively easy option, it is critical that the UK government allow for a much more robust debate on the ethics of the use of force. A technological solution without substantial political and ethical discussion, risks moving the UK towards a new framework for the use of force that is counter to existing legal norms and ethical standards.

⁹² For extended discussion on this topic see Elke Schwarz, *Death Machines: The ethics of violent technologies* (Manchester University Press: 2018)

⁹³ Francis Gibb, 'Attorney General sets out legal basis for drone strikes abroad', *The Times*, <https://www.thetimes.co.uk/article/attorney-general-sets-out-legal-basis-for-drone-strikes-abroad-f73ctmwqm>, 12 Jan 17.

⁹⁴ Associated Press, 'UK's top law officer outlines legal basis for drone killings', *Daily Mail online*, <http://www.dailymail.co.uk/wires/ap/article-4109910/UKs-law-officer-outlines-legal-basis-drone-killings.html>, 11 Jan 17

Conclusion

As this report has shown, a form of 'quasi-secrecy' surrounds the UK's drone targeted killings. While there has been a substantial amount of press coverage, it often focuses in a sensational way on the individuals targeted, and has often lacked in-depth analysis and a proper examination of the wider legal and ethical arguments. In fact, coverage of these wider questions, as well as actual UK policy on drone targeted killing is very limited. This, we would argue, is due to the government refusing to engage in such discussion which has stymied legitimate debate. What's more, behind this lack of debate, there has been a clear change in the UK's approach to such pre-emptive killings. Although headlines can still cause a stir, the fact that government figures felt it was, on at least three occasions, appropriate to state that killing British ISIS members was sounder policy than allowing them to return to the UK where they could be tried, is indicative of the shift in thinking.

Cameron's phrases from 2015, "it was an act of self-defence" and "the right thing to do", were repeatedly quoted in the media and created a sense of justifiable violence - even outside of a war zone. This was supported and amplified by the UK Attorney General's 2017 speech calling for an expansion of the right to use force in self-defence. Yet, the actual policy of the government's position on the use of armed drones for targeted killing is still hidden from view. It seems as if the UK government are, to use Banka and Quinn's phrase, "killing a norm softly" by refusing to engage in specifics whilst enabling the media to report on the 'elimination' of notorious individuals.⁹⁵

Should further UK drone targeted killings occur, particularly outside of a situation in which parliament has authorised the use of force, there is no doubt that some MPs, human rights organisations, sections of the mainstream media and others would, rightly, raise grave concerns. However, based on the findings of this report, it is likely that the government will continue to avoid engagement in policy discussion, whilst defending killings as legal, necessary and proportionate to the threat of 'terror'. Without information forthcoming from government, the mainstream media will be limited to reporting on individual strikes, and the government's choreographed statements will create a narrative, or 'frame', that continues to justify drone targeted killing.

95 Banka and Quinn, 'Killing Norms Softly'

A way forward?

Despite this gloomy picture, and although the government has managed to side-step attempts to force it to publish its policy on targeted killing by drone (or otherwise), this is undoubtedly an issue of real importance that merits proper public scrutiny and a balanced public debate.

To that end we continue to urge the government to:

Disclose its policy on drone targeted killing

As a matter of urgency, the government should release its policy on the use of armed drones to carry out pre-emptive targeted killings of specific individuals to allow parliamentary and public scrutiny and debate.

Respond to questions about the existence of a 'kill list'

The government should clarify whether the National Security Council (NSC) authorised the pre-emptive killing of Reyaad Khan – operating on a so-called 'kill-list' – in advance of the RAF strike of August 2015. The government should clarify whether it continues to operate with such a list and how it squares it with international law.

The UK should make a public commitment not to use its armed drones to undertake targeted killings outside of a situation of armed conflict or to support other nations doing so

Such a public undertaking would set an important benchmark and reinforce international legal norms as other countries acquire this technology.

The UK should engage in multilateral efforts to adopt an international code of conduct on the use of armed drones

As one of the primary operators of armed drones in the world, the UK should engage in international efforts to adopt a code of conduct on the use of armed drones. This should be done under the auspices of the UN and involve multiple stakeholders, following UNIDIR's recommendations.⁹⁶

⁹⁶ UNIDIR, *Increasing the transparency, oversight and accountability of armed UAVs*, research project, <http://www.unidir.org/programmes/conventional-arms/increasing-transparency-oversight-and-accountability-of-armed-unmanned-aerial-vehicles-phase-ii>



Shining a spotlight
on military drones