

Drone Warfare, Remote Killing in Northern Syria. What We Know about the Khan Killing

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Global Research, August 23, 2016

[Drone Wars UK](#) 18 August 2016

Region: [Middle East & North Africa](#)

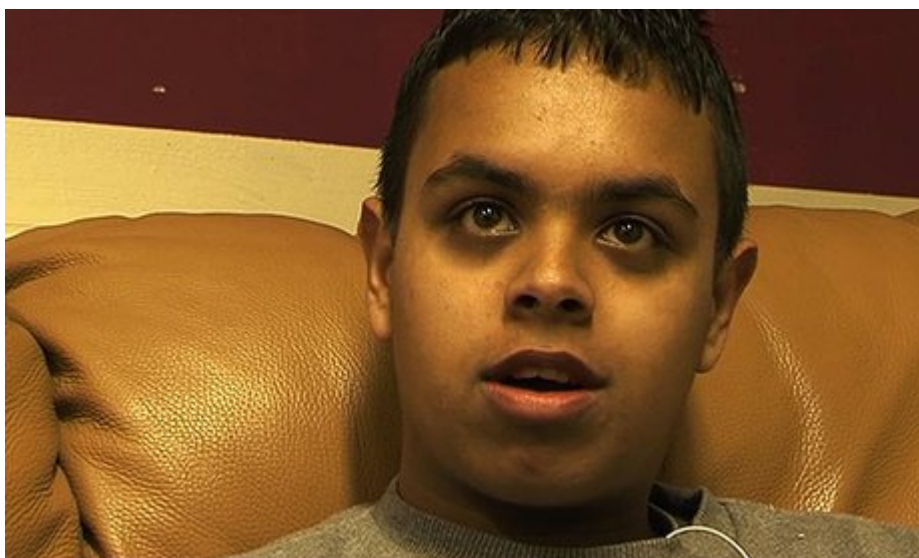
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One year ago this weekend (on 21 Aug) an RAF pilot sitting in a Ground Control Station at RAF Waddington pushed a button and Hellfire missiles flashed away from a British Reaper drone loitering a few miles from Raqqa in Northern Syria. The missiles slammed into an SUV killing all three occupants. What was said in the Ground Control Station at the time is not publicly known but, as a senior British military officer put it a few months later, [a Rubicon had been crossed](#).

For the first time, as the then Prime Minister David Cameron went on tell hushed MPs in the House of Commons, British forces had launched a remote air strike against one of its own citizens and in a country in which the UK was not at war. The target of the strike, 21-year Cardiff man Reyaad Khan, was killed alongside his cousin from Aberdeen, Ruhul Amin and a Belgian man, known only as Abu Ayman al-Belgiki.

A year on from the Khan Killing as it has become known, it's possible to put together something of a timeline of events leading up to the strike and what has happened subsequently.



Reyaad Khan – killed in British targeted drone strike on Aug 21 2015

Sep 26, 2014	MPs authorise British air strikes in Iraq specifically excluding military action in SyriaThe parliamentary resolution reads “this motion does not endorse UK air strikes in Syria as part of this campaign and any proposal to do so would be subject to a separate vote in Parliament.”
Oct 21 2014	MoD announces that British drones will begin surveillance operations inside Syria Despite the barring of operation in Syria, one month after the vote the MoD quietly announces British drones will cross the Iraqi border and enter Syria. A response to a Freedom of Information (Fol) from Drone Wars UK later reveals that all UK Reapers entering Syria are in fact armed.
Early summer 2015	US intelligence agencies and Special Forces launch drone targeted killing program within SyriaSeparate from US bombing campaign, US intelligence agencies in conjunction with Joint Special Operations Command (JSOC) initiate a targeted killing campaign aimed at ISIS leaders .
May 2015	The British National Security Council (NSC) gives general approval for targeted killing operations against a number of UK citizensThe Times reports that a NSC meeting in May gave overall approval for the targeted killing operations. In his evidence to the parliamentary Human Rights Committee Michael Fallon stated that the NSC gave overall approval, while he later authorised the specific operations.
Jun 26 2015	The Sousse Beach massacre In a week-long series of terror attacks in Syria, Tunisia, Kuwait and France, 30 of 38 people killed in the terrorist attack on a Tunisian beach are British. The attacker, Seifeddine Rezgui, is linked to the Ansar al-Sharia group in Libya.
Jun 26 2015	The Sun publishes communication between Junaid Hussain and an undercover reporterThe Sun reports that in a sting operation, a Syrian-based British ISIS member Junaid Hussain instructed one of its reporters working undercover in bomb making and urged him to attack an Armed Forces Day parade.
Jul 2 2015	First apparent US drone targeted killing of senior ISIS figure in Syria under new US programUS drones target and kill ISIS leader Tariq bin Tahar al-‘Awni al-Harz.
July 4, 2015	Briton Abu Rahin Aziz killed in US drone strike near RaqqaAbu Rahin Aziz, known as Abu Abdullah al-Britani, killed in US drone strike in Syria. Subsequent to Khan killing, Guardian Journalist Alice Ross writes Aziz may have been on the UK kill list but targeted by a US drone.
July 7, 2015	US drone strike targets British hacker Reyaad Khan.A US drone targets 21-year old Cardiff born Reyaad Khan near Raqqa. Initially he is reported killed but it subsequently transpires that he was wounded and hospitalised.
Aug 13 2015	US drone strike on Briton Junaid Hussain near Raqqa. Junaid Hussain , who instructed an undercover Sun journalist in bomb-making, is wounded in the strike but three civilians were killed and five more wounded
Aug 21 2015	British drone strike on Reyaad Khan – First British drone strike on UK citizenAlthough only Khan was specifically targeted in the strike, killed alongside him was another British man, Ruhul Amin , and a Belgian, Abu Ayman al-Belgiki . The Times reports that British and US intelligence monitored Khan as he was treated in a hospital following the attack on July 7 (above), and ‘on his release the opportunity arose for the RAF Reaper drone to strike’. Separately the paper reports senior military officer insisted lawyers were present during the operation as there was “significant concern” over the legality of conducting a “kill mission” against British members of ISIS in a country with which the UK was not at war.
Aug 24 2015	US strike in co-ordination with UK on Junaid Hussain Ten days after being wounded in a targeted drone strike, Junaid Hussain is also targeted again and this time killed in a US strike in conjunction with the UK .

Sep 7, 2015	<p>David Cameron makes a statement in House of Commons on the drone targeted killings Cameron: “Both Junaid Hussain and Reyaad Khan were British nationals based in Syria and were involved in actively recruiting ISIL sympathisers and seeking to orchestrate specific and barbaric attacks against the west, including directing a number of planned terrorist attacks right here in Britain, such as plots to attack high-profile public commemorations, including those taking place this summer.</p> <p>Our intelligence agencies identified the direct threat to the UK from this individual and informed me and other senior Ministers of that threat. At a meeting of the most senior members of the National Security Council, we agreed that should the right opportunity arise, military action should be taken. I want to be clear that the strike was not part of coalition military action against ISIL in Syria: it was a targeted strike to deal with a clear, credible and specific terrorist threat to our country at home....</p> <p>... Is this the first time in modern times that a British asset has been used to conduct a strike in a country where we are not involved in a war? The answer to that is yes. Of course, Britain has used remotely piloted aircraft in Iraq and Afghanistan, but this is a new departure, and that is why I thought it was important to come to the House and explain why I think it is necessary and justified.”</p>
Oct 29, 2015	<p>Select Committees announce inquiries into the killingsUpon their reconstitution in the new parliament both the Intelligence and Security Committee (ISC) and the Joint Human Rights Committee (JHRC) announce separate inquiries into the drone killings.</p>
Nov 9 2015	<p>Reports of disquiet amongst senior RAF officers about the operationsThe Telegraph reports disquiet amongst senior RAF officers about the “the crossing of a Rubicon” as the UK follows the US down the path of a drone targeted killing programme.</p>
Nov 12 2015	<p>Mohammed Emwazi (aka ‘Jihadi John’) killed in US drone strikeIn what PM David Cameron called “a combined effort” Mohammed Emwazi is killed in a US drone strike near Raqqa in Syria. A US official told the Washington Post that ‘three drones took part in the operation, one of them British.’</p>
Dec 2, 2015	<p>House of Commons votes to authorise UK air strikes in SyriaFollowing intense pressure from David Cameron and Michael Fallon, who argued that it was “morally indefensible” for UK not to bomb IS in Syria, MPs vote to extend UK military action into Syria.</p>
Feb 19 2016	<p>US targeted strike against Nouredine Chouchane in Libya use UK basesMichael Fallon authorises use of UK bases to launch a US targeted killing strike against Nouredine Chouchane in Libya.</p>
May 1 2016	<p>Briton Raphael Hostey reported killed in US drone strikeRaphael Hostey (known as Abu Qaqa al-Britani) reported killed in US drone strike although it is not clear if he was explicitly targeted.</p>
May 2016	<p>Joint Human Rights Committee publishes its report into drones and targeted killingAlthough focused on the wider legal issues rather than the specific operations, Parliament’s Human Rights Committee raises important questions about the normalisation of drone targeted killing operations. A government response to the report is expected in the Autumn.</p>

Truth and Consequences

One year on from the August 2015 strike that targeted and killed Reyaad Khan, serious questions remain about the operation itself, the circumstances in which the UK Government would (as it has already indicated) undertake further such targeted killings and especially about the consequences of such a policy

Legal Basis

Initially the Prime Minister stated that the strike against Khan was undertaken because he posed “a direct threat to the UK” and it was not part of military operation against ISIS in Iraq. However the [formal notification](#) of the air strike to the UN told a different story, arguing the strike was also part of military operations to support the Government of Iraq (despite fact that parliament had excluded strikes in Syria).

These variances matter as different legal frameworks apply to the use of lethal force inside and outside of a war-zone. Outside an armed conflict, lethal force can only legally be used to prevent an imminent and direct threat when there is no other option. Given that we have two different explanations, the legal basis for the strike against Khan is unclear. As the [report](#) of the Joint Human Rights Committee puts it:

When dealing with an issue of such grave importance, taking a life in order to protect lives, the Government should have been crystal clear about the legal basis for this action from the outset. They were not. Between the statements of the Prime Minister, the Permanent Representative to the UN and the Defence Secretary, they were confused and confusing.

The government has so far refused to release the legal advice it received about the basis for the strike from the Attorney General, or even a summary or gist of that advice. As the All Party Parliamentary Group (APPG) on Drones [noted](#) “the advice has remained a closely guarded secret, not seen even by the Chief of Air Staff or Commander responsible for authorising the strike.”

As the UK government has already [confirmed](#) it would again use drones to launch strikes outside of an armed conflict if it deems it necessary, it should explain carefully and clearly what it believes are the legal basis for such strikes.

Eroding the meaning of ‘imminent’ threat

Given that such strikes are taking place outside of an armed conflict, the use of such force can only be legal if there is an imminent threat to human life. However in relation to such strikes CIA Chief John Brennan argued in 2011 that a “[more flexible understanding of ‘imminence’ may be appropriate.](#)” It now appears that the UK is adopting such flexibility in relation to its strikes. During his evidence to the Joint Human Rights Committee, Defence Secretary Michael Fallon was [questioned](#) about imminence in the context of strikes outside of a war zone:

Jeremy Lefroy MP Is your understanding that “imminence” means what it used to mean—that is, so proximate that it leaves no time for deliberation—or have circumstances changed so that an ongoing threat from a specific terrorist is considered imminent all the time?”

Michael Fallon MP: Circumstances have certainly changed from the definition that you have quoted. I would not want to rest on that. You look at these things on a case-by-case basis in the light of the assessment that you make in each particular case. I do not think it is possible to have a hard and fast rule about how you would define “imminent”.

It appears that the UK, following the US lead, is using an expanded understanding of ‘imminence’. As *The Times* noted in its editorial the day after Cameron’s statement on the

Khan killing, the event Khan was supposed to have plotted to attack – the VJ celebrations – “[had passed off peacefully by the time he was actually killed.](#)”

The problem with having no ‘hard and fast definition’ of imminence means there is a real danger that many acts could be interpreted as being the last moment before an attack could take place and trigger such targeted killing operations. In addition, once someone is identified as a possible or potential threat they could be placed permanently on a kill list to be targeted when possible. A position that is very distant from how the legal community would interpret international law in this area and could lead to [serious consequences for those involved in such strikes.](#)

Oversight and accountability

Currently there is no real public oversight or accountability for the Khan strike. Ministers argue that because of the sensitive nature of the operations, public accountability must take place through the [Intelligence and Security Committee](#). The ISC announced an inquiry into the strike, however it is not being allowed to look at military aspects of the strike but just the intelligence aspects (and apparently only selected parts). The Chair of the ISC, Andrew Tyrie, [told](#) the Guardian in January after Cameron had appeared before the parliamentary Liaison Committee:

On the basis of today’s evidence, the intelligence and security committee will not be able to do a thorough job. The prime minister should reconsider his decision to prevent the ISC from looking at information on the military aspects of the drone strikes. Unless he permits this, the ISC will be incapable of providing reassurance to parliament and the public that the strikes were both necessary and proportionate.

If even the secretive Intelligence and Security Committee is denied access to investigate the killing, there is in all reality no democratic oversight or accountability over the UK’s killing of Reyaad Khan.

Some will argue that due to the nature of these operations we must give the government the benefit of the doubt and reject suspicions that they would manipulate or exaggerate intelligence. The recent publication of the [Chilcot Report](#) should remind us however that we are right – perhaps even duty bound – to be suspicious of actions by the state in this area.

While the appalling attacks by terrorist groups like ISIS much be strongly resisted, so too must the draconian responses that such attacks partly seek to generate. The UK must not follow the US down the road of routinely undertaking the targeted killing of terrorist suspects. The government’s response to the Joint Human Rights Committee’s report, expected next month, will be an important indication of how far down that road they intend to go.

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